

Washington State Register

APRIL 21, 1993

OLYMPIA, WASHINGTON

ISSUE 93-08



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CITATION

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

PUBLIC INSPECTION OF DOCUMENTS

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

REPUBLICATION OF OFFICIAL DOCUMENTS

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

CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

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

The maximum allowable interest rate applicable for the month of April 1993 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

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

WASHINGTON STATE REGISTER

(ISSN 0164-6389) is published twice each month by the Statute Law Committee, Office of the Code Reviser, Olympia, WA 98504, pursuant to RCW 34.08.020. Subscription rate is \$161.85 per year, sales tax included, post-paid to points in the United States. Second-class postage paid at Olympia, Washington.

POSTMASTER: SEND ADDRESS CHANGES TO:

WASHINGTON STATE REGISTER
Code Reviser's Office
Legislative Building
Olympia, WA 98504

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

Raymond W. Haman
Chairman, Statute Law Committee

Dennis W. Cooper
Code Reviser

Gary Reid
Chief Assistant Code Reviser

Kerry S. Radcliff
Editor

Joyce Matzen
Subscription Clerk

STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following six sections:

- (a) **PROPOSED**-includes the full text of preproposal comments, original proposals, continuances, supplemental notices, and withdrawals.
- (b) **PERMANENT**-includes the full text of permanently adopted rules.
- (c) **EMERGENCY**-includes the full text of emergency rules and rescissions.
- (d) **MISCELLANEOUS**-includes notice of public meetings of state agencies, rules coordinator notifications, summaries of attorney general opinions, executive orders and emergency declarations of the governor, rules of the state Supreme Court, and other miscellaneous documents filed with the code reviser's office under RCW 34.08.020 and 42.30.075.
- (e) **TABLE**-includes a cumulative table of the WAC sections that are affected in the current year.
- (f) **INDEX**-includes a combined subject matter and agency index.

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

2. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

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

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

3. MISCELLANEOUS MATERIAL NOT FILED UNDER THE ADMINISTRATIVE PROCEDURE ACT

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

4. EFFECTIVE DATE IF RULES

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

5. EDITORIAL CORRECTIONS

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

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

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

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

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

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

Regulatory Fairness Act

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

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

AN SBEIS IS REQUIRED

When:

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

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

AN SBEIS IS NOT REQUIRED

When:

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

There is no economic impact on business;

The rule REDUCES costs to business;

There is only minor or negligible economic impact;

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

The rule is pure restatement of statute.

WSR 93-08-006
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Public Assistance)
 [Filed March 24, 1993, 4:50 p.m.]

Original Notice.

Title of Rule: WAC 388-86-021 Dentures.

Purpose: Cast-based partial denture is replaced by acrylic partials; "recipient" changed to "client"; time period for replacements is ten years and relining is changed to five years. These changes conform to utilization requirements and industry recommended practices.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: This rule amendment deletes cast based partial dentures, changes relining from 2 years to 5 years, and replacements from 5 years to 10 years.

Reasons Supporting Proposal: This proposal changes the frequency allowed for relining dentures, changes the type of partials covered.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bobbe Andersen, Medical Assistance Administration, 753-0529.

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

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

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

Proposal Changes the Following Existing Rules: See above.

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

Hearing Location: OB-2 Auditorium, 14th and Franklin, Olympia, Washington, on May 11, 1993, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Mailstop 5805, Department of Social and Health Services, Olympia, 98504, FAX 664-0118 or SCAN 366-0118, by May 7, 1993.

Date of Intended Adoption: May 12, 1993.

March 24, 1993
 Rosemary Carr
 Acting Director
 Administrative Services

AMENDATORY SECTION (Amending Order 2988, filed 5/31/90, effective 7/1/90)

WAC 388-86-021 Dentures. (1) The department shall provide complete and all-acrylic partial dentures and modification, repair, and adjustment of dentures to ~~((recipients))~~ clients of medical ~~((assistance and the limited-casualty))~~ care programs with the following limitations:

(a) Prior approval is needed for:

(i) Replacement dentures or partial dentures less than ~~((five))~~ ten years old; and

(ii) Rebases on dentures and partial dentures ~~((and~~ cast base partial dentures)).

(b) The department shall approve only one:

(i) Rebasing of dentures or partial dentures:

(A) In a five-year period; and

(B) The rebased dentures or partial dentures must be at least three years of age or older.

(ii) Relining of dentures or partial dentures:

(A) In a ~~((two))~~ five-year period; and

(B) The relined dentures or partial dentures must be six months of age or older.

(2) Exceptions to the limitations under subsection (1)(b) of this section shall be granted when medical necessity is documented.

WSR 93-08-009
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Public Assistance)
 [Filed March 25, 1993, 2:48 p.m.]

Continuance of WSR 93-05-031.

Title of Rule: Chapter 388-160 WAC, Minimum licensing requirements for overnight youth shelters.

Purpose: Provides minimum licensing standards for a new category of child care: Overnight youth shelters designed to provide shelter for street kids. Current licensing standards for other types of facilities are not appropriate or are excessive for shelters providing overnight care. New chapter 388-160 WAC.

Statutory Authority for Adoption: Chapter 74.15 RCW.

Statute Being Implemented: Chapter 74.15 RCW.

Date of Intended Adoption: April 28, 1993.

March 25, 1993
 Rosemary Carr
 Acting Director
 Administrative Services

WSR 93-08-012
PROPOSED RULES
DEPARTMENT OF TRANSPORTATION

[Filed March 26, 1993, 10:07 a.m.]

Original Notice.

Title of Rule: Chapter 468-300 WAC, State ferries and toll bridges.

Purpose: The adoption of a revised preferential loading schedule for the Washington state ferry system, amending WAC 468-300-700.

Statutory Authority for Adoption: RCW 47.56.030 and 47.66.326 [47.60.326].

Statute Being Implemented: RCW 47.60.326.

Summary: To revise the preferential loading schedule.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Michael T. McCarthy, Seattle Ferry Terminal, 464-7816.

Name of Proponent: [Department of Transportation], governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To revise the existing preferential loading schedule.

Proposal does not change existing rules.

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

Hearing Location: Farm Credit Bank Building, West 601 1st Avenue, Spokane, WA 99220, on May 17, 1993, at 10:00 a.m.

Submit Written Comments to: Ben Klein, Department of Transportation, Marine Division, Olympia, Washington 98504-7314, by May 14, 1993.

Date of Intended Adoption: May 17, 1993.

March 25, 1993

Chris R. Rose
Administrator

AMENDATORY SECTION (Amending Order 61, Resolution No. 298, filed 5/21/87)

WAC 468-300-700 Preferential loading. In order to protect public health, safety and commerce; to encourage more efficient use of the ferry system; and to reduce dependency on ~~((the))~~ single occupant private automobiles:

(1) Preferential loading privileges on vessels operated by Washington state ferries exempting vehicles from the standard first-come-first-serve rule shall be granted, in the order set forth below, to:

(a) Emergency vehicles ~~((actually))~~ involved in ~~((emergency operations))~~ or returning from their particular operations, and medical personnel traveling to unscheduled emergency calls (but not when returning from such calls, and not when traveling to or from their place of employment or to or from operations or procedures, whether emergency or not, which are scheduled in advance to allow ferry travel without preferential loading);

(b) Vehicles transporting persons with severe illnesses or severe disabilities such that the delay in loading which would otherwise result would cause health risks ~~((undue strain or undue discomfort))~~ to those persons;

(c) Public ~~((transportation and))~~ or pupil transportation vehicles owned or operated by public or private transportation operators providing transit or charter service under a certificate of public convenience and necessity issued by the utilities and transportation commission of the state of Washington or owned and operated by a local school district or private school system;

(d) Commuter vanpools which are certified in the manner set forth in WAC 468-300-020;

(e) Commuter car pools which shall consist of a minimum number of persons as determined by ferry system management ~~((Provided, That))~~; such minimum number shall in no case be less than three ~~((, and provided further that))~~; a formal registration system may be required ~~((as determined))~~ by ferry system management;

(f) Commercial vehicles traveling on routes where Washington state ferries is the only major access for landbased traffic, provided that the vehicles are carrying (i) wholesale perishable article(s) of commerce or (ii) livestock as defined in RCW 16.57.010, to be bought or sold in commercial activity or to be used in the production of other such articles;

(g) Overweight or oversize vehicles requiring transport at special times due to tidal conditions, vessel assignments, or availability of space.

(2) Such preferential loading privileges shall be subject to the following conditions:

(a) Privileges shall be granted only where physical facilities are deemed by ferry system management to be adequate to ~~((achieve))~~ allow granting the privilege and achieving an efficient operation;

(b) Documentation outlining qualifications for preferential loading and details of travel will be required in advance from all agencies, companies, or individuals requesting such privileges;

(c) Privileges may be limited to specified time periods as determined by ferry system management;

(d) Privileges may require a minimum frequency of travel, as determined by ferry system management;

(e) Privileges may be limited to a specific number of vehicle spaces for any one sailing; and,

(f) Privileges may require arriving at the ferry terminal a specified time prior to the scheduled sailing.

(3) To obtain more information about the documentation required and conditions imposed under subsection (2) of this section, call Washington state ferries' general information number, (206) 464-6400, or a terminal on a route for which the preferential boarding right is requested.

**WSR 93-08-013
PROPOSED RULES
DEPARTMENT OF REVENUE**

[Filed March 26, 1993, 12:24 p.m.]

Original Notice.

Title of Rule: Amending WAC 458-20-101 Certificates of registration.

Purpose: This rule is amended to incorporate the changes in tax registration requirements from chapter 206, Laws of 1992, and to clarify department policy.

Statutory Authority for Adoption: RCW 82.32.300.

Statute Being Implemented: Title 82 RCW.

Summary: This rule explains which business persons are required to obtain a tax registration endorsement, the tax registration procedure, and the unified business identifier program.

Name of Agency Personnel Responsible for Drafting and Implementation: Les Jaster, 711 Capitol Way, #205, Olympia, (206) 586-7150; and Enforcement: Russ Brubaker, 711 Capitol Way, #303, Olympia, (206) 586-0257.

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 registration requirements for the Washington State Department of Revenue. It explains the tax registration procedure and the unified business identifier program. The rule discusses the criteria under which a person may do business in Washington without registering with the Department of Revenue. It provides that a new tax registration endorsement is required whenever there is a change in ownership of a business and provides examples of when a "change in ownership" occurs.

Proposal does not change existing rules.

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

The Department of Revenue has reviewed administrative provisions contained in this rule in order to lessen the economic impact on small businesses. A small business economic impact statement is not required for the following reason(s): No economic impact. The additions and amendments to the rule will not add costs to small businesses. The effect should be to actually lower the costs as some small business may not need to register and pay fees; and negligible impact. The additions and amendments to the rule require no additional action on the part of small business.

Hearing Location: Evergreen Plaza Building, 2nd Floor Conference Room, 711 Capitol Way South, Olympia, WA, on May 12, 1993, at 9:30 a.m.

Submit Written Comments to: Les Jaster, Rules Coordinator, Department of Revenue, P.O. Box 47458, FAX (206) 664-0972, Olympia, WA 98504-7458, by May 12, 1993.

Date of Intended Adoption: May 19, 1993.

March 25, 1993

Russell W. Brubaker
Legislation and Policy Manager

AMENDATORY SECTION (Amending Order ET 86-11, filed 5/27/86)

WAC 458-20-101 ((Certificates of) Tax registration.

((Certificates of registration

~~(1) Persons required to obtain certificates. Every person who is required by law to collect and account for tax, or who shall engage in any business for which a tax is imposed under the Revenue Act, shall, whether taxable or not, apply for and obtain a certificate of registration from the department of revenue upon the payment of \$15.00. A registration certificate is personal and nontransferable and is valid for as long as the taxpayer continues in business.~~

~~(2) Leased departments. Operators of leased departments or concessions are permitted under certain conditions to include their tax liability on the returns of the lessor, or grantor of the concession, instead of filing separate returns; nevertheless such operators must apply for and obtain a certificate of registration.~~

~~(3) Original and branch certificates. Whenever a taxpayer transacts business at two or more separate places in the state, a separate certificate of registration shall be required for each place at which business is transacted. An original certificate shall be obtained for the main office or principal place of business from which returns are to be filed and a branch certificate shall be obtained for each other place of business in this state. Where the taxpayer's principal place of business is outside the state, the original certificate will be issued for such place and a branch certificate for each place of business within this state. No additional fee is required for branch certificates. The term "place of business" means:~~

~~(a) Any separate establishment, office, stand, cigarette vending machine or other fixed location; or~~

~~(b) Any vessel, train, or the like, at any of which the taxpayer solicits or makes sales of tangible personal property or contracts for or renders services in this state or otherwise transacts business with customers.~~

~~(4) Separate certificate for branch. A taxpayer desiring to make a separate return covering a branch location, or for a specific construction contract, may apply for and receive without charge a separate certificate of registration therefor, in addition to the original certificate. Application may be made on Form 2401, or by letter and should show the number of the taxpayer's original certificate, a description of the particular branch or contract for which the separate certificate is to be issued, and the address to which tax return forms shall be forwarded.~~

~~(5) Use tax certificate of registration. Out of state vendors must register and collect use tax upon all of their sales in this state if any of the following circumstances prevail:~~

~~(a) The vendor regularly engages in the delivery of property into this state other than by common carrier or United States mail; or~~

~~(b) The vendor regularly engages in any activity in connection with the leasing or servicing of property located within this state; or~~

~~(c) The vendor maintains any place of business in this state, even if such place of business is unrelated to sales made here.~~

~~Also, all other out of state vendors making sales in any manner who elect to collect the use tax from their retail buyers in this state must first apply for and obtain a use tax certificate of registration. See WAC 458-20-193B and 458-20-221. The necessary forms will be furnished on request.~~

~~(6) Temporary certificate of registration. A temporary certificate of registration may be issued to any person who operates a business of a temporary nature, such as operators of Christmas tree stands, Christmas card sales, and operators of fireworks stands. These certificates are issued without charge and may be obtained by making application to any office of the department of revenue. These are not issued to carnivals or to any business which should be issued a regular certificate of registration due to the scope or extent of the business activity.~~

~~(7) Display of certificate. The taxpayer is required to display the certificate of registration in a conspicuous place at the business location for which it is issued.~~

~~(8) Change in ownership. Whenever there is a change in ownership of a business, the certificate of registration previously issued to the withdrawing owner, or owners, must be surrendered to the department for cancellation. The new owner shall apply for and obtain a new certificate of registration upon the payment of the registration fee.~~

~~(9) A "change in ownership" for purposes of registration occurs upon the sale of a business by one individual, firm or corporation to another individual, firm or corporation; upon the dissolution and winding up of a partnership; upon incorporation of a business previously operated as a partnership or sole proprietorship; or upon changing from a corporation to a partnership or sole proprietorship.~~

~~(10) For the purposes of this rule the withdrawal of one or more partners or the substitution or addition of one or more partners will not be considered as a "change in ownership" where the partnership continues as a business organization. In such cases the partnership, upon notifying the department in writing of its reorganization, may continue operation under the certificate of registration previously issued.~~

(11) No "change in ownership" occurs upon the transfer of assets to an assignee for the benefit of creditors or upon the appointment of a receiver or trustee in bankruptcy. Furthermore, no "change in ownership" occurs upon the death of a sole proprietor in those cases where there will be a continuous operation of the business by the executor, administrator, or trustee of the estate or, where the business was owned by a marital community, by the surviving spouse of the deceased owner.

(12) Change in location or name. Whenever the place of business is moved to a new location, or the name under which business is conducted is changed, without change in ownership, the taxpayer must notify the department in writing of such change. New certificates will be issued upon request, and without charge.

(13) Lost certificates. If any certificate of registration is lost, destroyed or defaced as a result of accident or of natural wear and tear, a new certificate will be issued to the taxpayer free of charge upon request.

(14) Revoking and reinstating certificates of registration. The department of revenue may, by order, revoke a certificate of registration if any tax warrant issued under the provisions of RCW 82.32.210 is not paid within thirty days after it has been filed with the clerk of the superior court or for any other reason expressly provided by law. Actions to revoke registrations are contested cases which must be conducted by the department pursuant to the provisions of the Administrative Procedure Act and the Uniform Procedural Rules of chapter 458-08 WAC.

(15) The revocation order will be posted in a conspicuous place at the main entrance to the taxpayer's place of business and must remain posted until the certificate has been reinstated. A revoked certificate will not be reinstated until:

(a) The amount due on the warrant has been paid, or satisfactory arrangements for payment have been approved by the department; and

(b) The taxpayer has posted with the department a bond or other security in an amount not exceeding one-half the estimated average annual liability of the taxpayer. It is unlawful for any taxpayer to engage in business after its certificate of registration has been revoked.

(16) Closure of taxpayer accounts. Whenever a taxpayer has submitted tax returns for two consecutive years reporting no gross income and tax liability, the department of revenue may, at its discretion, notify the taxpayer in writing that it has closed the taxpayer's account and rescinded its certificate of registration. Within thirty days of receiving the notice of closure of the account any taxpayer may request that the department keep the account active. The taxpayer's request must be in writing and must state the reasons why the account should remain active. The following are acceptable reasons for remaining an active taxpayer account:

(a) The taxpayer is or will be engaging in business activities in Washington which may result in tax liability.

(b) The taxpayer presently engages in any one of the following businesses or activities: Timber, forestry, commercial fishing, construction, banking, real estate, insurance, financial investment, educational services, museum, art gallery, membership organization, public administration,

banking, agricultural credit union, credit union, or mortgage brokers.

(e) The taxpayer has in fact been liable for excise taxes during the previous two years.

(17) A taxpayer who responds with a request to remain active within thirty days of the department's notification of closure will have that request reviewed by the department and, if found to be warranted, will have its account immediately reopened. In addition, a taxpayer whose account has been closed by the department of revenue shall, upon written request and under the same guidelines as set forth above, have the account reopened any time within two years from the date of notification without liability for payment of a new registration fee. After review no taxpayer shall have its account closed without first receiving written notification from the department of revenue.

(18) Penalties for noncompliance. The law provides that it shall be unlawful for any person to engage in any taxable business without having obtained a certificate of registration. To do so constitutes a gross misdemeanor. To engage in business after a certificate of registration shall have been revoked by the department constitutes a Class C felony. Also, any tax found to have been due but unreported by any person when that person has knowingly engaged in business in this state without a certificate of registration shall automatically incur a tax evasion penalty of fifty percent of the amount found to have been due.) (1) Introduction. This section explains tax registration requirements for the Washington state department of revenue. It discusses who is required to be registered, changes in ownership requiring a new registration, and the administrative closure of taxpayer accounts.

(2) Persons required to obtain tax registration endorsements. Except as provided in (a) of this subsection, every person who is engaged in any business activity for which the department of revenue is responsible for administering and/or collecting a tax, shall apply for and obtain a tax registration endorsement with the department of revenue. This endorsement shall be reflected on the face of the business person's registrations and licenses document. The tax registration endorsement is nontransferable, and valid for as long as that person continues in business.

(a) Registration under this section is not required if the following conditions are met:

(i) A person's value of products, gross proceeds of sales, or gross income of the business is below the tax reporting thresholds provided by RCW 82.04.300;

(ii) The person is not required to collect or pay to the department of revenue any other tax which the department is authorized to collect; and

(iii) The person is not otherwise required to obtain a license or registration subject to the master application procedure provided in chapter 19.02 RCW. For the purposes of this section, the term "license or registration" means any agency permit, license, certificate, approval, registration, charter, or any form or permission required by law, including agency rule, to engage in any activity.

(b) The term "tax registration endorsement," as used in this section, has the same meaning as the term "tax registration" or "certificate of registration" used in Title 82 RCW.

(c) Examples. The following examples identify a number of facts and then state a conclusion. These exam-

ples should be used only as a general guide. The status of each situation must be determined after a review of all of the facts and circumstances.

(i) Bob Brown is starting a bookkeeping service. The gross income of the business is expected to be below the tax reporting threshold provided by RCW 82.04.300. Due to the nature of the business activities, Bob is not required to pay or collect any other tax which the department is authorized to collect.

Bob Brown is not required to apply for and obtain a tax registration endorsement with the department of revenue. The conditions under which a business person may engage in business activities without obtaining the tax registration endorsement have been met. However, if Bob Brown in some future period has gross income which exceeds the tax reporting threshold, he will be required to obtain tax registration endorsement and remit the appropriate taxes.

(ii) Cindy Smith is opening a business to sell books written for children to local customers at retail. The gross proceeds of sales are expected to be below the tax reporting threshold provided by RCW 82.04.300.

Cindy Smith must apply for and obtain a tax registration endorsement with the department of revenue. While gross income is expected to be below the tax reporting threshold provided by RCW 82.04.300, Cindy Smith is required to collect and remit retail sales tax.

(3) Out-of-state businesses. Out-of-state persons not satisfying the conditions expressed in subsection (2)(a) of this section must obtain a tax registration endorsement with this department if any of the following circumstances prevail:

(a) The person maintains a place of business in this state.

(b) The person has established sufficient nexus in Washington to incur a business and occupation or retail sales tax liability in this state. (Refer to WAC 458-20-193 and 458-20-194.)

(c) The vendor has established sufficient nexus in Washington to be required to collect the use tax on sales made into this state. (See also WAC 458-20-193 and 458-20-221.)

(d) The out-of-state vendor, while not statutorily required to do so, elects to collect the use tax from its retail customers in this state.

(4) Registration procedure. The state of Washington initiated the unified business identifier (UBI) program to simplify the registration and licensing requirements imposed on the state's business community. Completion of the master business application enables the business person to register or license with several state agencies, including the department of revenue, using a single form. The business person will be assigned one business identification number, which will be used for all state agencies participating in the UBI program.

(a) Business persons completing the master business application will be issued a registrations and licenses document. The face of this document will list the registrations and licenses (endorsements) which have been obtained.

(b) While the UBI program is administered by the department of licensing, master business applications are available at any participating UBI agency office.

(5) Tax registration application made in error.

Persons who apply for a tax registration endorsement in error may be entitled to a return of the tax registration fee. It is the business person's responsibility to provide complete and accurate information on the master business application.

(a) The tax registration fee will be returned if, on the initial examination of the application, the information provided by the applicant indicates that a tax registration endorsement is not needed.

(b) However, if a tax registration endorsement is issued as a result of the information available on the master business application, the tax registration fee will not be returned to the applicant.

(c) If a return of the tax registration fee is warranted, fees charged by other state agencies for the registration process may remain applicable.

(d) Examples. The following examples identify a number of facts and then state a conclusion. These examples should be used only as a general guide. Each situation must be determined after a review of all of the facts and circumstances.

(i) ABC Company completes a master business application, which includes a request for a tax registration endorsement. The application is mailed to the department of licensing for processing, and payment for the tax registration fee is enclosed. The information on the application is complete and accurate.

Upon review of the application, it is determined that ABC Company is not required to be registered with the department of revenue. As this determination was based on the information provided on the master business application, ABC Company is entitled to a return of the tax registration fee.

(ii) John Smith completes a master business application, which includes a request for a tax registration endorsement. The application is mailed to the department of licensing for processing, and payment for the tax registration fee is enclosed. The information provided on the application indicates that the expected amount of income is below the tax reporting threshold provided by RCW 82.04.300. However, the description of the business activities on the application indicates that Mr. Smith will be engaging in activities which generally require retail sales tax be collected. A tax registration endorsement is issued.

At a later date, Mr. Smith determines he is not required to be registered with the department of revenue. While not indicated on the application, Mr. Smith is exclusively engaged in wholesale activities, and is not responsible for collecting retail sales tax. Mr. Smith requests the account be closed, and the tax registration fee be returned.

While the account may be closed, Mr. Smith is not entitled to a return of the tax registration fee. Based on the information provided on the master business application, the tax registration endorsement was properly issued.

(6) Temporary revenue registration certificate. A temporary revenue registration certificate may be issued to any person who operates a business of a temporary nature.

(a) Temporary businesses, for the purposes of registration, are those with:

(i) Definite, predetermined dates of operation lasting no longer than one month; or

(ii) Seasonal dates of operation lasting no longer than three months.

(b) Each temporary registration certificate is valid for a single event. Persons requesting a temporary registration certificate are permitted to operate two events each year.

(c) Temporary revenue registration certificates are issued free of charge, and may be obtained by making application at any participating UBI agency office or by completing a temporary registration form.

(7) Display of registrations and licenses document. The taxpayer is required to display the registrations and licenses document in a conspicuous place at the business location for which it is issued.

(8) Multiple locations. A registrations and licenses document is required for each place of business at which a taxpayer engages in business activities for which the department of revenue is responsible for administering and/or collecting a tax, and any main office or principal place of business from which excise tax returns are to be filed. This requirement applies to locations both within and without the state of Washington.

(a) For the purposes of this section, the term "place of business" means:

(i) Any separate establishment, office, stand, cigarette vending machine, or other fixed location; or

(ii) Any vessel, train, or the like, at any of which the taxpayer solicits or makes sales of tangible personal property, or contracts for or renders services in this state or otherwise transacts business with customers.

(b) A taxpayer wishing to report all tax liability on a single excise tax return may request a separate registrations and licenses document for each location. The original registrations and licenses document shall be retained for the main office or principal place of business from which the returns are to be filed, with additional documents obtained for all branch locations. All registrations and licenses documents will reflect the same registration number.

(c) A taxpayer desiring to file a separate excise tax return covering a branch location, or a specific construction contract, may apply for and receive a separate revenue registration number without payment of the tax registration fee. A registrations and licenses document will be issued for each registration number and will represent a separate account.

(d) A master business application must be completed to obtain a separate registrations and licenses document, or revenue registration number, for a new location.

(9) Change in ownership. When a change in ownership of a business occurs, the new owner must apply for and obtain a new registrations and licenses document. The original document must be destroyed, and any further use of the registration number for tax purposes is prohibited.

(a) A "change in ownership," for purposes of registration, occurs upon:

(i) The sale of a business by one individual, firm or corporation to another individual, firm or corporation;

(ii) The dissolution of a partnership;

(iii) The withdrawal, substitution, or addition of one or more partners where the partnership continues as a business organization and the change in the number of partners is equal to or greater than fifty percent;

(iv) Incorporation of a business previously operated as a partnership or sole proprietorship; or

(v) Changing from a corporation to a partnership or sole proprietorship.

(b) For the purposes of registration, a "change in ownership" does not occur upon:

(i) The sale of all or part of the common stock of a corporation;

(ii) The transfer of assets to an assignee for the benefit of creditors or upon the appointment of a receiver or trustee in bankruptcy;

(iii) The death of a sole proprietor where there will be a continuous operation of the business by the executor, administrator, or trustee of the estate or, where the business was owned by a marital community, by the surviving spouse of the deceased owner;

(iv) The withdrawal, substitution, or addition of one or more partners where the partnership continues as a business organization and the change in the number of partners is less than fifty percent; or

(v) A change in the trade name under which the business is conducted.

(c) While changes in a business entity may not result in a "change in ownership," the completion of a master business application may be required to reflect the changes in the registered account.

(10) Change in location. Whenever the place of business is moved to a new location, the taxpayer must notify the department in writing of the change. A new registrations and licenses document will be issued upon completion of a UBI change form, and without charge.

(11) Lost registrations and licenses documents. If any registrations and licenses documents are lost, destroyed or defaced as a result of accident or of natural wear and tear, a new document will be issued free of charge upon request.

(12) Administrative closure of taxpayer accounts. The department may, upon written notification to the taxpayer, close the taxpayer's account and rescind its tax registration endorsement whenever the taxpayer has reported no gross income, and there is no indication of taxable activity for two consecutive years.

The taxpayer may request, within thirty days of notification of closure, that the account remain open. This request must be in writing and state the reasons why the account should remain active. The request shall be reviewed by the department and if found to be warranted, the department will immediately reopen the account at no charge. The following are acceptable reasons for continuing as an active account:

(a) The taxpayer is or will be engaging in business activities in Washington which may result in tax liability.

(b) The taxpayer is required to collect or pay to the department of revenue a tax which the department is authorized to collect.

(c) The taxpayer has in fact been liable for excise taxes during the previous two years.

(13) Reopening of taxpayer accounts. A business person choosing to resume business activities for which the department of revenue is responsible for administering and/or collecting a tax, may request a previously closed account be reopened. When an account is reopened a new registrations and licenses document, reflecting a current tax registration endorsement, shall be issued.

(a) If the account was administratively closed by this department, and the request is made within two years of the closure date, the tax registration fee will be waived. However, fees charged by other state agencies for the registration process may be applicable.

(b) Refer to subsection (14) of this section for the conditions and requirements which must be satisfied prior to the reopening of an account which had previously been closed due to a revocation action.

(14) Revocation and reinstatement of tax registration endorsements. Actions to revoke tax registration endorsements are contested cases which must be conducted by the department pursuant to the provisions of the Administrative Procedure Act and the Uniform Procedural Rules of chapter 458-08 WAC.

(a) The department of revenue may, by order, revoke a tax registration endorsement if any tax warrant issued under the provisions of RCW 82.32.210 is not paid within thirty days after it has been filed with the clerk of the superior court, or for any other reason expressly provided by law.

(b) The revocation order will be posted in a conspicuous place at the main entrance to the taxpayer's place of business and must remain posted until the tax registration endorsement has been reinstated. A revoked endorsement will not be reinstated until:

(i) The amount due on the warrant has been paid, or satisfactory arrangements for payment have been approved by the department; and

(ii) The taxpayer has posted with the department a bond or other security in an amount not exceeding one-half the estimated average annual liability of the taxpayer.

(c) It is unlawful for any taxpayer to engage in business after its tax registration endorsement has been revoked.

(15) Penalties for noncompliance. The law provides that any person engaging in any business activity, for which registration with the department of revenue is required, shall obtain a tax registration endorsement.

(a) The failure to obtain a tax registration endorsement prior to engaging in any taxable business activity constitutes a gross misdemeanor.

(b) Engaging in business after a tax registration endorsement has been revoked by the department constitutes a Class C felony.

(c) Any tax found to have been due, but delinquent, and any tax unreported as a result of fraud or misrepresentation, may be subject to penalty as provided in WAC 458-20-228 and 458-20-230.

Purpose: Technical amendments to bring the Puget Sound Air Pollution Control Agency regulations into conformance with WAC 173-425-060.

Other Identifying Information: Section 8.02 pertains to Outdoor Fires - Prohibited Types; Section 8.03 pertains to Outdoor Fires - Prohibited Areas; and Addenda to Regulation I pertains to Delineation of No-Burn Zones.

Statutory Authority for Adoption: Chapter 70.94 RCW. Statute Being Implemented: RCW 70.94.745.

Summary: Technical amendments to Article 8, Regulation I. Fires for the abatement of a fire hazard would be added. Addenda to Regulation I: Delineation of no-burn zones would be deleted.

Reasons Supporting Proposal: Regulations need to be updated to reflect changes to the Washington Administrative Code.

Name of Agency Personnel Responsible for Drafting: Stacey Wilson, 110 Union Street, #500, Seattle, 98101, 689-4042; Implementation: Harry Twomey, 110 Union Street, #500, Seattle, 98101, 689-4020; and Enforcement: Jim Nolan, 110 Union Street, #500, Seattle, 98101, 689-4053.

Name of Proponent: Puget Sound Air Pollution Control Agency, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Technical amendments to bring the Puget Sound Air Pollution Control Agency regulations into conformance with WAC 173-425-060.

Proposal Changes the Following Existing Rules: Amending Section 8.02 Outdoor Fires - Prohibited Types and Section 8.03 Outdoor Fires - Prohibited Areas; and repealing Addenda to Regulation I.

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

Hearing Location: Puget Sound Air Pollution Control Agency Offices, 110 Union Street, #500, Seattle, WA 98101, on May 13, 1993, at 9:00 a.m.

Submit Written Comments to: Anita Frankel, Puget Sound Air Pollution Control Agency, 110 Union Street, #500, Seattle, WA 98101, by May 3, 1993.

Date of Intended Adoption: May 13, 1993.

March 26, 1993
Stacey L. Wilson
Woodsmoke Specialist

AMENDATORY SECTION

REGULATION I SECTION 8.02 OUTDOOR FIRES - PROHIBITED TYPES It shall be unlawful for any person to cause or allow any outdoor fire:

(a) During any stage of an air pollution episode or period of impaired air quality; or

(b) Containing garbage, dead animals, asphalt, petroleum products, paints, rubber products, plastics or any substance other than natural vegetation which normally emits dense smoke or obnoxious odors; or

(c) Other than the following types:

(1) Fires for instruction in the method of fighting fires (except forest fires), provided prior written approval has been issued by the Control Officer;

WSR 93-08-020
PROPOSED RULES
PUGET SOUND AIR
POLLUTION CONTROL AGENCY
[Filed March 29, 1993, 2:50 p.m.]

Original Notice.

Title of Rule: Amending Section 8.02 of Regulation I and Section 8.03 of Regulation I; and repealing Addenda to Regulation I.

(2) Fires associated with agricultural activities for controlling diseases, insects, weed abatement or development of physiological conditions conducive to increased crop yield, provided written confirmation has been furnished by a designated county extension agent or agricultural specialist designated by the Cooperative Extension Service that burning is the best management practice, and prior written approval has been issued by the Control Officer;

(3) Fires for abating a forest fire hazard, to prevent a hazard, for instruction of public officials in methods of forest fire fighting, any silvicultural operation to improve forest lands, and silvicultural burning used to improve or maintain fire dependent ecosystems for rare plants or animals within state, federal, and private natural area preserves, natural resource conservation areas, parks, and other wildlife areas, provided prior written approval has been issued by the Washington Department of Natural Resources;

(4) Fires no larger than four feet in diameter and three feet in height consisting of leaves, clippings, prunings, and other yard and gardening refuse originating on lands immediately adjacent and in close proximity to a human dwelling and burned on such lands by the property owner or his or her designee, provided a permit has been issued by a fire protection agency, county, or conservation district;

(5) Fires consisting of residue of a natural character such as trees, stumps, shrubbery or other natural vegetation arising from land clearing projects, provided a permit has been issued by a fire protection agency, county, or conservation district;

(6) Fires consisting solely of charcoal, propane, natural gas, or wood used solely for the preparation of food;

(7) Fires no larger than four feet in diameter and three feet in height for campfires at designated federal, state, county or city parks and recreation areas;

(8) Fires for Indian ceremonies or for the sending of smoke signals if part of a religious ritual;((-))

(9) Fires for abating a fire hazard, provided a fire protection agency or county has determined that no reasonable alternative is available to abate the hazard and prior written approval has been issued to the fire protection agency or county by the Control Officer.

AMENDATORY SECTION

REGULATION I SECTION 8.03 OUTDOOR FIRES - PROHIBITED AREAS ~~((a) Until September 1, 1992 it shall be unlawful for any person to cause or allow any outdoor fire described in Section 8.02(c)(4) or (5) in any area where the Board has prohibited burning as set forth in the addenda to Regulation I in Article 8.)~~

(a) ~~((b) Beginning September 1, 1992 it)~~ It shall be unlawful for any person to cause or allow any outdoor fire described in Section 8.02 (c)(4) or (5):

(1) Within Snohomish County Fire District #11 or King County Fire District ~~((s))~~ #25 ~~((,-34,- or 37))~~;

(2) In any area where federal or state ambient air quality standards are exceeded for pollutants emitted by outdoor burning, including but not limited to carbon monoxide and particulates (PM₁₀);

(3) In any area in which the applicable ~~((fire district,))~~ fire protection agency, ~~((city, town,))~~ county, or conservation

district has determined not to issue burning permits for outdoor ~~((burning))~~ fires pursuant to RCW 70.94.745, RCW 70.94.750, RCW 70.94.775, and/or RCW 70.94.780;

(4) In any area in which the applicable ~~((fire district,))~~ fire protection agency, ~~((city, town,))~~ county, or conservation district has determined that selected types of outdoor ~~((burning))~~ fires are prohibited under a valid burning permit program established pursuant to RCW 70.94.745, RCW 70.94.750, RCW 70.94.775, and/or RCW 70.94.780.

~~(b) ~~((e))~~ It shall be unlawful for any person to cause or allow any outdoor fire described in Section 8.02 (c)(4) or (5) within the Urban Growth Areas of Snohomish, King, and Pierce Counties ~~((after September 1, 1992 or such time as an Urban Growth Area is adopted by the county, whichever is later)).~~~~

~~(c) ~~((d))~~ It shall be unlawful for any person to cause or allow any outdoor fire described in Section 8.02 (c)(5) in Kitsap County Township 24N, Range 1E, Sections 1, 2, 10-15, and 22-24.~~

REPEALER

ADDENDA TO REGULATION I:

- I. DELINEATION OF NO-BURN ZONES PER SECTION 8.03(a)
- II. DELINEATION OF NO-BURN ZONES PER SECTION 8.03

WSR 93-08-021
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)
 [Filed March 29, 1993, 4:19 p.m.]

Original Notice.

Title of Rule: WAC 388-87-005 Payment—Eligible providers defined.

Purpose: Amended to add to current list a licensed person to practice occupational, speech, or respiratory therapy. Adds intermediate care facility for mental diseases. Expanded to add Washington state school district or educational service district; licensed birthing centers; and licensed and Medicare certified ambulatory surgical centers.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: To reflect current policy on who may be enrolled providers.

Reasons Supporting Proposal: "Provider enrollment" describes the content of the section, "enroll" describes the department action taken, and "administration" is defined to reflect the correct name of the MAA agency, and "recipient" is changed to the word "client."

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bobbe Andersen, Medical Assistance Administration, 753-0529.

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

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

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

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement required by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 14th and Franklin, Olympia, Washington, on May 11, 1993, at 10:00 p.m. [a.m.]

If you need sign language or language assistance, please contact the Office of Issuances by May 7, 1993.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Mailstop 5805, Department of Social and Health Services, Olympia, 98504, FAX 664-0118 or SCAN 366-0118, by May 7, 1993.

Date of Intended Adoption: May 12, 1993.

March 29, 1993

Rosemary Carr

Acting Director

Administrative Services

AMENDATORY SECTION (Amending Order 3064, filed 9/5/90, effective 10/6/90)

WAC 388-87-005 Payment—Eligible providers defined. (1) The following providers shall be eligible for enrollment to provide medical ~~((services))~~ care to eligible clients:

(a) Persons currently licensed by the state of Washington to practice medicine, osteopathy, dentistry, optometry, podiatry, midwifery, nursing, dental hygiene, chiropractic, or physical, occupational, speech, or respiratory therapy;

(b) A hospital currently licensed by the department of health;

(c) A ~~((nursing home))~~ facility currently licensed and classified by the department as a ~~((skilled))~~ nursing facility or an intermediate care facility for the mentally retarded (ICF-MR);

(d) A licensed pharmacy;

(e) A home health services agency licensed under chapter 70.127 RCW;

(f) A hospice care agency licensed under chapter 70.127 RCW;

(g) An independent (outside) laboratory certified to participate under Title XVIII or determined currently to meet the Medicare requirements for such participation;

(h) A company or ~~((individual))~~ person, not excluded in subsection (3) of this section, supplying items vital to the provision of medical services such as ambulance service, oxygen, eyeglasses, other appliances, or approved services, not otherwise covered under this section;

(i) A provider of screening services having a signed agreement with the department to provide such services to eligible ~~((individuals))~~ persons in the early and periodic screening and diagnosis and treatment (EPSDT) program;

(j) A qualified and approved center for the detoxification of acute alcohol or other drug intoxication conditions;

(k) A qualified and approved outpatient clinical community mental health center, an approved inpatient psychiatric facility, ~~((drug))~~ a qualified and approved chemical dependency treatment ~~((center))~~ facility, or Indian health service clinic;

(l) A Medicare-certified rural health clinic;

(m) A federally qualified health care center;

(n) Licensed or certified agencies or persons having a signed agreement with the department to provide Coordinated Community AIDS Service Alternatives Program services:

(i) Home care agency personal care providers or self-employed independent contractors providing hourly attendant or respite care;

(ii) Facilities or agencies providing therapeutic home-delivered meals;

(iii) Dietitians or nutritionists; and

(iv) Social workers, mental health counselors, or psychologists who are self-employed independent contractors or employed by various licensed or certified agencies.

(o) Approved prepaid health maintenance, prepaid health plans, or health insuring organizations; ~~((and))~~

(p) An out-of-state provider of services listed under subsection (1)(a) through (m) ~~((under))~~ of this section subject to conditions specified under WAC 388-87-105;

(q) A Washington state school district or educational service district;

(r) A licensed birthing center; and

(s) A licensed and Medicare-certified ambulatory surgical center.

(2) The department shall not pay for services performed by the following practitioners:

(a) Acupuncturists;

(b) Sanipractors;

(c) Naturopaths;

(d) Homeopaths;

(e) Herbalists;

(f) Masseurs or manipulators;

(g) Christian Science practitioners or theological healers; and

(h) Any other licensed or unlicensed practitioners not otherwise specifically provided for ~~((in these))~~ under the rules of this chapter.

(3) Conditions of ~~((eligibility))~~ provider enrollment.

(a) Nothing in this section shall bind the department to enroll all eligible providers capable of delivering covered services. The department shall demonstrate the department's plan for service delivery creates adequate access to covered services.

(b) When a provider has a restricted professional license or has been terminated, excluded, or suspended from the Medicare/Medicaid programs, the department shall not ~~((authorize))~~ enroll the provider ~~((eligibility))~~ unless the department ~~((has determined))~~ determines the violations leading to the sanction or license restriction are not likely to be repeated. In ~~((its))~~ the department's determination, the department shall consider whether the provider has been convicted of offenses related to the delivery of professional or other medical services not considered during the development of the previous sanction.

(c) The department shall not reinstate in the medical assistance program, a provider suspended from Medicare or suspended by the United States Department of Health and Human Services (DHHS) until DHHS notifies the department that the provider may be reinstated.

(d) Nothing in this subsection shall preclude the department from denying provider enrollment if, in the opinion of the medical director, ~~((division of))~~ medical assistance administration, the provider constitutes a danger to the health and safety of ~~((recipients))~~ clients.

WSR 93-08-022
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)
 [Filed March 29, 1993, 4:20 p.m.]

Original Notice.

Title of Rule: WAC 388-82-140 Qualified Medicare beneficiaries eligible for Medicare cost sharing; 388-82-150 Special low-income Medicare beneficiaries (SLMB) eligible for Medicare cost sharing; 388-82-160 Hospital premium insurance enrollment for the working disabled; 388-83-032 Pregnant women; 388-83-033 Children—Eligible to nineteen years of age; and 388-95-360 Allocation of income and resources—Institutionalized client.

Purpose: To update the references to the federal poverty level (FPL) to the April 1, 1993, standards as published by the Secretary of Health and Human Services. The increase in the FPL occurs annually and is built into the budget estimates.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: To update the references to the FPL to the April 1, 1993, standards as published by the Secretary of Health and Human Services.

Reasons Supporting Proposal: HCFA requires annual update of FPL income guidelines.

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

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

Rule is necessary because of federal law, Federal Register Volume 58 No. 28.

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

Proposal Changes the Following Existing Rules: See above.

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

Hearing Location: OB-2 Auditorium, 14th and Franklin, Olympia, Washington, on May 11, 1993, at 10:00 a.m.

If you need sign language or language assistance, please contact the Office of Issuances by May 7, 1993.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Mailstop 5805, Department of Social and Health Services, Olympia, 98504, FAX 664-0118 or SCAN 366-0118, by May 7, 1993.

Date of Intended Adoption: May 12, 1993.

March 29, 1993
 Rosemary Carr
 Acting Director
 Administrative Services

AMENDATORY SECTION (Amending Order 3389, filed 5/19/92, effective 6/19/92)

WAC 388-82-140 Qualified Medicare beneficiaries eligible for Medicare cost sharing. (1) The department shall provide Medicare cost sharing under WAC 388-81-060(2) for ~~((an individual))~~ a person:

(a) Meeting the general nonfinancial requirements under chapter 388-83 WAC;

(b) Entitled to Medicare hospital insurance benefits, Part A, under Title XVIII of the Social Security Act;

(c) Having resources, as determined under chapter 388-92 WAC, not exceeding twice the maximum supplemental security income (SSI) resource limits; and

(d) Having a total countable income, as determined under chapter 388-92 WAC, except as specified in subsection (2) of this section, not exceeding one((-)) hundred percent of the federal poverty ~~((income guidelines as published and updated by the secretary of health and human services))~~ level (FPL). ~~((Effective April 1, 1992,))~~ One((-)) hundred percent of the current ~~((federal poverty income guidelines))~~ FPL is:

| | Family Size | Monthly |
|------|-------------|----------------------------------|
| (i) | One | \$ ((568)) <u>581</u> |
| (ii) | Two | ((766)) <u>786</u> |

(2) ~~((Effective January 1, 1991, for applicants and recipients,))~~ The department shall not consider a person's Social Security cost of living allowance increase until April 1, of each year.

AMENDATORY SECTION (Amending Order 3502, filed 1/27/93, effective 2/27/93)

WAC 388-82-150 Special low-income Medicare beneficiaries (SLMB) eligible for Medicare cost sharing.

(1) ~~((Effective January 1, 1993,))~~ The department shall provide Medicare cost sharing under WAC 388-81-060(4) for a person:

(a) Meeting the general nonfinancial requirements under chapter 388-83-WAC;

(b) Entitled to Medicare hospital insurance benefits, Part A, under Title XVIII of the Social Security Act;

(c) Having resources, as determined under chapter 388-92 WAC, not exceeding twice the maximum supplemental security income (SSI) resource limits; and

(d) Having a total countable income, as determined under chapter 388-92 WAC, over one hundred percent of the federal poverty level (FPL) but not exceeding one hundred ten percent of the FPL ~~((as published and updated by the secretary of health and human services))~~. One hundred ten percent of the current FPL is:

| | Family Size | Monthly Income |
|------|-------------|-------------------------------------|
| (i) | One | \$ ((625.00)) <u>639</u> |
| (ii) | Two | ((843.00)) <u>864</u> |

(2) Effective January 1, 1995, the department shall find a person eligible, under subsection (1)(d) of this section, whose total countable income does not exceed one((-)) hundred twenty percent of the FPL.

AMENDATORY SECTION (Amending Order 3389, filed 5/19/92, effective 6/19/92)

WAC 388-82-160 Hospital premium insurance enrollment for the working disabled. The department shall

pay premiums for Medicare Part A for ~~((an individual))~~ a person:

- (1) Who is not otherwise entitled for medical assistance;
- (2) Entitled to enroll for Medicare hospital insurance benefits, Part A, under section 1818A of the Social Security Act;
- (3) Having resources, as determined under chapter 388-92 WAC, not exceeding twice the maximum supplemental security income (SSI) resource limits ~~((under chapter 388-92 WAC for an individual or a couple (individual with a spouse)))~~; and
- (4) Having a total countable family income, as determined under chapter 388-92 WAC, not exceeding two hundred percent of the current federal poverty ~~((income guidelines as published and updated by the secretary of health and human services))~~ level (FPL). Two hundred percent of the current ~~((poverty income guidelines))~~ FPL is:

| | Family Size | Monthly |
|-----|-------------|--------------------------------------|
| (a) | One | \$(1,135.00) <u>1,162</u> |
| (b) | Two | ((1,532.00)) <u>1,572</u> |

AMENDATORY SECTION (Amending Order 3389, filed 5/19/92, effective 6/19/92)

WAC 388-83-032 Pregnant women. (1) The department shall find a pregnant woman eligible for Medicaid as categorically needy, if the pregnant woman meets:

- (a) The income requirements of this section; and
 - (b) Citizenship, Social Security number, and residence requirements under chapter 388-83 WAC.
- (2) ~~((f))~~ When a pregnant woman applies on or before the last day of pregnancy, the department shall find her eligible for continued Medicaid coverage through the end of the month containing the sixtieth day from the day pregnancy ends.

(3) Income eligibility:

(a) Total family income shall not exceed one hundred eighty-five percent of the federal poverty ~~((income guidelines as published and updated by the secretary of health and human services. Effective April 1, 1992,))~~ level (FPL). One hundred eighty-five percent of the current ~~((federal poverty income guidelines))~~ FPL is:

| | Family Size | Monthly |
|--------|-------------|-----------------------------------|
| (i) | One | \$(1,050) <u>1,075</u> |
| (ii) | Two | ((1,417)) <u>1,454</u> |
| (iii) | Three | ((1,784)) <u>1,833</u> |
| (iv) | Four | ((2,151)) <u>2,212</u> |
| (v) | Five | ((2,518)) <u>2,592</u> |
| (vi) | Six | ((2,885)) <u>2,971</u> |
| (vii) | Seven | ((3,252)) <u>3,350</u> |
| (viii) | Eight | ((3,619)) <u>3,729</u> |

(ix) For family units with nine members or more, add ~~\$(367))~~ 379 to the monthly income for each additional member.

(b) The department shall determine family income:

(i) According to AFDC methodology, except the department shall:

(A) Exclude the income of the unmarried father of the unborn or unborns unless the income is actually contributed; and

(B) Determine eligibility as if the unborn or unborns are born.

(ii) By applying the special situations as required under WAC 388-83-130.

(c) The department shall consider the provisions of WAC 388-83-130(1) in determining countable income for a pregnant minor.

(4) The department shall not consider resources in determining the pregnant woman's eligibility.

(5) Changes in family income shall not affect eligibility for medical assistance for the pregnant woman during pregnancy and when eligible under subsection (2) of this section through the end of the month that contains the sixtieth day from the last day of pregnancy:

(a) Once the department determines a pregnant woman eligible under this section; or

(b) If, at any time while eligible for and receiving medical assistance, a pregnant woman meets the eligibility requirements of this section.

AMENDATORY SECTION (Amending Order 3516, filed 2/24/93, effective 3/27/93)

WAC 388-83-033 Children—Eligible to nineteen years of age.

(1) The department shall find a child who has not yet attained nineteen years of age eligible for Medicaid when the child meets citizenship, residence, and Social Security Number requirements under this chapter and the income requirement corresponding to the age levels under the following subsections:

(a) A child under nineteen years of age ~~((r))~~ shall be eligible as categorically needy when the family income is equal to or less than one hundred percent of the federal poverty level (FPL). One hundred percent of the current FPL is:

| | Family Size | Monthly |
|--------|-------------|-----------------------------------|
| (i) | One | \$(568) <u>581</u> |
| (ii) | Two | ((766)) <u>786</u> |
| (iii) | Three | ((965)) <u>991</u> |
| (iv) | Four | ((1,163)) <u>1,196</u> |
| (v) | Five | ((1,361)) <u>1,401</u> |
| (vi) | Six | ((1,560)) <u>1,606</u> |
| (vii) | Seven | ((1,758)) <u>1,811</u> |
| (viii) | Eight | ((1,956)) <u>2,016</u> |

(ix) For family units with more than eight members, add ~~\$(199))~~ 205 to the monthly income for each additional member.

(b) A child one year of age, but under six years of age, shall be eligible as categorically needy when the total family countable income does not exceed one hundred thirty-three percent of the FPL ~~((as published and updated by the secretary of health and human services))~~. One hundred thirty-three percent of the current FPL is:

| | Family Size | Monthly |
|--------|-------------|----------------------------|
| (i) | One | \$ ((755)) 773 |
| (ii) | Two | ((1,019)) 1,045 |
| (iii) | Three | ((1,283)) 1,318 |
| (iv) | Four | ((1,547)) 1,590 |
| (v) | Five | ((1,810)) 1,863 |
| (vi) | Six | ((2,074)) 2,136 |
| (vii) | Seven | ((2,338)) 2,408 |
| (viii) | Eight | ((2,602)) 2,681 |

(ix) For family units with more than eight members, add \$~~((264))~~ 273 to the monthly income for each additional member.

(c) An infant under one year of age shall be eligible as categorically needy when the infant is a member of a family whose total family countable income does not exceed one hundred eighty-five percent of the current FPL. See income guidelines as described under WAC 388-83-032 (3)(a).

(2) The department shall:

(a) Find an infant under one year of age eligible as categorically needy when the infant:

(i) Is born to a woman eligible for and receiving medical assistance on the date of the infant's birth; and

(ii) Remains a member of the mother's household.

(b) Not consider citizenship~~((:))~~₁; application for, or possession of, a Social Security Number~~((:))~~₁; income~~((:))~~₁; or resource requirements for infants under this subsection.

(3) ~~((Effective January 1, 1991,))~~ Regardless of citizenship₁; or application for, or possession of a Social Security Number, the department shall determine a child from birth to eighteen years of age, eligible for state-funded medical services with the same medical coverage as categorically needy, if the:

(a) Child is not eligible for any federally-funded Medicaid program; and

(b) Child's total family countable income does not exceed one hundred percent of the current FPL. See income guidelines as described under subsection (1)(a) of this section.

(4) The department shall determine family income according to AFDC methodology, and apply the special situations as required under WAC 388-83-130.

(5) The department shall not consider resources in determining eligibility of a child under this section.

(6) A child shall remain eligible under this section until the later of the end of the month:

(a) Of the child's birthday that exceeds the age requirement; or

(b) In which the child receives inpatient services if:

(i) The child is receiving inpatient services on the last day of the month of the child's birthday that exceeds the age requirement; and

(ii) The child's stay for inpatient services continues into the following month or months; and

(iii) Except for the age requirement, the child would be eligible for assistance under this section.

(7) A child eligible under subsection (3) of this section if pregnant, shall remain eligible:

(a) Regardless of the changes in family income; and

(b) Through the end of the month including the sixtieth day from the day the pregnancy ends.

AMENDATORY SECTION (Amending Order 3517, filed 2/24/93, effective 3/27/93)

WAC 388-95-360 Allocation of income and resources—Institutionalized client. (1) In reducing payment to the institution, the department shall consider the institutionalized client's:

(a) Income under WAC 388-95-335 (3)(a), (b), (c), and (d); and

(b) Resources under WAC 388-95-380 and 388-95-395.

(2) In reducing payment to the institution, the department shall consider the eligible institutional client's excess resources available to meet cost of care after the following allocations:

(a) Health insurance and Medicare premiums, deductions, and co-insurance not paid by a third party; and

(b) Noncovered medical bills which are the liability of the client and not paid by a third party.

(3) The department shall not use allocations used to reduce excess resources under WAC 388-95-360(2) to reduce income under WAC 388-95-360(4).

(4) The department shall deduct the following amounts, in the following order, from the institutionalized client's total income, including amounts excluded in determining eligibility:

(a) Specified personal needs allowance;

(b) An amount an SSI, AFDC, or FIP-related client in a medical facility receives as a cash assistance payment sufficient to bring the client's income up to the personal needs allowance;

(c) The current personal needs allowance plus wages the SSI-related client receives for work approved by the department as part of a training or rehabilitative program designed to prepare the person for a less-restrictive placement when the total wages received plus the personal needs allowance do not exceed the one-person medically needy income level. When determining this deduction, the department shall:

(i) Not allow a deduction ~~((is not allowed))~~ for employment expenses; and

(ii) Apply the excess wages ~~((shall apply))~~ to the cost of care when the total wages received plus the initial personal needs allowance exceeds the one-person medically needy income level.

(d) A monthly needs allowance for the community spouse not to exceed one thousand seven hundred sixty-nine dollars, unless specified in subsection (6) of this section. The monthly needs allowance shall be:

(i) An amount added to the community spouse's income to provide a total community spouse's income of one thousand two hundred fifty-eight dollars; and

(ii) Excess shelter expenses as specified in subsection (5) of this section.

(e) An amount for the maintenance needs of each dependent family member residing with the community spouse ~~((—Child support received from an absent parent is the child's income))~~:

(i) An amount equal to one-third of the amount one thousand one hundred ~~((forty))~~ seventy-nine dollars exceeds the family member's income. Child support received from an absent parent is the child's income.

(ii) A family member is a:

(A) Dependent or minor child;

- (B) Dependent parent; or
- (C) Dependent sibling of the institutionalized or community spouse.

(f) If an institutional client does not have a community spouse, an amount for the maintenance needs of family members residing in the client's home is equal to the medically needy income level for the number of legal dependents in the home less the income of the dependents;

(g) Amounts for incurred medical expenses not subject to third-party payment including, but not limited to:

- (i) Health insurance premiums, co-insurance, or deductible charges; and
- (ii) Necessary medical care recognized under state law, but not covered under Medicaid.

(h) Maintenance of the home of a single person or couple:

- (i) Up to one hundred eighty dollars per month; and
- (ii) Limited to a six-month period; and
- (iii) A physician has certified that either of the persons is likely to return to the home within that period; and
- (iv) Social service staff shall document initial need for the income exemption and review the person's circumstances after ninety days.

(5) For the purposes of this section, excess shelter expenses:

(a) Means the actual required maintenance expenses for the community spouse's principal residence for:

- (i) Rent;
- (ii) Mortgage;
- (iii) Taxes and insurance;
- (iv) Any maintenance care for a condominium or cooperative; and

(v) A food stamp standard allowance for utilities, provided the utilities are not included in the maintenance charges for a condominium or cooperative.

(b) Shall not exceed three hundred ~~((five))~~ fifty-three dollars and seventy cents, effective April 1, ~~((1992; and~~

~~((e) Shall not exceed three hundred forty-four dollars and seventy cents, effective July 1, 1992))~~ 1993.

(6) The amount ~~((allocated from))~~ the institutional spouse allocates to the community spouse may be greater than the amount in subsection (4)(d)(i) of this section only when:

- (a) A court enters an order against the institutional client for the community spouse support; or
- (b) A hearings officer determines a greater amount is needed because of exceptional circumstances resulting in extreme financial duress.

(7) The client shall use the income remaining after allocations specified in subsection (4) of this section, toward payment of the ~~((recipient's))~~ client's cost of care at the department rate.

(8)(a) ~~((Effective July 1, 1988,))~~ SSI-related clients shall continue to receive total payment under 1611 (b)(1) of the Social Security Act (SSA) for the first three full calendar months of institutionalization in a public or Medicaid-approved medical institution or facility ~~((#f))~~ when the:

- (i) Stay in the institution or facility is not expected to exceed three months; and
- (ii) SSI-related clients plan to return to ~~((their))~~ former living arrangements.

(b) The department shall not consider the SSI payment when computing the client's participation amount.

(9) The department shall not consider income from reparation payments made by the Federal Republic of Germany when computing the client's participation amount.

WSR 93-08-027
PROPOSED RULES
BOARD OF
PILOTAGE COMMISSIONERS
 [Filed March 30, 1993, 3:42 p.m.]

Original Notice.

Title of Rule: WAC 296-116-300 Pilotage rates for the Puget Sound pilotage district.

Purpose: To amend the pilotage tariff rate.

Statutory Authority for Adoption: RCW 88.16.035.

Statute Being Implemented: RCW 88.16.035.

Summary: The proposed amendment reflects a 9.92% increase in all categories except transportation which reflects the tariff rate of \$1.80 per mile for all ports, established recently by regulatory authorities in King County and the city of Seattle.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Board of Pilotage Commissioners, 801 Alaskan Way, Seattle, 464-7818.

Name of Proponent: Puget Sound pilots, private.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule would increase the tariff for pilotage services in the Puget Sound pilotage district by 9.92%.

Proposal Changes the Following Existing Rules: The proposed rule is a 9.92% increase over the existing rule except for transportation.

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

Hearing Location: Eikum Conference Room, 801 Alaskan Way, Pier 52, Seattle, WA 98104, on May 13, 1993, at 9:00 a.m.

Submit Written Comments to: Mr. Thomas F. Heinan, Chair, 801 Alaskan Way, Pier 52, Seattle, WA 98104-1487, by April 30, 1993.

Date of Intended Adoption: May 13, 1993.

March 26, 1993
 Thomas F. Heinan
 Chair

AMENDATORY SECTION (Amending WSR 92-14-007, filed 6/19/92, effective 7/20/92)

WAC 296-116-300 Pilotage rates for the Puget Sound Pilotage District.

| CLASSIFICATION | RATE |
|---------------------------------------|---|
| Ship length overall (LOA) Charges: | per LOA rate schedule in this section |

Boarding fee: ~~(\$31.00)~~ \$ 34.00
 Per each boarding/deboarding at the Port Angeles pilot station.

Harbor shift - Live ship (Seattle Port) LOA Zone I
 Harbor shift - Live ship (other than Seattle Port) LOA Zone I

Harbor shift - Dead ship Double LOA Zone I

Dead ship towing charge: Double LOA Zone I
 LOA of tug + LOA of tow + beam of tow
 Any tow exceeding seven hours, two pilots are mandatory. Harbor shifts shall constitute and be limited to those services in moving vessels from dock to dock, from anchorage to dock, from dock to anchorage, or from anchorage to anchorage in the same port after all other applicable tariff charges for pilotage services have been recognized as payable.

Waterway and bridge charges:
 Ships up to 90' beam:
 A charge of ~~(\$167.00)~~ \$184.00 shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street Bridge in Seattle, south of Eleventh Street Bridge in any of the Tacoma waterways, in Port Gamble, or in the Snohomish River. Any vessel movements required to transit through bridges shall have an additional charge of ~~(\$80.00)~~ \$88.00 per bridge.

Ships 90' beam and/or over:
 A charge of ~~(\$225.00)~~ \$247.00 shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street Bridge in Seattle and south of Eleventh Street Bridge in any of the Tacoma waterways. Any vessel movements required to transit through bridges shall have an additional charge of ~~(\$157.00)~~ \$173.00 per bridge.
 (The above charges shall not apply to transit of vessels from Shilshole Bay to the limits of Lake Washington.)

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

Compass adjustment ~~(\$224.00)~~ \$246.00
 Radio direction finder calibration ~~(\$224.00)~~ \$246.00
 Launching vessels ~~(\$337.00)~~ \$370.00
 Trial trips, 6 hours or less
 (Minimum ~~(\$635.00)~~ \$702.00) ~~(\$106.00)~~ \$117.00 per hr.

Trial trips, over 6 hours (two pilots) ~~(\$212.00)~~ \$233.00 per hr.

Shilshole Bay — Salmon Bay ~~(\$131.00)~~ \$144.00
 Salmon Bay — Lake Union ~~(\$103.00)~~ \$113.00
 Lake Union — Lake Washington (plus LOA zone from Webster Point) ~~(\$131.00)~~ \$144.00

Cancellation charge LOA Zone I
 Cancellation charge — Port Angeles (when a pilot is ordered and vessel proceeds to a port outside the Puget Sound pilotage district without stopping for pilot or when a pilot order is cancelled less than twelve hours prior to the original ETA.) LOA Zone II

Docking delay after anchoring: ~~(\$106.00)~~ \$117.00 per hr.
 Applicable harbor shift rate to apply, plus ~~(\$106.00)~~ \$117.00 per hour standby. No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is ~~(\$106.00)~~ \$117.00 for every hour or fraction thereof.

Sailing delay: ~~(\$106.00)~~ \$117.00 per hour
 No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is ~~(\$106.00)~~ \$117.00 for every hour or fraction thereof.

Slowdown: ~~(\$106.00)~~ \$117.00 per hour

When a vessel chooses not to maintain its normal speed capabilities for reasons determined by the vessel and not the pilot, and when the difference in arrival time is one hour, or greater, from the predicted arrival time had the vessel maintained its normal speed capabilities, a charge of ~~(\$106.00)~~ \$117.00 per hour, and each fraction thereof, will be assessed for the resultant difference in arrival time.

Super ships:
 20,000 to 50,000 gross tons:
 Additional charge to LOA zone mileage of ~~(\$0.0559)~~ \$0.0614 a gross ton for all gross tonnage in excess of 20,000 gross tons up to 50,000 gross tons.

50,000 gross tons and up:
 In excess of 50,000 gross tons, the charge shall be ~~(\$0.0669)~~ \$0.0735 per gross ton.

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

Delayed arrival-Port Angeles: ~~(\$106.00)~~ \$117.00 per hour

When a pilot is ordered for an arriving inbound vessel at Port Angeles and the vessel does not arrive within two hours of its ETA, or its ETA is amended less than six hours prior to the original ETA, a charge of ~~(\$106.00)~~ \$117.00 for each hour delay, or fraction thereof, shall be assessed in addition to all other appropriate charges.

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

Transportation to vessels on Puget Sound:

| | |
|-------------------------------|---------------------------------------|
| March Point or Anacortes | (\$114.00) <u>\$144.00</u> |
| Bangor | (67.00) <u>119.00</u> |
| Bellingham | (426.00) <u>158.00</u> |
| Bremerton | (36.00) <u>104.00</u> |
| Cherry Point | (448.00) <u>175.00</u> |
| Dupont | (67.00) <u>85.00</u> |
| Edmonds | (25.00) <u>27.00</u> |
| Everett | (44.00) <u>52.00</u> |
| Ferndale | (436.00) <u>173.00</u> |
| Manchester | (53.00) <u>84.00</u> |
| Mukilteo | (43.00) <u>52.00</u> |
| Olympia | (86.00) <u>108.00</u> |
| Point Wells | (25.00) <u>27.00</u> |
| Port Gamble | (62.00) <u>104.00</u> |
| Port Townsend (Indian Island) | (87.00) <u>189.00</u> |
| Seattle | (42.00) <u>15.00</u> |
| Semiahmoo (Blaine) | (455.00) <u>196.00</u> |
| Tacoma | (45.00) <u>56.00</u> |
| Tacoma Smelter | (51.00) <u>66.00</u> |
| Winslow | (36.00) <u>42.00</u> |

- (a) Intraharbor transportation for the Port Angeles port area - transportation between Port Angeles pilot station and Port Angeles harbor docks - ~~(\$12.00)~~ \$15.00.
- (b) Interport shifts: Transportation paid to and from both points.
- (c) Intraharbor shifts: Transportation to be paid both ways. If intraharbor shift is cancelled on or before scheduled reporting time, transportation paid one way only.
- (d) Cancellation: Transportation both ways unless notice of cancellation is received prior to scheduled reporting time in which case transportation need only be paid one way.
- (e) Any new facilities or other seldom used terminals, not covered above, shall be based on mileage x ~~(\$1.60)~~ \$1.80 per mile.

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

Nonuse of pilots: Ships taking and discharging pilots without using their services through all Puget Sound and adjacent inland

waters shall pay full pilotage fees on the LOA zone mileage basis from Port Angeles to destination, from place of departure to Port Angeles, or for entire distance between two ports on Puget Sound and adjacent inland waters.

LOA rate schedule

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

| LOA | ZONE I Intra Harbor | ZONE II 0-30 Miles | ZONE III 31-50 Miles | ZONE IV 51-75 Miles | ZONE V 76-100 Miles | ZONE VI 101 Miles & Over |
|-------------|------------------------|-----------------------|-------------------------|------------------------|------------------------|-----------------------------|
| (Up to 449) | 157 | 247 | 428 | 641 | 864 | 1124 |
| 450 - 459 | 162 | 252 | 431 | 649 | 878 | 1129 |
| 460 - 469 | 166 | 255 | 436 | 660 | 891 | 1133 |
| 470 - 479 | 171 | 262 | 442 | 675 | 894 | 1136 |
| 480 - 489 | 176 | 267 | 444 | 687 | 899 | 1140 |
| 490 - 499 | 179 | 270 | 449 | 699 | 909 | 1146 |
| 500 - 509 | 187 | 275 | 457 | 709 | 916 | 1154 |
| 510 - 519 | 190 | 281 | 462 | 717 | 926 | 1158 |
| 520 - 529 | 192 | 291 | 469 | 721 | 934 | 1169 |
| 530 - 539 | 199 | 295 | 475 | 729 | 949 | 1180 |
| 540 - 549 | 202 | 299 | 485 | 738 | 965 | 1191 |
| 550 - 559 | 206 | 309 | 488 | 748 | 971 | 1203 |
| 560 - 569 | 214 | 321 | 498 | 755 | 982 | 1215 |
| 570 - 579 | 218 | 325 | 502 | 758 | 991 | 1222 |
| 580 - 589 | 227 | 331 | 512 | 764 | 998 | 1236 |
| 590 - 599 | 238 | 337 | 515 | 768 | 1012 | 1249 |
| 600 - 609 | 247 | 347 | 522 | 771 | 1023 | 1256 |
| 610 - 619 | 261 | 350 | 532 | 775 | 1035 | 1267 |
| 620 - 629 | 271 | 355 | 538 | 782 | 1046 | 1281 |
| 630 - 639 | 285 | 363 | 544 | 784 | 1054 | 1293 |
| 640 - 649 | 297 | 370 | 549 | 787 | 1066 | 1303 |
| 650 - 659 | 317 | 378 | 559 | 794 | 1078 | 1315 |
| 660 - 669 | 325 | 381 | 564 | 797 | 1089 | 1326 |
| 670 - 679 | 335 | 391 | 571 | 811 | 1102 | 1334 |
| 680 - 689 | 341 | 399 | 577 | 820 | 1111 | 1347 |
| 690 - 699 | 350 | 405 | 585 | 835 | 1124 | 1374 |
| 700 - 719 | 367 | 418 | 597 | 843 | 1144 | 1391 |
| 720 - 739 | 389 | 431 | 611 | 855 | 1169 | 1414 |
| 740 - 759 | 405 | 449 | 624 | 864 | 1191 | 1439 |
| 760 - 779 | 421 | 467 | 639 | 878 | 1215 | 1459 |
| 780 - 799 | 442 | 486 | 649 | 891 | 1236 | 1484 |
| 800 - 819 | 460 | 502 | 663 | 896 | 1256 | 1506 |
| 820 - 839 | 475 | 518 | 677 | 909 | 1281 | 1525 |
| 840 - 859 | 496 | 540 | 691 | 919 | 1303 | 1551 |
| 860 - 879 | 513 | 559 | 705 | 945 | 1326 | 1572 |
| 880 - 899 | 532 | 576 | 717 | 966 | 1347 | 1596 |
| 900 - 919 | 547 | 593 | 730 | 989 | 1374 | 1619 |
| 920 - 939 | 565 | 611 | 748 | 1012 | 1391 | 1639 |
| 940 - 959 | 585 | 628 | 759 | 1035 | 1414 | 1661 |
| 960 - 979 | 600 | 646 | 773 | 1054 | 1439 | 1684 |
| 980 - 999 | 621 | 663 | 785 | 1078 | 1459 | 1706 |
| 1000 & over | 639 | 685 | 799 | 1102 | 1484 | 1730)) |
| Up to 449 | 173 | 272 | 470 | 705 | 950 | 1236 |
| 450 - 459 | 178 | 277 | 474 | 713 | 965 | 1241 |
| 460 - 469 | 182 | 280 | 479 | 725 | 979 | 1245 |
| 470 - 479 | 188 | 288 | 486 | 742 | 983 | 1249 |
| 480 - 489 | 193 | 293 | 488 | 755 | 988 | 1253 |
| 490 - 499 | 197 | 297 | 494 | 768 | 999 | 1260 |
| 500 - 509 | 206 | 302 | 502 | 779 | 1007 | 1268 |
| 510 - 519 | 209 | 309 | 508 | 788 | 1018 | 1273 |
| 520 - 529 | 211 | 320 | 516 | 793 | 1027 | 1285 |
| 530 - 539 | 219 | 324 | 522 | 801 | 1043 | 1297 |
| 540 - 549 | 222 | 329 | 533 | 811 | 1061 | 1309 |
| 550 - 559 | 226 | 340 | 536 | 822 | 1067 | 1322 |
| 560 - 569 | 235 | 353 | 547 | 830 | 1079 | 1336 |
| 570 - 579 | 240 | 357 | 552 | 833 | 1089 | 1343 |
| 580 - 589 | 250 | 364 | 563 | 840 | 1097 | 1359 |

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|-------------|-----|-----|-----|------|------|------|
| 590 - 599 | 262 | 370 | 566 | 844 | 1112 | 1373 |
| 600 - 609 | 272 | 381 | 574 | 847 | 1124 | 1381 |
| 610 - 619 | 287 | 385 | 585 | 852 | 1138 | 1393 |
| 620 - 629 | 298 | 390 | 591 | 860 | 1150 | 1408 |
| 630 - 639 | 313 | 399 | 598 | 862 | 1159 | 1421 |
| 640 - 649 | 326 | 407 | 603 | 865 | 1172 | 1432 |
| 650 - 659 | 348 | 415 | 614 | 873 | 1185 | 1445 |
| 660 - 669 | 357 | 419 | 620 | 876 | 1197 | 1458 |
| 670 - 679 | 368 | 430 | 628 | 891 | 1211 | 1466 |
| 680 - 689 | 375 | 439 | 634 | 901 | 1221 | 1481 |
| 690 - 699 | 385 | 445 | 643 | 918 | 1236 | 1510 |
| 700 - 719 | 403 | 459 | 656 | 927 | 1257 | 1529 |
| 720 - 739 | 428 | 474 | 672 | 940 | 1285 | 1554 |
| 740 - 759 | 445 | 494 | 686 | 950 | 1309 | 1582 |
| 760 - 779 | 463 | 513 | 702 | 965 | 1336 | 1604 |
| 780 - 799 | 486 | 534 | 713 | 979 | 1359 | 1631 |
| 800 - 819 | 506 | 552 | 729 | 985 | 1381 | 1655 |
| 820 - 839 | 522 | 569 | 744 | 999 | 1408 | 1676 |
| 840 - 859 | 545 | 594 | 760 | 1010 | 1432 | 1705 |
| 860 - 879 | 564 | 614 | 775 | 1039 | 1458 | 1728 |
| 880 - 899 | 585 | 633 | 788 | 1062 | 1481 | 1754 |
| 900 - 919 | 601 | 652 | 802 | 1087 | 1510 | 1780 |
| 920 - 939 | 621 | 672 | 822 | 1112 | 1529 | 1802 |
| 940 - 959 | 643 | 690 | 834 | 1138 | 1554 | 1826 |
| 960 - 979 | 660 | 710 | 850 | 1159 | 1582 | 1851 |
| 980 - 999 | 683 | 729 | 863 | 1185 | 1604 | 1875 |
| 1000 & over | 702 | 753 | 878 | 1211 | 1631 | 1902 |

PROPOSED

WSR 93-08-030
PROPOSED RULES
CRIMINAL JUSTICE
TRAINING COMMISSION
 [Filed March 31, 1993, 12:27 p.m.]

Continuance of WSR 93-03-084.
 Title of Rule: WAC 139-05-242 Readmission to basic law enforcement academy.
 Hearing Location: Washington State Training and Conference Center, 19010 1st Avenue South, Seattle, WA 98148, on June 17, 1993, at 10:00 a.m.
 Submit Written Comments to: Garry E. Wegner, P.O. Box 40905, Olympia, WA 98504-0905, by June 16, 1993.
 Date of Intended Adoption: June 17, 1993.

March 26, 1993
 James C. Scott
 Executive Director

WSR 93-08-032
PROPOSED RULES
GROWTH PLANNING
HEARINGS BOARDS
 [Filed March 31, 1993, 12:35 p.m.]

Original Notice.
 Title of Rule: WAC 242-02-220(3).
 Purpose: To delete the last phrase only in subsection (3), ". . . or within sixty days from the failure to act by a specific deadline."
 Statutory Authority for Adoption: RCW 36.70A.270(6).
 Statute Being Implemented: Primarily chapter 36.70A RCW, the Growth Management Act.
 Summary: By deleting the last phrase in WAC 242-02-220(3), no time limits will exist for petitioners to challenge

the failure of a local jurisdiction to act within a specific timeframe.

Reasons Supporting Proposal: The existing rule precludes a petitioner at any point beyond sixty days from filing a petition for review for failure of a local government to take an action by a specific deadline. Therefore, all applicable sanctions may not be imposed for failure to comply with the Growth Management Act.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: M. Peter Philley, 2329 One Union Square, 600 University Street, Seattle, WA 98101-1129, (206) 389-2625.

Name of Proponent: Washington State Growth Planning Hearings Boards, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 242-02-220 provides when a petition for review to a growth planning hearings board must be filed to initiate an appeal. Subsection (3) is the catch-all provision, specifying when petitions for "all other matters" must be filed. The proposed amendment will enable potential petitioners to file a petition for review later than sixty days from the specific deadline a local jurisdiction has failed to meet.

Proposal Changes the Following Existing Rules: The proposed amendment deletes the following words from the last portion of existing WAC 242-02-220(3), "or within sixty days from failure to act by a specific deadline."

No small business economic impact statement required by chapter 19.85 RCW.

The Growth Planning Hearings Boards have reviewed chapter 19.85 RCW, the Regulatory Fairness Act, and concluded that amending WAC 242-02-220(3) will not have an economic impact on any industry.

Hearing Location: Central Puget Sound Growth Planning Hearings Board, 2329 One Union Square, 600 University Street, Seattle, WA 98101-1129, on Wednesday, May 12, 1993, at 10:00 a.m.

Submit Written Comments to: Central Puget Sound Growth Planning Hearings Board, 2329 One Union Square, 600 University Street, Seattle, WA 98101-1129, received by May 12, 1993.

Date of Intended Adoption: May 12, 1993.

March 24, 1993
M. Peter Philley
Board Member

AMENDATORY SECTION (Amending WSR 92-21-034, filed 10/15/92)

WAC 242-02-220 Petition for review—Time for filing. (1) A petition relating to whether or not an adopted comprehensive plan, development regulation, or subsequent amendments, is in compliance with the goals and requirements of the act shall be filed with a board within sixty days from the date of publication by the legislative body of the county or city as specified by RCW 36.70A.290(2).

(2) A petition relating to an adopted county-wide planning policy shall be filed within sixty days of its adoption.

(3) For all other matters, a petition must be filed with a board within sixty days of the final written decision, order, determination, publication, or action being entered (~~or within sixty days from the failure to act by a specific deadline~~).

WSR 93-08-033
PROPOSED RULES
DEPARTMENT OF FISHERIES
[Filed March 31, 1993, 3:48 p.m.]

Continuance of WSR 93-04-096.

Title of Rule: Personal use rules.

Purpose: Continue for adoption at a later time the rules listed under Summary below.

Statutory Authority for Adoption: RCW 75.08.080.

Statute Being Implemented: RCW 75.08.080.

Summary: WAC 220-56-195, 220-56-190, 220-56-191, 220-57-210, 220-57-425, and 220-57-430.

Reasons Supporting Proposal: Additional evaluation is needed.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, P.O. Box 43147, Olympia, WA 98504, 902-2930; **Implementation:** Gene DiDonato and Mary Lou Mills, P.O. Box 43135, Olympia, 902-2200; and **Enforcement:** Dayna Matthews, P.O. Box 43147, Olympia, WA 98504, 902-2927.

Name of Proponent: Washington State Department of Fisheries, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See WSR 93-04-096.

Proposal Changes the Following Existing Rules: See WSR 93-04-096.

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

See WSR 93-04-096.

Date of Intended Adoption: April 30, 1993.

March 24, 1993

Judith Freeman

Deputy

for Robert Turner

Director

WSR 93-08-038
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed April 2, 1993, 9:25 a.m.]

Original Notice.

Title of Rule: WAC 388-49-020 Definitions.

Purpose: Modifies definitions "eligible food" and "group living arrangement" to reflect expanded definition of eligible disabled people in group homes. Allows recipients of disability-related medical assistance under Title XIX of

Social Security Act and some other disabled people, who live in state-certified group homes, to apply for food stamps.

Statutory Authority for Adoption: RCW 74.04.510.

Statute Being Implemented: RCW 74.04.510.

Summary: See Purpose above.

Reasons Supporting Proposal: Conforms with federal regulation which expands the definition of disabled persons in group homes who may be eligible for food stamps (7 CFR 271.2).

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joan Wirth, Division of Income Assistance, 438-8258.

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

Rule is necessary because of federal law, 7 CFR 271.2.

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

Proposal Changes the Following Existing Rules: See above.

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

Hearing Location: OB-2 Auditorium, 14th and Franklin, Olympia, Washington, on May 11, 1993, at 10:00 a.m.

If you need sign language or language assistance, please contact the Office of Issuances by May 7, 1993.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Mailstop 5805, Department of Social and Health Services, Olympia, 98504, FAX 664-0118 or SCAN 366-0118, by May 7, 1993.

Date of Intended Adoption: May 12, 1993.

April 2, 1993

Rosemary Carr

Acting Director

Administrative Services

AMENDATORY SECTION (Amending Order 3390, filed 5/19/92, effective 6/19/92)

WAC 388-49-020 Definitions. (1) "Administrative disqualification hearing" means a formal hearing to determine whether or not a person committed an intentional program violation.

(2) "Administrative error overissuance" means any overissuance caused solely by:

(a) Department action or failure to act when the household properly and accurately reported all the household's circumstances to the department; or

(b) For households determined categorically eligible under WAC 388-49-180(1), department action or failure to act which resulted in the household's improper eligibility for public assistance, provided a claim can be calculated based on a change in net food stamp income and/or household size.

(3) "Administrative law judge" means an employee of the office of administrative hearings empowered to preside over adjudicative proceedings.

(4) "Aid to families with dependent children (AFDC) program" means the federally funded public assistance program for dependent children and their families authorized under Title IV-A of the Social Security Act.

(5) "Allotment" means the total value of coupons a household is certified to receive during a calendar month.

(6) "Application process" means the filing and completion of an application form, interview or interviews, and verification of certain information.

(7) "Authorized representative" means an adult nonhousehold member sufficiently aware of household circumstances designated, in writing, by the head of the household, spouse, or other responsible household member to act on behalf of the household.

(8) "Beginning months" means the first month the household is eligible for benefits, and the month thereafter. The first beginning month cannot follow a month in which a household was certified eligible to receive benefits.

(9) "Benefit level" means the total value of food stamps a household is entitled to receive based on household income and circumstances.

(10) "Boarder" means an individual residing with the household, except a person described under WAC 388-49-190 (2)(a), (b), (c), or (d)(i) who is a:

(a) Person paying reasonable compensation to the household for lodging and meals; or

(b) Foster child.

(11) "Budget month" means the first month of the monthly reporting cycle; the month for which the household reports their circumstances.

(12) "Certification period" means definite period of time within which the household has been determined eligible to receive food stamps.

(13) "Child" means someone seventeen years of age or younger, and under parental control.

(14) "Collateral contact" means oral contact in person or by telephone with someone outside of the household to confirm the household's circumstances.

(15) "Commercial boarding home" means an enterprise offering meals and lodging for compensation with the intent of making a profit.

(16) "Department" means the department of social and health services.

(17) "Dependent care deduction" means costs incurred by a household member for care provided by a nonhousehold member when the care is necessary for a household member to seek, accept, or continue employment, or attend training or education preparatory to employment.

(18) "Destitute household" means a household with a migrant or seasonal farmworker with little or no income at the time of application and in need of immediate food assistance.

(19) "Disabled person" means a person who meets one of the following criteria:

(a) Receives Supplemental Security Income (SSI) under Title XVI of the Social Security Act;

(b) Receives disability or blindness payments under Titles I, II, XIV, or XVI of the Social Security Act;

(c) Is a veteran:

(i) With service-connected or nonservice-connected disability rated or paid as total under Title 38 of the United States Code (USC); or

(ii) Considered in need of regular aid and attendance, or permanently housebound under Title 38 of the USC.

(d) Is a surviving:

(i) Spouse of a veteran and considered in need of aid and attendance, or permanently housebound; or ((a surviving))

(ii) Child of a veteran and considered permanently incapable of self-support under Title 38 of the USC;

(e) A surviving spouse or child of a veteran and:

(i) Entitled to compensation for service-connected death or pension benefits for a nonservice-connected death under Title 38 of the USC; and

(ii) Has a disability considered permanent under section 221(i) of the Social Security Act((:));

(f) Receives disability retirement benefits from a federal, state, or local government agency((:)) because of a disability considered permanent under section 221(i) of the Social Security Act;

(g) Receives an annuity payment as part of the Railroad Retirement Act of 1974 under:

(i) Section 2 (a)(1)(iv) and is determined eligible to receive Medicare by the Railroad Retirement Board; or

(ii) Section 2 (a)(1)(v) and is determined disabled based on the criteria under Title XVI of the Social Security Act.

(h) Is a recipient of disability-related medical assistance under Title XIX of the Social Security Act.

(20) "Documentary evidence" means written confirmation of a household's circumstances.

(21) "Documentation" means the process of recording the source, date, and content of verifying information.

(22) "Elderly person" means a person sixty years of age or older.

(23) "Eligible food" means((:));

(a) For a homeless food stamp household, meals prepared ((for)) and served by an authorized homeless meal provider; or

(b) For a blind or a disabled resident, meals prepared and served by a group living arrangement facility.

(24) "Entitlement" means the food stamp benefit a household received including a disqualified household member.

(25) "Equity value" means fair market value less encumbrances.

(26) "Expedited services" means providing food stamps within five calendar days to an eligible household which:

(a) Has liquid resources of one hundred dollars or less; and

(b) Has gross monthly income under one hundred fifty dollars; or

(c) Has combined gross monthly income and liquid resources which are less than the household's current monthly rent or mortgage and either the:

(i) Standard utility allowance as set forth in WAC 388-49-505; or

(ii) Actual utility costs, whichever is higher; or

(d) Includes all members who are homeless individuals; or

(e) Includes a destitute migrant or seasonal farmworker.

(27) "Fair hearing" means an adjudicative proceeding in which the department hears and decides an applicant/recipient's appeal from the department's action or decision.

(28) "Fair market value" means the value at which a prudent person might sell the property if the person was not forced to sell.

(29) "Food coupon" means food stamps and the two terms are interchangeable.

(30) "Food coupon authorization (FCA) card" means the document issued by the local or state office to authorize the allotment the household is eligible to receive.

(31) "Food stamp monthly reporting cycle" means the three-month reporting cycle consisting of the budget month, the process month, and the payment month.

(32) "Gross income eligibility standard" means one hundred thirty percent of the federal poverty level for the forty-eight contiguous states.

(33) "Group living arrangement" means a public or private nonprofit residential setting ((serving)) which:

(a) Serves no more than sixteen blind or disabled residents as defined under WAC 388-49-020(19); and

(b) Is certified by the appropriate state agency under section 1616(e) of the Social Security Act.

(34) "Head of household" means:

(a) The person designated by the household to be named on the case file, identification card, and FCA card;

(b) For employment services or the voluntary quit provision, the household member who is the principal wage earner with the greatest source of earned income in the two months prior to the month of violation, including members not required to register, provided:

(i) The employment involves at least twenty hours per week; and

(ii) The person is not living with a parent or a person fulfilling that role who is:

(A) Registered for work,

(B) Exempt from work registration because of registration in a Title IV-A or IV-C work program of the Social Security Act, as amended, or the receipt of unemployment compensation, or

(C) Employed or self-employed and working a minimum of thirty hours per week, or receiving weekly earnings equal to the federal minimum wage multiplied by thirty hours.

(35) "Home visit" means a personal contact at the person's residence by a department employee. The home visit shall be scheduled in advance with the household.

(36) "Homeless individual" means a person lacking a fixed and regular nighttime residence or a person whose primary nighttime residence is a:

(a) Supervised shelter designed to provide temporary accommodations;

(b) Halfway house or similar institution providing temporary residence for persons needing institutionalization;

(c) Temporary accommodation in the residence of another person; or

(d) Place not designed for, or ordinarily used as, a regular sleeping accommodation for humans.

(37) "Homeless meal provider" means a public or private nonprofit establishment ((e.g.)) for example, soup kitchen, temporary shelter, mission, or other charitable organizations) feeding homeless persons, approved by the division of income assistance (DIA) and authorized by food and nutrition service (FNS).

(38) "Household" means the basic client unit in the food stamp program.

(39) "Household disaster" means when food coupons, food purchased with food coupons, or food coupon authorization cards are destroyed by a natural disaster, such as flood, fire, etc.

(40) "Identification card" means the document identifying the bearer as eligible to receive and use food stamps.

(41) "Inadvertent household error overissuance" means any overissuance caused by either:

(a) Misunderstanding or unintended error by a household:

(i) Not determined categorically eligible under WAC 388-49-180(1); or

(ii) Determined categorically eligible under WAC 388-49-180(1) if a claim can be calculated based on a change in net food stamp income and/or household size; or

(b) Social Security Administration action or failure to take action which resulted in the household's categorical eligibility, if a claim can be calculated based on a change in net food stamp income and/or household size.

(42) "Ineligible household member" means the member excluded from the food stamp household because of:

(a) Disqualification for intentional program violation;

(b) Failure to apply for or provide a Social Security number;

(c) Failure to comply with work requirements as described under WAC 388-49-360;

(d) Status as an ineligible alien;

(e) Status as an ineligible student; or

(f) Failure to sign the application attesting to the member's citizenship or alien status.

(43) "Institution" means any place of residence (private or public) providing maintenance and meals for two or more persons.

(44) "Institution of higher education" means any institution normally requiring a high school diploma or equivalency certificate for enrollment. This includes any two-year or four-year college. Also included is any course in a trade or vocational school that normally requires a high school diploma or equivalency for admittance to the course.

(45) "Intentional program violation," after August 8, 1983, means intentionally:

(a) Making a false or misleading statement;

(b) Misrepresenting, concealing, or withholding facts; or

(c) Committing any act constituting a violation of the Food Stamp Act, the food stamp program regulations, or any state statute relating to the use, presentation, transfer, acquisition, receipt, or possession of food stamp coupons or FCAs.

Intentional program violation which ended before August 8, 1983, consists of any action by a person or persons to knowingly, willfully, and with deceitful intent:

(a) Make a false statement to the department, either orally or in writing, to obtain benefits to which the household is not entitled;

(b) Conceal information to obtain benefits to which the household is not entitled;

(c) Alter authorization cards or coupons to obtain benefits to which the household is not entitled;

(d) Use coupons to buy expensive or conspicuous nonfood items;

(e) Use or possess improperly obtained coupons or authorization cards; and

(f) Trade or sell coupons or authorization cards.

(46) "Intentional program violation overissuance" means any overissuance caused by an intentional program violation.

(47) "Live-in attendant" means a person residing with a household to provide medical, housekeeping, child care, or other similar personal services.

(48) "Lump sum" means money received in the form of a nonrecurring payment including, but not limited to:

(a) Income tax refunds,

(b) Rebates,

(c) Retroactive payments, and

(d) Insurance settlements.

(49) "Mandatory fees" means those fees charged to all students within a certain curriculum. Transportation, supplies, and textbook expenses are not uniformly charged to all students and are not considered as mandatory fees.

(50) "Migrant farmworker" means a person working in seasonal agricultural employment who is required to be absent overnight from the person's permanent residence.

(51) "Net income eligibility standard" means the federal income poverty level for the forty-eight contiguous states.

(52) "Nonhousehold member" means a person who is not considered a member of the food stamp household such as a:

(a) Roomer;

(b) Live-in attendant; or

(c) Person who does not purchase and prepare meals with the food stamp household.

(53) "Nonstriker" means any person:

(a) Exempt from work registration the day before the strike for reasons other than their employment;

(b) Unable to work as a result of other striking employees, e.g., truck driver not working because striking newspaper pressmen not printing output;

(c) Not part of the bargaining unit on strike but not wanting to cross picket line due to fear of personal injury or death; or

(d) Unable to work because workplace is closed to employees by employer in order to resist demands of employees, e.g., a lockout.

(54) "Offset" means reduce restored benefits by any overissuance (claim) owed by the household to the department.

(55) "Overissuance" means the amount of coupons issued to a household in excess of the amount eligible to receive.

(56) "Overpayment" means the same as "overissuance" and shall be the preferred term used in procedures.

(57) "Payment month" means the third month of the budget cycle; the month in which the food stamp allotment is affected by information reported on the monthly report for the budget month.

(58) "Period of intended use" means the period for which an FCA or food coupon is intended to be used.

(59) "Post secondary education" means a school not requiring a high school diploma or equivalency for enrollment. This includes trade school, vocational schools, business colleges, beauty schools, barber schools, etc.

(60) "Process month" means the second month of the monthly reporting cycle; the month in which the monthly report is to be returned by the household to the local office.

(61) "Project area" means the county or similar political subdivision designated by the state as the administrative unit for program operations.

(62) "Prospective budgeting" means the computation of a household's income based on income received or anticipat-

ed income the household and department are reasonably certain will be received during the month of issuance.

(63) "Prospective eligibility" means the determination of eligibility based on prospective budgeting rules and other household circumstances anticipated during the month of issuance.

(64) "Quality control review" means a review of a statistically valid sample of cases to determine the accuracy of budgeting, issuance, denial, withdrawal, and termination actions taken by the department.

(65) "Quality control review period" means the twelve-month period from October 1 of each calendar year through September 30 of the following calendar year.

(66) "Recent work history" means receipt of earned income in one of the two months prior to the payment month.

(67) "Recertification" means approval of continuing benefits based on an application submitted prior to the end of the current certification period.

(68) "Resident of an institution" means a person residing in an institution that provides the person with the majority of meals as part of the institution's normal service.

(69) "Retrospective budgeting" means the computation of a household's income for a payment month based on actual income received in the corresponding budget month of the monthly reporting cycle.

(70) "Retrospective eligibility" means the determination of eligibility based on retrospective budgeting rules and other circumstances existing in the budget month.

(71) "Roomer" means a person to whom a household furnishes lodging, but not meals, for compensation.

(72) "Seasonal farmworker" means a person working in seasonal agricultural employment who is not required to be absent overnight from the person's permanent residence.

(73) "Shelter costs" means:

- (a) Rent or mortgage payments plus taxes on a dwelling and property;
- (b) Insurance on the structure only, unless the costs for insuring the structure and its contents cannot be separated;
- (c) Assessments;
- (d) Utility costs such as heat and cooking fuel, cooling and electricity, water, garbage, and sewage disposal;
- (e) Standard basic telephone allowance;
- (f) Initial installation fees for utility services; and
- (g) Continuing charges leading to shelter ownership such as loan repayments for the purchase of a mobile home including interest on such payments.

(74) "Shelter for battered women and children" means a public or private nonprofit residential facility serving battered women and children.

(75) "Sibling" means a natural((~~or~~)) or an adopted brother, sister, half brother, half sister, or stepbrother or (~~(natural, adopted, half sister or)~~) stepsister.

(76) "Sponsor" means a person who executed an affidavit of support or similar agreement on behalf of an alien as a condition of the alien's admission into the United States as a permanent resident.

(77) "Sponsored alien" means an alien lawfully admitted for permanent residence who has an affidavit of support or similar agreement executed by a person on behalf of the alien as a condition of the alien's admission into the United States as a permanent resident.

(78) "Spouse" means:

- (a) Married under applicable state law; or
- (b) Living with another person and holding themselves out to the community as husband and wife by representing themselves as such to relatives, friends, neighbors, or trades people.

(79) "Striker" means any person:

- (a) Involved in a strike or concerted stoppage of work by employees including stoppage due to expiration of a collective bargaining agreement; or
- (b) Involved in any concerted slowdown or other concerted interruption of operations by employees.

(80) "Student" means any person:

- (a) At least eighteen but less than fifty years of age;
- (b) Physically and mentally fit for employment; and
- (c) Enrolled at least half time in an institution of higher education.

(81) "Systematic alien verification for entitlements (SAVE)" means the immigration and naturalization service (INS) program whereby the department may verify the validity of documents provided by aliens applying for food stamp benefits by obtaining information from a central data file.

(82) "Temporary disability" means a nonpermanent physical illness or injury that incapacitates beyond the initial issuance month.

(83) "Thrifty food plan" means the diet required to feed a family of four as determined by the United States Department of Agriculture. The cost of the diet is the basis for all allotments, taking into account the household size adjustments based on a scale.

(84) "Under parental control" means living with the parent or any adult other than the parent. A person is not under parental control when that person is:

- (a) Receiving an AFDC grant as the person's own payee;
- (b) Receiving, as the person's own payee, gross income equal to, or exceeding, the AFDC grant payment standard as described under WAC 388-29-100 (3)(b); or
- (c) Married.

(85) "Vehicle" means any device for carrying or conveying persons and objects, including travel by land, water, or air.

(86) "Vendor payment" means money payments not owed or payable directly to a household, but paid to a third party for a household expense, such as:

- (a) A payment made in money on behalf of a household whenever another person or organization makes a direct payment to either the household's creditors or a person or organization providing a service to the household; or
- (b) Rent or mortgage payments, made to landlords or mortgagees by the department of housing and urban development or by state or local housing authorities.

(87) "Verification" means the use of documentation or third-party information to establish the accuracy of statements on the application. Sources of verification shall be documentary evidence, collateral contacts, or a home visit.

WSR 93-08-039
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)
 [Filed April 2, 1993, 9:27 a.m.]

Original Notice.

Title of Rule: WAC 388-49-200 Residents of institutions.

Purpose: Expands the categories of disabled persons in group homes who may be eligible for food stamps. Allows recipients of disability-related medical assistance under Title XIX of the Social Security Act and some other disabled persons who live in state-certified group homes to apply for food stamps.

Statutory Authority for Adoption: RCW 74.04.510.

Statute Being Implemented: RCW 74.04.510.

Summary: See Purpose above.

Reasons Supporting Proposal: Conforms with federal regulation which expands the definition of disabled persons in group homes who may be eligible for food stamps (7 CFR 273.1(e)).

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joan Wirth, Division of Income Assistance, 438-8258.

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

Rule is necessary because of federal law, 7 CFR 273.1(e).

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

Proposal Changes the Following Existing Rules: See above.

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

Hearing Location: OB-2 Auditorium, 14th and Franklin, Olympia, Washington, on May 11, 1993, at 10:00 a.m.

If you need sign language or language assistance, please contact the Office of Issuances by May 7, 1993.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Mailstop 5805, Department of Social and Health Services, Olympia, 98504, FAX 664-0118 or SCAN 366-0118, by May 7, 1993.

Date of Intended Adoption: May 12, 1993.

April 2, 1993

Rosemary Carr

Acting Director

Administrative Services

AMENDATORY SECTION (Amending Order 2575, filed 12/31/87)

WAC 388-49-200 Residents of institutions. Residents of institutions are not eligible for participation in the food stamp program unless they are:

(1) Residents of federally subsidized housing for the elderly built under section 202 of the Housing Act of 1959 or section 236 of the National Housing Act((:));

(2) Residents in a drug or alcohol treatment and rehabilitation program((:));

(3) Residents of group living arrangements who are blind or disabled (~~and receiving benefits under Title II or~~

~~Title XVI of the Social Security Act,))~~ as defined under WAC 388-49-020(19);

(4) Women and children residing in a shelter for battered women and children((:)); or

(5) Residents of public or private nonprofit shelters for homeless persons.

WSR 93-08-040
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)

[Filed April 2, 1993, 9:29 a.m.]

Original Notice.

Title of Rule: WAC 388-49-220 Group living arrangements.

Purpose: Expands the definition of disabled persons in group homes who may be eligible for food stamps. Would allow recipients of disability-related medical assistance under Title XIX of the Social Security Act and some other disabled people who live in state-certified group homes to apply for food stamps.

Statutory Authority for Adoption: RCW 74.04.510.

Statute Being Implemented: RCW 74.04.510.

Summary: See Purpose above.

Reasons Supporting Proposal: Conforms with federal regulation which expands the definition of disabled persons in group homes who may be eligible for food stamps.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joan Wirth, Division of Income Assistance, 438-8258.

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

Rule is necessary because of federal law, 7 CFR 273.1(e)(1)(iii).

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

Proposal Changes the Following Existing Rules: See above.

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

Hearing Location: OB-2 Auditorium, 14th and Franklin, Olympia, Washington, on May 11, 1993, at 10:00 a.m.

If you need sign language or language assistance, please contact the Office of Issuances by May 7, 1993.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Mailstop 5805, Department of Social and Health Services, Olympia, 98504, FAX 664-0118 or SCAN 366-0118, by May 7, 1993.

Date of Intended Adoption: May 12, 1993.

April 2, 1993

Rosemary Carr

Acting Director

Administrative Services

AMENDATORY SECTION (Amending Order 2575, filed 12/31/87)

WAC 388-49-220 Group living arrangements. (1) A resident of a group living arrangement may apply for food stamps provided:

(a) The resident is (~~receiving benefits from Social Security or supplemental security income;~~) blind or disabled as defined under WAC 388-49-020(19); and

(b) The group living arrangement is administered by a nonprofit organization certified by a state agency.

(2) A resident may apply:

(a) Through an authorized representative of the group home and be certified as a one-person household((?)); or

(b) On (~~his or her~~) the resident's own behalf and be certified according to the number of people in the person's household.

(3) An authorized representative shall:

(a) Be aware of the resident's circumstances;

(b) Receive and use the food coupon allotment for meals served to the resident; and

(c) Notify the department of changes in income, resources, or circumstances within ten days of the change.

(4) When the treatment facility acts as the authorized representative, the facility shall:

(a) Be responsible for any misrepresentation or intentional program violation((?));

(b) Assume total liability for food coupons held on behalf of the resident((?)); and

(c) Send a monthly list of participating residents signed by an official to the CSO.

WSR 93-08-041

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed April 2, 1993, 10:55 a.m.]

Original Notice.

Title of Rule: WAC 180-27-070 Architectural and engineering services.

Purpose: As drafted, this amendment would update the handbook referenced in WAC 180-27-070 to reflect the latest edition.

Statutory Authority for Adoption: RCW 28A.525.020.

Statute Being Implemented: Section 24 (8)(e), chapter 233, Laws of 1992.

Summary: The allocation of state moneys for matching purposes for a school facility project is based on the basic architectural and engineering services as defined by the *American Institute of Architects Handbook of Professional Practices*. This amendment would update the handbook referenced to reflect the latest edition.

Reasons Supporting Proposal: To provide a correct reference to material on architectural and engineering services.

Name of Agency Personnel Responsible for Drafting: Rick Wilson, Office of Superintendent of Public Instruction, Old Capitol Building, Olympia, 753-2298; Implementation: David Moberly, Office of Superintendent of Public Instruction, Old Capitol Building, Olympia, 753-6742; and Enforce-

ment: Michael Roberts, Office of Superintendent of Public Instruction, Old Capitol Building, Olympia, 753-6702.

Name of Proponent: State Board of Education, governmental.

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

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

Proposal does not change existing rules.

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

Hearing Location: Saint Martin's College, Worthington Conference Center, 5300 Pacific Avenue S.E., Lacey, WA 98503, on May 20, 1993, at 9:00 a.m.

Submit Written Comments to: Monica Schmidt, State Board of Education, P.O. Box 47200, Olympia, WA 98504-7200.

Date of Intended Adoption: May 21, 1993.

March 31, 1993

Dr. Monica Schmidt

Executive Director/Secretary

AMENDATORY SECTION (Amending Order 1-84, filed 3/20/84)

WAC 180-27-070 Architectural and engineering services. School districts shall select their architectural and engineering consultants in accordance with chapter 39.80 RCW. As required by RCW 39.80.050, the district shall negotiate a contract with the most qualified consultants at a price which the school district determines is fair and reasonable to the district; and, in making its determination, the district shall take into account the estimated value of the services to be rendered as well as the scope, complexity, and professional nature thereof.

The allocation of state moneys for matching purposes for a school facility project shall be based on the basic architectural and engineering services as defined by the *American Institute of Architects Handbook of Professional Practice*, (~~(Number Nine, Owner Architects Agreements, thirteenth)~~) eleventh edition, (~~(July 1977)~~) 1988, and calculated by the percentage(s) in relation to the square foot area of construction as calculated in WAC 180-27-040 and project type, as set forth below:

(1) **New construction projects:**

Architectural and Engineering Team Fee Matching Limitations

| Square Feet of Construction | Percent of Construction Cost |
|-----------------------------|------------------------------|
| 3,700 or under | 10.0 |
| 3,700 | 9.0 |
| 7,350 | 8.75 |
| 11,000 | 8.5 |
| 14,650 | 8.25 |
| 18,300 | 8.0 |
| 25,700 | 7.75 |
| 36,700 | 7.5 |
| 55,000 | 7.25 |
| 73,400 | 7.0 |
| 101,000 | 6.75 |

| | |
|-----------------|------|
| 128,450 | 6.5 |
| 156,000 | 6.25 |
| 183,500 & above | 6.0 |

Note: Compensation for projects with square foot area of construction between the values shown shall be established for matching purposes by the process as indicated in the example below.

Example:

Assume: Area of construction = 75,000 sq. ft.
 Area cost allowance = \$90/sq. ft.

73,400 sq. ft. x \$90/sq. ft. x 7.0% = \$462,420.00
 1,600 sq. ft. x \$90/sq. ft. x 6.75% = 9,720.00
 75,000 sq. ft. \$472,140.00

State share = \$472,140.00 x state matching percentage

(2) Modernization projects:

For modernization projects, the limits of state participation shall be one and one-half times the amount calculated for new construction as set forth in subsection (1) of this section.

(3) Combination projects:

For those projects which include a combination of new construction and modernization, the limits of state participation shall be prorated as set forth in subsection (1) and (2) of this section.

WSR 93-08-042
PROPOSED RULES
PERSONNEL BOARD
 [Filed April 2, 1993, 11:45 a.m.]

Original Notice.

Title of Rule: Amending WAC 356-26-030 Register designation and 356-30-130 Seasonal career employment.

Purpose: WAC 356-26-030 lists all the register designations as well as general information in regards to composition, ranking, provisions, and length of each register; and WAC 356-30-130 defines and describes general guidelines for seasonal career employment.

Statutory Authority for Adoption: RCW 41.06.040.

Statute Being Implemented: RCW 41.06.150.

Summary: This proposal allows certain exceptions for employees to be placed on reduction in force registers which are at or below the salary range in which they currently hold permanent status.

Reasons Supporting Proposal: This proposal will allow more flexibility for employees to remain on reduction in force registers which they otherwise would not be entitled to.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, 586-1770; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 356-26-030(1) currently describes the agency reduction in force (RIF) register. In this rule it allows employees to be placed on RIF register, which is at or below

their current salary range, if they have accepted an offer of employment beyond a reasonable commuting distance in lieu of separation due to RIF. This proposal would allow additional exceptions for seasonal career employees or employees in a different career track to be placed on these RIF registers. It would also allow the director to consider additional exceptions on a case by case basis.

Proposal Changes the Following Existing Rules: The proposal expands exceptions for employees to be placed on reduction in force registers which are at or below the salary range in which they currently hold permanent status.

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

Hearing Location: Department of Personnel, 521 Capitol Way South, 2nd Floor, Board Room, Olympia, WA, on May 13, 1993, at 10:00 a.m.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, by May 11, 1993.

Date of Intended Adoption: May 13, 1993.

March 24, 1993

Marilyn Glenn

Acting Secretary

AMENDATORY SECTION (Amending Order 202, filed 5/2/84)

WAC 356-30-130 Seasonal career employment. (1) Seasonal career employees are those in seasonal career positions or employees whose repeated pattern of work is defined as the second pattern (2) in the definition of seasonal career employment.

(2) Positions which are established to respond to cyclic work load requirements and which meet the definition of seasonal career employment shall be established as seasonal career positions: *PROVIDED*, That the agency will not establish seasonal career positions which circumvent the utilization of full-time positions.

(3) An initial appointment into seasonal career employment shall be from a register or lists; except that employees selected for a fourth consecutive season of cyclical temporary employment, as provided in the definition of seasonal career employment, shall be granted a seasonal career appointment provided they pass a qualifying examination for the classification in which they are employed.

(4) Upon completion of the probationary period of 1040, 1560, or 2080 accumulated scheduled hours (if serving a six-month, nine-month, or twelve-month probationary period), employees in seasonal career employment shall assume the rights of a permanent employee. Past service that later entitles employees to seasonal career employment will count toward permanent status at the beginning of the fourth qualifying season.

(5) Seasonal career employees affected by reduction in force, reduction in hours of work, subsequent reemployment or increase in scheduled hours of work will have their reduction in force rights only within their seasonal career layoff unit and will compete based on seniority. Notification of reduction in force or alterations of work schedules shall be given no later than two working days prior to the effective date. Seniority gained by seasonal career employees during seasonal layoff shall be disregarded.

(6) Seasonal career reduction in force registers shall be maintained and posted within their respective agencies in accordance with the agency's reduction in force procedures and policies.

(7) Seasonal career employees separated due to a reduction in force shall be placed on a separate seasonal career reduction in force register for the season (~~from~~) and/or duration for which they were laid off.

AMENDATORY SECTION (Amending Order 224, filed 6/24/85)

WAC 356-26-030 Register designation. (1) Agency reduction in force.

(a) Composition.

(i) The agency reduction in force register will consist of classes and the names of all employees who hold or have held permanent status in those classes and: (A) Have been notified they are scheduled for reduction in force; or (B) held permanent status prior to separation due to a reduction in force; or (C) who have accepted a voluntary demotion in a class in lieu of a reduction in force; or (D) were in a trial service period with another department and separated due to reduction in force; or (E) employees requesting to be placed on this register for classes held immediately prior to the position being reallocated downward; or (F) who were separated due to disability within the last year as provided in WAC 356-35-010 and who have submitted to the director of personnel a current statement from a physician or licensed mental health professional that they are physically and/or mentally able to perform the duties of the class for which the register is established.

(ii) The employee's name shall appear for all classifications for which he/she is not disabled in which he/she held permanent status since the employee's last separation other than a reduction in force, or in which he/she served more than six months on a position which would have meant permanent status had it been under the jurisdiction of the state personnel board at the time.

(b) Method of ranking.

(i) This register will be ranked according to seniority.

(c) Life of register.

(i) An eligible's name will normally remain on this register for three years.

(d) Special provisions.

(i) Employees appointed from this register will assume the same status they held prior to the reduction in force. Persons on this register will indicate the geographic areas in which they are available. Appointment of persons from this register to seasonal positions will be as provided in WAC 356-30-130.

(ii) Employee's names shall not appear for classes at or below the range level of a class in which the employees are serving on a permanent full-time basis, except when the employees have accepted options beyond a reasonable commuting distance in lieu of separation due to reduction in force. In the excepted cases, the employees' names may appear for classes at the same or lower range levels when the availability would return the employees back to their previous work locations. Other exceptions would be if the class for which the employee's name appears on the

reduction-in-force register is in another class series. Any other exceptions shall be approved by the director.

(2) Service-wide reduction in force.

(a) Composition.

(i) This register will consist of the same names as the agency reduction in force register, except for those requesting to be on the agency reduction in force register following a reallocation downward.

(b) Method of ranking.

(i) This register will be ranked according to seniority.

(c) Life of register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special provisions.

(i) Employees appointed from this register will assume the same status they held prior to the reduction in force. Persons on this register will indicate the geographic areas and departments for which they are available. Appointment of persons from this register to seasonal positions will be as provided in WAC 356-30-130.

(3) Dual-agency reversion.

(a) Composition.

(i) This register will contain the names of employees who while serving a trial service period in another agency or in a position under the jurisdiction of the higher education personnel board were either voluntarily or involuntarily reverted to their former class and status.

(b) Method of ranking.

(i) This register will be ranked according to total unbroken classified service.

(c) Life of register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special provisions.

(i) This register refers to the agency from which promoted and the agency from which reverted. Employees appointed from this register will assume the status they held prior to promotion. Persons on this register will indicate the geographic area in which they are available.

(4) Agency promotional.

(a) Composition.

(i) This register will be established by appropriate classes for each agency and shall include the names of those current permanent employees of each agency who have served six months of a probationary period, or past permanent employees who have been separated due to reduction in force within the last year and who have received a passing final grade in the total promotional examination and are eligible to be certified. The names of past permanent employees who were separated due to disability within the last year as provided in WAC 356-35-010 shall also be included on this register provided that they submit to the director of personnel a statement from a physician or licensed mental health professional that they are physically and/or mentally able to perform the duties of the class for which the register is established and they have received a passing final grade as required for other promotional applicants.

(b) Method of ranking.

(i) This register shall be ranked according to final score from the highest to the lowest.

(c) Life of register.

(i) An eligible's name will normally remain on this register for an indefinite period unless replaced by a register established by the use of a substantially new examination.

(d) Special provisions.

(i) An employee may convert any current open competitive rating to this register after six months.

(5) Service-wide reversion.

(a) Composition.

(i) This register will contain the names of employees who while serving a trial service period in another agency or in a position under the jurisdiction of the higher education personnel board were either voluntarily or involuntarily reverted to their former class and status.

(b) Method of ranking.

(i) This register will be ranked according to total unbroken classified service.

(c) Life of register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special provisions.

(i) This register refers to all agencies, except the two which are involved with the dual-agency transaction. Persons on this register will indicate the geographic areas and agencies for which they are available.

(6) Transfer.

(a) Composition.

(i) This register shall contain the names of all permanent employees who have submitted a request to be considered for transfer.

(b) Method of ranking.

(i) This register will be unranked.

(c) Life of register.

(i) An eligible's name shall normally remain on this register for one year.

(d) Special provisions.

(i) To use this register, the employee must transfer either within the same class or the same pay range having the same salary range number.

(7) Voluntary demotion.

(a) Composition.

(i) This register shall contain the names of all permanent employees who have submitted a request for and are eligible under the rules to be considered for a voluntary demotion.

(b) Method of ranking.

(i) This register shall be unranked. However, employees subject to reduction in force shall have priority.

(c) Life of register.

(i) An eligible's name shall normally remain on this register for one year.

(d) Special provisions.

(i) Employees appointed from this register to a class not previously held will serve a trial service period. All examination ratings for the class from which demoted shall be nullified; however, the employee may be elevated to the class from which demoted with permanent status without benefit of certification provided permanent status was achieved at the higher level.

(8) Service-wide promotional.

(a) Composition.

(i) This register shall contain the names of those permanent employees who have served six months of a probationary period or past permanent employees who have

been separated due to reduction in force within the last year who have obtained a passing final grade in the total promotional examination. The names of past permanent employees who were separated due to disability within the last year as provided in WAC 356-35-010 shall also be included on this register provided that they submit to the director of personnel a statement from a physician or licensed mental health professional that they are physically and/or mentally able to perform the duties of the class for which the register is established and they have received a passing final score as required for other promotional applicants.

(b) Method of ranking.

(i) This register shall be ranked according to final score, from the highest to the lowest.

(c) Life of register.

(i) An eligible's name will normally remain on this register for an indefinite period unless replaced by a register established by the use of a substantially new examination.

(d) Special provisions.

(i) An employee may convert any current open competitive rating to this register after six months. Persons on this register will indicate the geographic areas and agencies for which they are available.

(9) Reemployment.

(a) Composition.

(i) This register shall contain the names of all past permanent employees who have submitted a request and an application for reemployment within five years from the date of separation, provided that the names of employees separated for cause while performing similar duties shall not be placed on this register except with the approval of the agency from which they were separated for cause. This register shall also contain the names of those employees who have been in reversion or reduction in force status and have been offered and declined employment. The director of personnel may extend the time during which an employee may apply for reemployment if the director of personnel has determined that a need for eligibles exists in a certain class and/or geographical area.

(b) Method of ranking.

(i) This register shall be unranked.

(c) Life of register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special provisions.

(i) Persons reemployed from this register will serve a probationary period. The former employee may limit or enlarge upon his/her area of availability either by department or geographic area.

(10) Inter-system employment.

(a) Composition. This register shall contain the names of permanent classified employees under the jurisdiction of the higher education personnel board who have submitted an application and who have passed the required examination.

(b) Method of ranking. This register shall be ranked according to final passing score from the highest to the lowest.

(c) Life of register. An eligible's name will normally remain on this register for one year.

(d) Special provisions. Employees appointed from this register will serve a six month trial service period.

(11) Open competitive.

- (a) Composition.
 - (i) This register will contain the names of all persons who have passed the entrance examination.
- (b) Method of ranking.
 - (i) This register shall be ranked by the final score.
- (c) Life of register.
 - (i) An eligible's name will normally remain on this register for one year unless changed by the director of personnel.
- (d) Special provisions.
 - (i) Persons on this register will indicate the geographic areas for which they are available.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 93-08-043
PROPOSED RULES
PERSONNEL BOARD
 [Filed April 2, 1993, 11:46 a.m.]

Original Notice.

Title of Rule: WAC 356-10-060 Allocation—Request for review.

Purpose: This rule allows a process in which an employee may request a review of an allocation or reallocation determination.

Statutory Authority for Adoption: RCW 41.06.040.

Statute Being Implemented: RCW 41.06.150.

Summary: This proposal specifies a timeframe in which an employee has to request a review of an allocation or reallocation determination.

Reasons Supporting Proposal: This proposal is intended to clarify the existing rule.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, 586-1770; **Implementation and Enforcement:** Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule currently explains the process in which an employee or agency director may request a review of an allocation or reallocation determination. The rule specifies the length of time allowed to request a review by the Department of Personnel, as well as who may attend, how the review is conducted, and how a determination is made. This rule proposal intends to clarify the language used in explaining how much time after the incumbent or agency is notified of the action, that they have to request a review of the determination.

Proposal Changes the Following Existing Rules: This proposal will allow an employee or agency to request a review of an action, within 30 calendar days of the post-marked date of the notification.

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

Hearing Location: Department of Personnel, 521 Capitol Way South, 2nd Floor, Board Room, Olympia, WA, on May 13, 1993, at 10:00 a.m.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, by May 11, 1993.

Date of Intended Adoption: May 13, 1993.

March 5, 1993
 Marilyn Glenn
 Acting Secretary

AMENDATORY SECTION (Amending Order 163, filed 11/16/81)

WAC 356-10-060 Allocation—Request for review.

A review by the director of personnel or designee of the allocation or reallocation of a position may be requested by the incumbent in the position at the time the reallocation was requested, or on the date the allocation decision was issued, or at the conclusion of a class study, or by the agency director as follows:

(1) The written request for a review must be ~~((filed with))~~ received at the director of personnel's office within 30 calendar days following the postmarked date of the notification of the effective date of the action and must contain the reasons and basis for the review.

(2) The director of personnel or designee shall acknowledge receipt of the request and send a copy of the request to the agency.

(3) The agency shall make every effort to resolve the disagreement through agency procedures.

(4) During the review, the director of personnel or designee shall conduct a hearing and may investigate and obtain such information as may be deemed necessary.

(5) Within 30 days of the receipt of the request for review, the director of personnel or designee shall set a date for a hearing and shall notify the incumbent employee, employing agency, employee organization, and designated department of personnel analyst: *PROVIDED*, That the notice shall not be less than 20 calendar days. The hearing shall be informal and any of the above designated parties may present their views. The director of personnel or designee will enter a written determination and provide each of the participating parties with a copy.

(6) An employee or agency may appeal the determination of the director of personnel or designee to the state personnel appeals board as provided in Title 358 WAC.

(7) Allocation or reallocation reviews which result from a class-wide or broader position survey need not be heard until the director of personnel or designee has had a reasonable period of time to reexamine the position in question and all pertinent facts.

(8) Wherever possible, agencies shall continue employee's duties unchanged, pending an allocation decision.

WSR 93-08-044
PROPOSED RULES
PERSONNEL BOARD
 [Filed April 2, 1993, 11:48 a.m.]

Original Notice.

Title of Rule: Amending WAC 356-14-075 Y-rate—Administration.

Purpose: This rule allows for employees to be compensated at a greater range of pay than which the classification has been allotted.

Statutory Authority for Adoption: RCW 41.06.040.

Statute Being Implemented: RCW 41.06.150.

Summary: This proposal clarifies that the original Y-rate will remain in effect when two or more actions are taken on a position with the same incumbent.

Reasons Supporting Proposal: This will coincide with the original intent of the rule and will allow employees to retain their salary when unusual circumstances would require a different rate of pay.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, 586-1770; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule currently allows employees to receive a different rate of pay other than the salary range assigned to the classification. This rule allows an employee to retain or receive a higher salary when their position is reallocated down or unusual circumstance cases where equity would require a different rate of pay. This proposal is intended to clarify the intent of the rule.

Proposal Changes the Following Existing Rules: This proposal intends to allow an original Y-rate to remain in effect when two or more actions occur on a position with the same incumbent, when the actions would require a lower rate of pay.

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

Hearing Location: Department of Personnel, 521 Capitol Way South, 2nd Floor, Board Room, Olympia, WA, on May 13, 1993, at 10:00 a.m.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, by May 11, 1993.

Date of Intended Adoption: May 13, 1993.

March 23, 1993

Marilyn Glenn

Acting Secretary

AMENDATORY SECTION (Amending Order 256, filed 8/15/86, effective 10/1/86)

WAC 356-14-075 Y-rate—Administration. (1) A Y-rate is a dollar amount that is treated as the basic salary for an employee.

(2) A Y-rate is set by the director of personnel or other provisions of the merit system rules at an amount other than that which would be paid if such action were not taken.

(3) Will remain in effect until one of the following occurs:

(a) A specific date established by the director of personnel is reached; or

(b) The employee (~~leaves the class or~~) voluntarily leaves the position he/she occupied when the Y-rate was approved except for transfers due to reduction-in-force; or

(c) The range for the employee's present class is increased to include the Y-rate amount which formerly exceeded the top of the range. At that time, the employee's basic salary shall become the maximum step of the salary range for the class; or

(d) The range for the employee's present class is increased, but had already encompassed the employee's Y-rate, which was between normal steps. At that time, the employee's basic salary shall advance to the normal step of the range which provides the closest to, but not greater than, the increase in the range; or

(e) The employee's salary is reduced pursuant to WAC 356-34-020; or

(f) The Y-rate is subsequently modified by the director of personnel.

(4) On its effective date, a Y-rate will cause the employee to lose his or her periodic increment date unless the salary is between steps of the range.

(5) Salary increases approved by the legislature shall not move the basic salary of a Y-rated employee higher than the top step of the salary range assigned to that employee's classification, unless the salary appropriations act specifically provides for increases above the top step for Y-rated employees.

(6) The director of personnel shall keep records of all Y-rate approvals.

WSR 93-08-045
PROPOSED RULES
PERSONNEL BOARD

[Filed April 2, 1993, 11:50 a.m.]

Continuance of WSR 92-20-080, 92-24-100, 93-02-036, and 93-04-099.

Title of Rule: WAC 356-30-330 Reduction in force—Reasons, regulations—Procedure.

Purpose: This rule establishes guidelines and procedures to be used when determining and implementing a reduction in force.

Statutory Authority for Adoption: RCW 41.06.040.

Statute Being Implemented: RCW 41.06.150.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, 586-1770; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

Hearing Location: Department of Personnel, 521 Capitol Way South, 2nd Floor, Board Room, Olympia, WA, on April 8, 1993, at 10:00 a.m.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, by April 6, 1993.

Date of Intended Adoption: April 8, 1993.

March 15, 1993

Marilyn Glenn

Acting Secretary

WSR 93-08-046
PROPOSED RULES
PERSONNEL BOARD
 [Filed April 2, 1993, 11:52 a.m.]

Continuance of WSR 93-04-097.

Title of Rule: Amending WAC 356-10-030 Positions—Allocation—Reallocation; and new WAC 356-05-157 Essential functions.

Purpose: WAC 356-10-030 directs the Department of Personnel and state agencies to establish procedures and designates responsibility for establishing position allocations and reallocations.

Statutory Authority for Adoption: RCW 41.06.040.

Statute Being Implemented: RCW 41.06.150.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, 586-1770; 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.

Hearing Location: Department of Personnel, 521 Capitol Way South, 2nd Floor, Board Room, Olympia, WA, on April 8, 1993 at 10:00 a.m.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, by April 6, 1993.

Date of Intended Adoption: April 8, 1993.

March 23, 1993
 Marilyn Glenn
 Acting Secretary

WSR 93-08-047
PROPOSED RULES
PERSONNEL BOARD
 [Filed April 2, 1993, 11:56 a.m.]

Original Notice.

Title of Rule: WAC 356-22-070 Applications—Disqualification.

Purpose: This rule outlines reasons why the director of personnel would refuse to examine, disqualify, or remove an applicant from a register and/or certification.

Statutory Authority for Adoption: RCW 41.06.040.

Statute Being Implemented: RCW 41.06.150.

Summary: This proposal allows an applicant's name to be removed from a register if the appointing authority determines an applicant would not satisfactorily meet the requirements of the position.

Reasons Supporting Proposal: Some agencies currently are authorized by statute to determine by background inquiries whether an applicant can be considered for employment. This proposal would allow us to remove an applicant from a register or certification if the appointing authority determines the applicant can not be considered.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, 586-1770; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule currently provides reasons why applicants will be disqualified, refused examination, or removed from a register and/or certification. The Department of Personnel is currently receiving requests to remove applicants from a certification or register if they fail to satisfactorily complete a background inquiry as performed by the requesting agency. Some agencies are required by statute to determine if an applicant can be considered for employment by initiating a background inquiry. This proposal would allow Department of Personnel the ability to remove an applicant from a register or referral if the agency determined that the applicant could not meet the requirements for the position.

Proposal Changes the Following Existing Rules: This proposal would add another reason for an applicant's name to be removed from a register and/or certification.

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

Hearing Location: Department of Personnel, 521 Capitol Way South, 2nd Floor, Board Room, Olympia, WA, on May 13, 1993, at 10:00 a.m.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, by May 11, 1993.

Date of Intended Adoption: May 13, 1993.

March 23, 1993
 Marilyn Glenn
 Acting Secretary

AMENDATORY SECTION (Amending Order 414, filed 1/5/93, effective 2/1/93)

WAC 356-22-070 Applications—Disqualification.

The director of personnel is expected to follow accepted standards of personnel practice in screening applicants and may refuse to examine an applicant, may disqualify an applicant after examination or may remove the applicant's name from a register and/or certification or refuse to certify the applicant if:

(1) The applicant is found to lack any of the requirements (~~established~~) for the register (as defined in WAC 356-26-030) (~~or the~~), class, and/or position.

(2) The applicant has been convicted of any infamous crime, a crime involving moral turpitude, or any crime which would be grounds for dismissal from the position for which he/she is applying.

(3) The applicant has made a false statement of material fact in the application.

(4) The applicant has previously been dismissed or resigned from private or public service for delinquency, misconduct, inability to do similar work, or any other such cause directly bearing upon fitness as an employee.

(5) The applicant has used, or attempted to use, bribery to secure an advantage in the examination or appointment.

(6) The applicant has directly or indirectly obtained information regarding examinations to which he/she was not entitled.

(7) The applicant has otherwise violated provisions of these rules.

(8) The applicant has taken part in the compilation, administration or correction of the examination.

(9) The applicant has a disability, as evidenced by a written statement from a physician or a licensed mental health professional, that renders the employer unable to reasonably accommodate the applicant in any position within the class.

WSR 93-08-051
PROPOSED RULES
DEPARTMENT OF
RETIREMENT SYSTEMS
 [Filed April 2, 1993, 1:05 p.m.]

Original Notice.

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

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

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

Statute Being Implemented: RCW 41.32.345.

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

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

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

Name of Proponent: Department of Retirement Systems, governmental.

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

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

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

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

Hearing Location: Department of Retirement Systems, 2nd Floor Boardroom, 1025 East Union Avenue, Olympia, WA 98504-8380, on May 14, 1993, at 2:00 - 5:00 p.m.

Submit Written Comments to: Paul Neal, by May 3, 1993.

Date of Intended Adoption: May 18, 1993.

April 2, 1993

Paul Neal

Rules Coordinator

NEW SECTION

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

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

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

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

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

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

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

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

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

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

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

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

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

receives fractional years of service credit receives benefits proportional to those received by members who have received full time service credit.

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

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

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

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

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

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

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

(a) The salary schedule and related workload provisions, if any, adopted pursuant to RCW 28A.67.066 by the school district by which the member was employed;

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

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

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

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

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

(4) If a member is employed by more than one employer, all of the member's employment will be combined for purposes of determining whether the member has met the criteria of subsection (1) of this section.

NEW SECTION

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

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

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

(b) The number of full school days in a school year;

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

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

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

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

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

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

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

REPEALER

The following sections of the Washington Administrative Code are repealed:

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

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

WSR 93-08-052
PROPOSED RULES
DEPARTMENT OF
RETIREMENT SYSTEMS
 [Filed April 2, 1993, 1:08 p.m.]

Original Notice.

Title of Rule: Unions as employers under the Public Employees' Retirement System (PERS) Plan I.

Purpose: To clarify departmental interpretation of RCW 41.40.010 (4)(a) which grants PERS employer status to unions under certain conditions.

Other Identifying Information: Additions to chapter 415-108 WAC.

Statutory Authority for Adoption: RCW 41.50.050(5).

Statute Being Implemented: RCW 41.40.010 (4)(a).

Summary: Unions whose membership is comprised of at least forty percent of employees of a PERS employer may, upon application, gain PERS Plan I employer status. Proposed rules codify procedure for determining whether the union meets the forty percent test.

Reasons Supporting Proposal: The statute is unclear about how the Department of Retirement Systems is to apply the forty percent test. The proposed rules clarify that application.

Name of Agency Personnel Responsible for Drafting: Paul Neal, 1025 East Union Avenue, Olympia, WA 98504, 586-3368, Implementation and Enforcement: Jack Bryant, 1025 East Union Avenue, Olympia, WA 98504, 753-3109.

Name of Proponent: Department of Retirement Systems, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule provides a mechanism for determining whether unions meet the definition of PERS employer under RCW 41.40.010 (4)(a). The purpose of the rule is to clarify when a union may participate as a PERS employer. The anticipated effect will be to provide a reliable mechanism for determining whether unions meet the statutory standard for PERS employers.

Proposal does not change existing rules.

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

Hearing Location: Department of Retirement Systems, 2nd Floor Boardroom, 1025 East Union Avenue, Olympia, WA 98504-8380, on May 14, 1993, at 2:00 - 5:00 p.m.

Submit Written Comments to: Paul Neal, by May 3, 1993.

Date of Intended Adoption: May 18, 1993.

April 2, 1993
 Paul Neal
 Rules Coordinator

**UNIONS AS EMPLOYERS UNDER PUBLIC
 EMPLOYEES' RETIREMENT SYSTEM PLAN I**

AMENDATORY SECTION (Amending Order IV, filed 2/15/78)

WAC 415-108-010 Definitions. (1) All definitions in RCW 41.40.010 apply to terms used in this chapter, unless a different meaning is plainly required by the context.

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

~~((1) "Director" means the director of the department of retirement systems as provided in chapter 41.50 RCW as now existing or hereafter amended;~~

~~(2) "Department" means the department of retirement systems established pursuant to chapter 41.50 RCW as now existing or hereafter amended;~~

~~(3) "Public employees' retirement board" means the Washington public employees' retirement board established by chapter 41.40 RCW;~~

~~(4) "Legal adviser" means the attorney general of the state of Washington or a designated member of his staff assigned to the department.))~~ "Level of union organization" means a union or a lodge or division of a union;

"Union" means a labor guild, labor association, and/or labor organization;

"Union employer" means a union or a union lodge or other division of the union which has verified that it meets the definition of a Plan I employer in RCW 41.40.010.

NEW SECTION

WAC 415-108-620 Requirements for a union to be a PERS I union employer. (1) In order to establish or maintain status as a PERS I union employer, a union must satisfy the following requirements:

(a) Verify that at least forty percent of the members of the level of union organization are employees of an employer: *Provided however*, That employees of the union organization are not to be considered in the forty percent determination; and

(b) Beginning on the effective date of this rule, annually complete and submit the verification form set forth in WAC 415-108-660 to the department.

(2) Unions which have reported members prior to the effective date of this rule shall be deemed to have met the requirements of this rule with respect to those members.

NEW SECTION

WAC 415-108-630 Calculation and verification of PERS membership requirement. (1) Calculation - Unions applying for union employer status must provide the department with the information specified in WAC 415-108-660.

Each union employer is required to submit to the department the form provided in WAC 415-108-660 in verifying compliance with WAC 415-108-620 on or after November 1 and no later than December 31 of each year.

(2) Union employer status will lapse on January 1 if a union does not submit verification by December 31 of the preceding year. The union may regain union employer status by subsequently submitting verification of compliance with WAC 415-108-620 (1)(a). The union shall be responsible for applicable retroactive employer contributions plus interest for any period of lapsed employer status.

(3) Unions submitting timely verification of qualifications for union employer status are considered Plan I union employers for the succeeding calendar year (January 1 to December 31).

NEW SECTION

WAC 415-108-640 Effect of meeting verification requirements. (1) Plan I union employer status applies only to the level of union organization that meets the requirements of WAC 415-108-620(1). Therefore, if only a single union lodge of a union with multiple lodges has been verified to meet the requirements of WAC 415-108-620(1), only that union lodge is a Plan I union employer.

(2) Plan I union employers employing persons who have previously established Plan I membership must report those persons for participation in the retirement system if those persons opt into membership under RCW 41.40.023.

(3) Plan I members who are employed by union employers shall have an irrevocable election to reenter membership. If this option is not exercised when the employee first enters an eligible position with the union employer, it is waived. The union employer has the duty to notify new employees of the option to enter Plan I. Failure of the union employer to provide notification shall not obviate a person's waiver of the right to participate in Plan I under this section. Union employers and their Plan I employees who opt into membership will be subject to the same statutory and regulatory requirements as other Plan I nonstate agency employers and employees.

(4) Union employers shall elicit on a written form from all new employees whether the employee has ever been a Plan I member.

(5) A union employer may not report employees for participation in Plan II.

(6)(a) Upon first establishing union employer status the union must pay the prior service liability as determined by the department under RCW 41.40.363 or 41.40.045, as applicable for union elective officials and employees who opt into membership under RCW 41.40.023 and are eligible for Plan I.

(b) If employer and employee contributions have been erroneously submitted and the union subsequently establishes retroactive union employer status for the period in question, the contributions on deposit with the retirement system will be considered ratified to the extent that the periods of erroneous contributions coincide with periods for which the union has established union employer status.

(7) Notwithstanding any provisions of WAC 415-108-620 Plan I retirees who enter into employment with a union employer in an eligible position are subject to the provisions of RCW 41.40.150 (5)(a).

NEW SECTION

WAC 415-108-650 Effect on unions seeking to maintain union employer status if verification requirement is not met. (1) A union employer which does not verify that it meets the criteria for union employer status shall not report any employee hired during that succeeding calendar year for retirement system participation. A union employee who previously terminated retirement system membership under RCW 41.40.150 cannot reestablish retirement system membership during a year the hiring union failed to maintain union employer status.

(2) The failure of a union employer to meet the requirements of WAC 415-108-620 and 415-108-630 will not terminate the retirement system participation of employees

already employed in an eligible position with the union employer as of December 31 of the preceding year.

NEW SECTION

WAC 415-108-660 Plan I union employer verification form. Unions must use the following form to verify compliance with the requirements of WAC 415-108-620.

I certify under the penalty of perjury under the laws of the state of Washington that the following is true and correct:

-----, verifies that on the date of
Name of Union _____ the _____

(Must be a Date in November or December) Identify Level of Union Organization (i.e. lodge) (hereinafter referred to as "organization")

possessed the following membership characteristics:

- A. Total number of organization members _____
- B. Total number of organization members who are employees of a public employee retirement system (PERS) employer other than this union _____
- C. Percentage of organization members who are employees of a public employee retirement system employer other than this union (B ÷ A x 100) _____%
- D. The percentage identified in "C" is equal to or greater than 40% _____ yes
_____ no

If the answer to "D" is yes, then the organization is eligible to participate in PERS with regard to PERS Plan I union employees employed in an eligible position during the succeeding calendar year. Such employees shall remain eligible for participation while employed with the organization regardless of whether the organization continues to meet the requirements of WAC 415-108-620 and 415-108-630.

If the answer to "D" is no then the level of union organization identified above is not eligible to participate in the public employees' retirement system with regard to union employees employed in an eligible position during the succeeding calendar years.

Signature of Local/Division President or Person Designated in Writing by President as Having Authority to Verify

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 415-108-100 Members.
- WAC 415-108-110 Administration—Officers.
- WAC 415-108-120 Function.
- WAC 415-108-130 Location.
- WAC 415-108-150 Meetings.
- WAC 415-108-160 Office of chairman.

WSR 93-08-053
PROPOSED RULES
DEPARTMENT OF
RETIREMENT SYSTEMS
 [Filed April 2, 1993, 1:10 p.m.]

Original Notice.

Title of Rule: Preservation of law enforcement officers' and fire fighters' retirement system (LEOFF) Plan I retirement rights while in elective public office.

Purpose: Clarify procedure for preserving LEOFF Plan I participation while member is holding an elective public office.

Other Identifying Information: Amending chapter 415-101 WAC.

Statutory Authority for Adoption: RCW 41.50.050(5).

Statute Being Implemented: RCW 41.04.120.

Summary: Gives LEOFF Plan I members who are elected to public office the option to continue LEOFF Plan I participation. Specifies method for calculating member and employer contributions for LEOFF Plan I elected officials.

Reasons Supporting Proposal: To implement RCW 41.04.120.

Name of Agency Personnel Responsible for Drafting: Paul Neal, 1025 East Union Avenue, Olympia, WA 98504, 586-3368; Implementation and Enforcement: Leah Wilson, 1025 East Union Avenue, Olympia, WA 98504, 753-2075.

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: Rule implements requirements of RCW 41.04.120 that civil service employees have their retirement rights preserved while on leave of absence to serve in an elected office.

Proposal does not change existing rules.

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

Hearing Location: Department of Retirement Systems, 2nd Floor Boardroom, 1025 East Union Avenue, Olympia, WA 98504-8380, on May 14, 1993, at 2:00 - 5:00 p.m.

Submit Written Comments to: Paul Neal, by May 3, 1993.

Date of Intended Adoption: May 18, 1993.

April 2, 1993

Paul Neal

Rules Coordinator

Chapter 415-104 WAC
PRESERVATION OF LEOFF PLAN I RETIREMENT
RIGHTS WHILE IN ELECTIVE PUBLIC OFFICE

NEW SECTION

WAC 415-104-011 Definitions. (1) The definitions listed in RCW 41.26.030 shall apply to terms used in this chapter.

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

(a) "LEOFF" means the law enforcement officers' and fire fighters' retirement system created in chapter 41.26 RCW.

(b) "LEOFF plan I elected official" means a LEOFF plan I member who is a civil service employee on leave of absence by reason of having been elected or appointed to an elective public office and who chooses to preserve retirement rights as an active LEOFF member under the procedure described in this chapter.

(c) "Elective employer" means the employer of the LEOFF plan I elected official during the member's leave of absence from the LEOFF employer for the purpose of serving in elective office.

(d) "LEOFF employer" means the employer, as defined in RCW 41.26.030 (2)(a), who employs the member as a law enforcement officer or fire fighter.

NEW SECTION

WAC 415-104-782 Option to preserve LEOFF I retirement rights. The following rules describe the process by which a LEOFF plan I member whose retirement rights are protected by RCW 41.04.120 may preserve retirement rights as an active LEOFF member while serving in an elective public office.

A LEOFF plan I member who is elected or appointed to elective office shall have the option to:

(1) Preserve his or her retirement rights as an active member of LEOFF plan I; or

(2) Be considered to be on normal leave of absence from the LEOFF I employer.

NEW SECTION

WAC 415-104-783 Verification of eligibility for preservation of LEOFF plan I membership. A LEOFF plan I elected official must provide the department with written verification of a leave of absence from the LEOFF employer for the express purpose of serving in the elective public office. The verification must state a beginning date and an ending date for the leave.

NEW SECTION

WAC 415-104-784 Member contributions for LEOFF plan I elected officials. A LEOFF plan I elected official must pay member contributions directly to the department. Such member contributions will be calculated on the salary for the rank the member held at the time of taking the leave of absence. The department will bill the LEOFF I elected official on a monthly basis. Payment of each month's bill is due to the department by the 15th day of the next month. Failure to pay contributions for two consecutive billing months will result in suspension of LEOFF I elected official status. Such status can be reinstated if overdue contributions are paid within ninety days after notice of suspension.

NEW SECTION

WAC 415-104-785 Employer contributions for LEOFF plan I elected officials. The elective employer shall pay employer contributions for the LEOFF plan I elected official. Such employer contributions will be calculated on the annual salary paid to the LEOFF I elected official for employment in the elective office. The elective employer will be directly billed by the department for

employer contributions for a LEOFF I elected official. The elective employer shall pay employer contributions for LEOFF I elected officials in a timely manner as provided under chapter 415-114 WAC.

Submit Written Comments to: Paul Neal, by May 3, 1992 [1993].

Date of Intended Adoption: May 18, 1993.

April 2, 1993

Paul Neal

Rules Coordinator

**WSR 93-08-054
PROPOSED RULES
DEPARTMENT OF
RETIREMENT SYSTEMS**

[Filed April 2, 1993, 1:12 p.m.]

Original Notice.

Title of Rule: Procedure for petition and appeal of department decisions.

Purpose: To adopt the model rules in chapter 10-08 WAC governing procedure for adjudicative hearings and amend other rules regarding procedure for petitions and appeals of departmental decisions.

Other Identifying Information: Amendments to chapters 415-04 and 415-08 WAC.

Statutory Authority for Adoption: RCW 41.50.050(5).

Statute Being Implemented: RCW 34.05.250.

Summary: Amendments to chapter 415-04 WAC clarifying and codifying departmental standards for petition of administrative decision within the department; and amendments to chapter 415-08 WAC adopting model rules of procedure and clarifying other WACs.

Reasons Supporting Proposal: To provide notice of departmental standards relating to internal petitions; and to comply with legislative requirements for adopting model rules.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Paul Neal, 1025 East Union Avenue, Olympia, WA 98504, 586-3368.

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: Amends chapter 415-04 WAC clarifying who has standing to file a petition and what procedure the department follows in rendering petition decisions. The purpose of the rule is to clarify petition procedures. The anticipated effect will be a better understanding by petitioners of their rights and responsibilities; and amends chapter 415-08 WAC by adopting model rules of administrative procedure. The purpose is to comply with RCW 34.05.250. The anticipated effect will be to make department appeal rules more consistent with model standard.

Proposal Changes the Following Existing Rules: Clarifies who has standing to file a petition under WAC 415-04-010. More fully explains the petition procedures under WAC 415-04-020; and repeals sections of chapter 415-08 WAC that conflict with model rules and specifically adopts model procedure rules of chapter 10-08 WAC.

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

Hearing Location: Department of Retirement Systems, 2nd Floor Boardroom, 1025 East Union Avenue, Olympia, WA 98504-8380, on May 14, 1993, at 2:00 - 5:00 p.m.

AMENDATORY SECTION (Amending Order 4, filed 7/27/77)

WAC 415-08-010 Scope. This chapter governs the procedure for adjudicative proceedings as defined in RCW 34.05.010. The department adopts the model rules of procedure contained in chapter 10-08 WAC to the extent that those provisions are not contrary to the provisions of this chapter. These rules shall govern all hearings before the ~~((retirement boards (where those boards' rules so provide) created by chapters 2.10, 41.26, 41.32, 41.40, 43.43 RCW and before the))~~ director of retirement systems. These rules shall also govern requests for ~~((declaratory rulings pursuant to RCW 34.04.080 and requests for))~~ the promulgation, amendment or repeal of any rule of ~~((such boards or))~~ the director. Where the context requires, reference to a board shall be construed to include the director of retirement systems.

AMENDATORY SECTION (Amending Order 4, filed 7/27/77)

WAC 415-08-020 Filing appeals. (1) Any person aggrieved by ((any final decision of the board or the director)) a decision rendered pursuant to chapter 415-04 WAC must, before he or she appeals to the superior court, invoke the jurisdiction of the ((board or)) director by filing with the director personally or by mail, within sixty days from the date such decision was communicated to such person, a notice of appeal before the board or director. The notice of appeal must contain:

~~((1))~~ (a) The name and mailing address of the member ~~((or))~~ or beneficiary, and the employer of the member;

~~((2))~~ (b) The name and legal residence of the appealing party, together with the mailing address of his or her representative, if any;

~~((3))~~ (c) In the case of disability claims:

(i) The date and nature of the accident, injury or disease, the place it occurred and location of the employer, in the case of disability claims; and

~~((4))~~ (ii) If the injury or disease did not occur in the county where the member or beneficiary resides, the name of the county in which the appealing party desires to have the hearing held and a city or town most convenient within the county where hearing is to be held;

~~((5))~~ (d) A statement identifying the decision or award appealed from and that portion of the decision or award considered to be unjust or unlawful;

~~((6))~~ (e) A clear and concise statement of facts in support of the grounds stated including, where applicable, a description of the physical facts constituting the claimant's present disability and how it is manifested;

~~((7))~~ (f) The type of relief sought, including specific dates at which time the appealing party believes the benefit accrued; and

~~((8))~~ (g) A statement that the appealing party has read the notice of appeal and believes the contents to be true, followed by his or her signature and the signature of his or her representative, if any~~((;))~~.

~~((9))~~ (2) The appealing parties shall file with the ~~((clerk))~~ department by mail or otherwise, the original and two copies of the notice of appeal and the ~~((clerk shall forthwith))~~ department will acknowledge receipt of the copies filed ~~((with him and his))~~. The department's stamp placed upon such copies shall be prima facie evidence of the date of receipt. The ~~((board))~~ department may thereafter require additional copies to be filed if necessary.

NEW SECTION

WAC 415-08-025 Reviewing officer. (1) Either the director or an employee of the department designated by the director, will serve as reviewing officer and render the department's final decision on the appeal. If the director designates a department employee to render a decision, such employee shall be a different person than director's designee under chapter 415-04 WAC.

(2) In general, an administrative law judge will be appointed to serve as presiding officer and to render a proposed order. The director, or the employee designated by the director, will serve as the reviewing officer. If the parties agree to stipulate to a record, a hearing before and initial decision by an administrative law judge may be waived by agreement of all parties. In the event of such a waiver, the reviewing officer will render the department's final decision on the stipulated record.

AMENDATORY SECTION (Amending Order 4, filed 7/27/77)

WAC 415-08-030 Parties. The parties to an appeal shall be the appealing party, the ~~((board or director))~~ department, all persons who have filed a notice of appearance ~~((after the receipt of a copy of the notice of appeal under WAC 415-08-020, and all persons who have otherwise filed a notice of appearance))~~ and made a proper showing of interest in the appeal. The ~~((board or))~~ director may exclude from the appeal any party who has unreasonably delayed the filing of a notice of appearance. Upon determination that a person has made a proper showing of interest the ~~((director or clerk))~~ department will forthwith mail him or her a copy of the notice of appeal. There ~~((shall be))~~ is no obligation to serve notices, pleadings or correspondence upon any person who has not entered an appearance as provided herein. Service upon the representative of a party shall constitute service upon such party.

AMENDATORY SECTION (Amending Order 4, filed 7/27/77)

WAC 415-08-040 Appearance and practice before the ~~((board))~~ department—Who may appear. No person may appear in a representative capacity before the ~~((board or director or his))~~ department or its designated hearings examiner other than the following:

(1) Attorneys at law duly qualified and entitled to practice before the supreme court of the state of Washington.

(2) Attorneys at law duly qualified and entitled to practice before the highest court of record of any other state, if the attorneys at law of the state of Washington are permitted to appear in a representative capacity before administrative agencies of such other state, and if not otherwise prohibited by our state law.

(3) A legal intern authorized to practice law pursuant to Admission to Practice Rule (APR) 9 of the state supreme court and subject to the limitations contained in said rule. A legal intern shall not appear before the ~~((board))~~ department or its designated examiner without the presence of the supervising attorney except in *ex parte* matters and noncontested cases.

(4) A bona fide officer, partner, or full-time employee of an individual firm, association, partnership, or corporation who appears for such individual firm, association, partnership, or corporation.

AMENDATORY SECTION (Amending Order 4, filed 7/27/77)

WAC 415-08-080 Appearance and practice before the ~~((board))~~ department—Withdrawal or substitution of representatives. An attorney or other representative withdrawing from a case shall immediately so notify the ~~((clerk of the board))~~ department and all parties of record in writing, or shall state such withdrawal for the record at a conference or hearing. Any substitution of an attorney or representative shall be accomplished by written notification to the ~~((clerk of the board))~~ department and to all parties of record ~~((, together with the written consent of the prior attorney or representative, and if such consent cannot be obtained, a written statement of the reason therefor shall be supplied))~~.

AMENDATORY SECTION (Amending Order 4, filed 7/27/77)

WAC 415-08-090 Appearance and practice before the ~~((board))~~ department—Conduct. All persons appearing in a representative capacity in proceedings before the ~~((board))~~ department or its designated examiner shall conform to the standards of ethical conduct required of attorneys before the courts of Washington. If any such person does not conform to such standards, the examiner may, in his/her discretion and depending on all the circumstances, admonish or reprimand such person, or exclude such person from further participation in the proceedings and adjourn the same, or report the matter to the ~~((board which may, in its discretion, after notice and hearing, take appropriate disciplinary action including, but not limited to, a letter of reprimand, and refusal to permit such person to appear in a representative capacity in any proceeding before the board))~~ department.

AMENDATORY SECTION (Amending Order 4, filed 7/27/77)

WAC 415-08-100 Appearance and practice before the ~~((board))~~ department—Appearance by former employee of agency or former member of attorney general's staff. No former employee of the ~~((board;))~~

~~department or system or former member of the attorney general's staff may at any time after severing his/her employment with the ((board)) department or the attorney general appear, except with the written permission of the ((board)) department in compliance with RCW 42.22.040, in a representative capacity on behalf of other parties in a formal proceeding wherein he or she previously took an active part as a representative of the ((board)) department. No such former employee shall appear where to do would violate RCW ((42.18.220)) 42.18.221.~~

NEW SECTION

WAC 415-08-105 Prehearing and posthearing memoranda. A presiding officer shall grant all timely requests to submit prehearing and posthearing memoranda, and shall set a reasonable time for the submission of memoranda. In the event that posthearing briefs are filed, the department reserves the right to file a brief in response to any posthearing brief submitted by another party.

AMENDATORY SECTION (Amending Order 4, filed 7/27/77)

~~WAC 415-08-280 ((Computation of time—))Discovery. ((Except as may be otherwise provided,)) Any party may obtain discovery in the manners specified in Superior Court Civil Rule 26(a). The attendance of witnesses may be compelled by the use of a subpoena. Such discovery shall be governed generally by the procedures established by Superior Court Civil Rules 26-37, inclusive.~~

AMENDATORY SECTION (Amending Order 4, filed 7/27/77)

~~WAC 415-08-420 Expert or opinion testimony number and qualifications of witnesses—Procedures at hearings. (1) ((Presiding officer. All hearings shall be conducted by a presiding officer who shall conduct the hearing in an orderly manner and rule on all procedural matters, objections and motions.~~

~~((2)) Order of presentation of evidence. The presiding officer shall determine the proper order of presentation of evidence. As a general rule, the appealing party shall initially introduce all evidence in his/her case-in-chief. The adverse parties may then introduce the evidence necessary to their cases-in-chief. Rebuttal evidence will then be received.~~

~~Witnesses may be called out of turn in contravention of this rule only by agreement of all parties.~~

~~((3) Opening statements. Unless the presiding officer rules otherwise, all parties shall present an oral opening statement setting out briefly a statement of the basic facts, disputes, and issues of the case.~~

~~((4) Written statement of qualifications of expert witnesses. Any party who plans to introduce the testimony of any expert witness at the hearing shall submit to the board and all parties at the outset of the hearing a written statement of the qualifications, experience, and expertise of each such expert witness.~~

~~((5) Former employee as an expert witness. No former employee of the department or the board or the attorney general shall, at any time after severing his/her employment with the department, appear, except when~~

~~permitted by RCW 42.18.220, as an expert witness on behalf of other parties in a formal proceeding wherein he/she previously took an active part in the investigation as a representative of the department or board.~~

~~((6) Objections and motion to strike. Objections to the admission or exclusion of evidence shall be in short form, stating the legal grounds of objection relied upon, and the transcript shall not include extended argument or debate.~~

~~((7) Rulings. The presiding officer on objection or on his own motion, shall exclude all irrelevant or unduly repetitious evidence and all rulings upon objections to the admissibility of evidence shall be made in accordance with the rules of evidence established by these rules.~~

~~((8)) (2) Person appealing or requesting a hearings shall have the burden of proof in the matter.~~

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 415-08-060 Appearance and practice before the board—Solicitation of business unethical.
- WAC 415-08-110 Appearance and practice before the board—Examiner duties and powers.
- WAC 415-08-120 Informal conference—Purpose.
- WAC 415-08-130 Informal conference—When held.
- WAC 415-08-140 Informal conference—Agreements at informal conferences.
- WAC 415-08-150 Prehearing conference—Purpose.
- WAC 415-08-160 Prehearing conference—When held.
- WAC 415-08-170 Computation of time.
- WAC 415-08-180 Computation of time—Notice of hearing.
- WAC 415-08-190 Computation of time—Upon whom served.
- WAC 415-08-200 Computation of time—Service upon parties.
- WAC 415-08-210 Computation of time—Method of service.
- WAC 415-08-220 Computation of time—When service complete.
- WAC 415-08-230 Computation of time—Filing with board.
- WAC 415-08-240 Computation of time—Fees.
- WAC 415-08-250 Computation of time—Proof of service.
- WAC 415-08-260 Computation of time—Quashing.
- WAC 415-08-270 Computation of time—Enforcement.
- WAC 415-08-290 Computation of time—Documentary evidence.
- WAC 415-08-300 Computation of time—Excerpts from documents.

- WAC 415-08-310 Computation of time—Failure to supply prehearing information.
- WAC 415-08-320 Computation of time—Agreements at prehearing conference.
- WAC 415-08-330 Rules of evidence—Admissibility criteria.
- WAC 415-08-340 Rules of evidence—Official notice—Matters of law.
- WAC 415-08-350 Rules of evidence—Official notice—Material facts.
- WAC 415-08-360 Rules of evidence—Tentative admission—Exclusion—Discontinuance—Objections.
- WAC 415-08-370 Presumptions.
- WAC 415-08-380 Presumptions—Additional evidence by presiding officer.
- WAC 415-08-390 Stipulations and admissions of record.
- WAC 415-08-400 Expert or opinion testimony number and qualifications of witnesses.
- WAC 415-08-410 Expert or opinion testimony number and qualifications of witnesses—Written sworn statements.
- WAC 415-08-430 Petitions for rule making, amendment or repeal—Who may petition.
- WAC 415-08-440 Petitions for rule making, amendment or repeal—Requisites.
- WAC 415-08-450 Petitions for rule making, amendment or repeal—Agency must consider.
- WAC 415-08-460 Petitions for rule making, amendment or repeal—Notice of disposition.
- WAC 415-08-470 Declaratory rulings.
- WAC 415-08-480 Declaratory rulings—Forms.

AMENDATORY SECTION (Amending Order 4, filed 7/27/77)

WAC 415-04-010 Petition—Procedure. All petitions concerning: Applications for service credits, service retirement benefits, membership and membership credits in the retirement systems, disability benefits except as otherwise provided by law, survivor benefits, and for decisions relating to benefit increases provided by RCW 41.16.145 or 41.18.104 shall follow the procedure established in this chapter.

AMENDATORY SECTION (Amending WSR 91-19-064, filed 9/16/91, effective 10/17/91)

WAC 415-04-020 Petition—Response—Decision—Appeal. (1) A person aggrieved by a decision of an administrator may petition to the director's designee for

redress. The initial application or petition shall contain the following:

~~((1))~~ (a) A complete and detailed statement of the factual situation underlying the application or petition; which may include all relevant documents and sworn statements deemed appropriate by the petitioner(-);

~~((2))~~ (b) A concise but detailed statement of the constitutional, statutory or common law provisions or precedents relied upon by the petitioner in support of his or her petition(-);

~~((3))~~ (c) An identification and signature of the individual or individuals filing the petition, as well as an identification of legal counsel if such persons are represented by the same(-); and

~~((4))~~ (d) The address to which the petitioner wishes further correspondence from the department to be sent.

~~((5))~~ (2) Upon receipt of the petition, the director will assign the same to the ~~((special assistant to the director))~~ director's designee. The ~~((special assistant to the))~~ director's designee will, within seven days, ~~((notify))~~ give notice of the filing of the petition to either the employer(s) if the petitioner is a member(s) or the affected member(s) if the applicant or petitioner is an employer(s). Said notification shall request the employer(s) or member(s) to submit any written response to the petition no later than 20 days from the date of receipt of the notice, except upon an extension being granted by the ~~((special assistant to the))~~ director's designee upon good cause shown. The response shall generally take the form of and contain information required of the original petition as described in this section. If at any time the director's designee in his or her role as fact finder determines that additional information is necessary to decide the petition, he or she may request such additional information. The person from whom the information is requested will respond no later than within twenty days from the receipt of such request except upon an extension being granted by the director's designee upon good cause shown.

~~((6))~~ (3) Upon receipt of the response, the ~~((special assistant to the))~~ director's designee shall forward a copy of the response to the original petitioner who shall have ten days in which to reply to the same.

~~((7))~~ (4) Within ~~((20))~~ thirty days of the expiration of the ~~((10))~~ ten-day period for reply following the director's designee's final request for information, the ~~((special assistant to the))~~ director's designee shall enter a written decision containing such findings of fact and conclusions of law as he or she deems necessary to dispose of the matter. The decision will be sent to petitioner via certified mail.

~~((8))~~ (5) The decision of the ~~((special assistant to the director))~~ director's designee may be appealed to the director. An appeal must be filed with the director no later than sixty days after petitioner's receipt of the decision in accordance of the procedures established by chapter 415-08 WAC ((415-08-010 through 415-08-480)). An appeal to the director of the ((special assistant's)) director's designee's decision ~~((to the director shall be))~~ is a necessary prerequisite to appeal to the superior court of the state of Washington.

WSR 93-08-055
PROPOSED RULES
CRIMINAL JUSTICE
TRAINING COMMISSION
 [Filed April 2, 1993, 3:15 p.m.]

Original Notice.

Title of Rule: WAC 139-05-250 Basic law enforcement curriculum.

Purpose: This rule sets forth the major subject areas and subareas of instruction which comprise the 440-hour curriculum of this state's basic law enforcement academy program.

Statutory Authority for Adoption: RCW 43.101.080(2).

Summary: This state's 440-hour basic law enforcement academy program consists of 11 major instructional areas, each consisting of instruction and/or practical exercises, as specified.

Reasons Supporting Proposal: The curriculum of the basic law enforcement academy program has been substantially revised to enhance integration and application of instruction. Such revision necessitates amendment of this rule to revise and update curriculum components.

Name of Agency Personnel Responsible for Drafting: Garry E. Wegner, Assistant Director, Lacey, 459-6342; Implementation and Enforcement: Anthony Lukin, Admin. L.E. Training, Seattle, (206) 764-4301, SCAN 443-4301.

Name of Proponent: Criminal Justice Training Commission, governmental.

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

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

Proposal does not change existing rules.

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

Hearing Location: Washington State Training and Conference Center, 19010 1st Avenue South, Seattle, WA 98148, on June 17, 1993, at 10:00 a.m.

Submit Written Comments to: Garry E. Wegner, Assistant Director, P.O. Box 40905, Olympia, WA 98504-0905, by June 16, 1993.

Date of Intended Adoption: June 17, 1993.

April 1, 1993
 James C. Scott
 Executive Director

AMENDATORY SECTION (Amending WSR 86-19-021, filed 9/10/86)

WAC 139-05-250 Basic law enforcement curriculum.

The basic law enforcement curriculum of the Washington State Criminal Justice Training Commission shall consist of 440 hours, including the following subject areas:

- (1) Introduction to Law Enforcement
- (a) Introduction to Law Enforcement
- (b) The Criminal Justice System
- (c) Police Power and Execution of Authority
- (d) Civil Rights and Civil Liability
- (e) Police Ethics
- (f) Police Use of Force
- (g) Cultural Awareness
- (h) Harassment in the Workplace

- (i) Critical Incident Stress
- (j) Community Policing
- (2) Criminal Law
- (a) Criminal Law
- (b) Juvenile Law
- ~~((3) Evidence Law))~~
- ~~((4)) (3) Criminal Procedures~~
- (a) Constitutional Law
- (b) Probable Cause
- (c) Laws of Arrest
- (d) Search and Seizure
- (e) Interrogation, Statements and Confessions
- (f) Field Interrogations and "Stop and Frisk"
- (g) Domestic Violence Law
- ~~((5)) (4) Patrol Procedures~~
- (a) Observation and Perception
- (b) Patrol Procedures
- (c) First Aid/Adult and Juvenile CPR
- (d) HIV/HBV Awareness
- ~~((6)) (e) Community Relations~~
- ~~((7)) (f) Crime Prevention~~
- ~~((8)) (g) Juvenile Procedures~~
- ~~((9)) (h) Traffic Stop—Mock Scene~~
- ~~((10)) (i) Felony Stop—Mock Scene~~
- ~~((11)) (j) Field Interview—Mock Scene~~
- ~~((12)) (k) Building Search—Mock Scene~~
- ~~((13) Silent Alarm/Felony Arrest—Mock Scene))~~
- (l) Gang Awareness
- (m) K-9 Application
- (n) Hazardous Materials
- (o) ACCESS Training
- ~~((14)) (5) Communication Skills~~
- ~~((15)) (a) General Writing Skills~~
- ~~((16)) (b) Police Report Writing and Notetaking~~
- ~~((17)) (c) Oral Communication~~
- ~~((18)) (6) Emergency Vehicle Operation Course~~
- ~~((19) Crisis Intervention))~~
- (7) Human Relations
- (a) General Theory
- (b) Recognizing and Handling ~~((20))~~ Abnormal Behavior
- (c) Oral and Physical Communication
- (d) Handling Stress
- (e) Family Disturbance—Mock Scene
- (f) Victim/Witness
- (g) Family Violence
- ~~((21)) (8) Traffic Law~~
- (a) Traffic Law Enforcement
- (b) Breathalyzer and Impaired Driving
- (c) Accident Investigation
- (d) Vehicle Registration/Licensing
- (e) Drivers' Licensing
- (f) Dept. of Licensing Records
- ~~((22)) (9) Firearms~~
- (a) Fundamentals of Shooting
- (b) Safe Weapon Handling
- (c) Night/Low Light Shooting
- (d) Range Qualification
- (e) Firearms Training Simulator
- ~~((23) Physical Training and Self-Defensive Tactics))~~
- (10) Defensive Tactics
- ~~((24)) (11) Criminal Investigation~~
- (a) Crime Scene Search and Protection

- (b) Collection and Preservation of Evidence
 (c) Interviews and Interrogation Techniques
 (d) Crime Scene Protection/Search/Investigation—Mock Scene
 (e) Testifying in Court—Mock Scene
(f) Fingerprinting
(g) Child Abuse
(h) Sex Crimes
(i) Drug Enforcement

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 93-08-060
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
 [Filed April 5, 1993, 3:00 p.m.]

Original Notice.

Title of Rule: Chapter 16-461 WAC, Inspection of fruits and vegetables.

Purpose: To amend the rule to require origin labeling of product which was produced outside the state of Washington and is graded, packed, or repacked within the state of Washington.

Statutory Authority for Adoption: Chapter 15.17 RCW.
 Statute Being Implemented: Chapter 15.17 RCW.

Summary: The rule will require that fresh market products listed in chapter 16-461 WAC shall be labeled as to state or country of origin if the product was produced outside the state of Washington and is being graded, packed, or repacked within the state of Washington.

Reasons Supporting Proposal: The buyers and consumers of these affected fresh products will be provided assurance that the product is not being misrepresented as to origin. The Washington state producers will be provided additional protection and assurance that product grown outside the state of Washington is not being misrepresented as a Washington state product. Enactment of this rule improves the ability to protect the reputation of specific Washington fresh market fruits and vegetables.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: James R. Archer, Olympia, Washington, (206) 902-1832.

Name of Proponent: Washington Association of Apple Growers by petition to the director of agriculture, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule requires labeling of fresh market products listed in WAC 16-461-010 as to country or state of origin when produced outside the state of Washington and graded, packed, or repacked within the state of Washington. Affected products are apricots, Italian prunes, peaches, cherries, apples, pears, and asparagus.

Proposal Changes the Following Existing Rules: The origin labeling is a new requirement.

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

Hearing Location: Tree Fruit Research Center, 1100 North Western Avenue, Wenatchee, WA 98801; and WSDA Conference Room, 2015 South First Street, Yakima, WA 98903, on May 11 and May 12, 1993, at 10:00 a.m. (both days).

Submit Written Comments to: James R. Archer, F/V Program Manager, WSDA/Commodity Inspection Division, P.O. Box 42560, Olympia, WA 98504-2560, by May 12, 1993.

Date of Intended Adoption: May 26, 1993.

April 5, 1993
 J. Allen Stine
 Assistant Director
 Commodity Inspection

NEW SECTION

WAC 16-461-011 Origin labeling of product. Fresh market products listed in WAC 16-461-010 which were produced outside of the state of Washington and which are graded, packed, or repacked in the state of Washington, shall be correctly labeled as to the state or country of origin, e.g., "Product of Oregon," "Grown in Oregon," "Produced in Canada."

Such marking shall be placed on the same end or side panel of the container as other markings related to grade, variety, net contents, and name and address of the grower, packer, or distributor, and shall be of similar print size. Consumer type packages shall not be required to bear a statement as to origin when such marking has been placed on the master shipping container.

WSR 93-08-064
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)
 [Filed April 5, 1993, 3:06 p.m.]

Original Notice.

Title of Rule: Chapter 388-230 WAC, General assistance for pregnant women.

Purpose: The Department of Social and Health Services is currently rewriting, reorganizing, and recodifying WAC policies relating to financial and medical assistance programs. This will facilitate on-line (computer) access by eligibility staff in field offices and makes the policies easier to understand. Chapter 388-37 WAC is recodified under chapter 388-230 WAC.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: Amendments include a shift to an outline format; use of short words and sentences; deletion of redundant policies; deletion of procedural material; reorganization of chapters into a sequence that corresponds with worker process; and use of terms consistently within and between chapters.

Reasons Supporting Proposal: These rule amendments facilitate on-line (computer) access by eligibility staff in field

offices and makes policies easier to understand and comprehend.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: RoseMary Micheli, Division of Income Assistance, 438-8318.

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

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

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

Proposal Changes the Following Existing Rules: See above.

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

Hearing Location: OB-2 Auditorium, 14th and Franklin, Olympia, Washington, on May 25, 1993, at 10:00 a.m.

If you need sign language or language assistance, please contact the Office of Issuances by May 5, 1993.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Mailstop 5805, Department of Social and Health Services, Olympia, 98504, FAX 664-0118 or SCAN 366-0118, by May 21, 1993.

Date of Intended Adoption: May 26, 1993.

April 5, 1993
 Rosemary Carr
 Acting Director
 Administrative Services

**Chapter 388-230 WAC
 GENERAL ASSISTANCE FOR
 PREGNANT WOMEN**

NEW SECTION

WAC 388-230-0010 Purpose of program. (1) General assistance for pregnant women (GA-S) is a state-funded program providing for the needs of:

- (a) A pregnant woman; or
- (b) A woman who has relinquished her newborn for adoption.

(2) GA-S is used only when federally-funded programs are not available.

NEW SECTION

WAC 388-230-0030 Definitions. (1) "Institution for mental diseases" means an institution primarily engaged in providing diagnosis, treatment, or care of persons with mental diseases, including medical attention, nursing care, and related services.

(2) "Public institution" means an institution that is supported in whole or in part from public funds and is the responsibility of a governmental unit or over which a governmental unit exercises administrative control.

NEW SECTION

WAC 388-230-0040 Summary of eligibility conditions. (1) The department shall grant GA-S to a person who meets the eligibility conditions stated in this chapter and is:

(a) A pregnant woman not eligible for AFDC or CEAP for reasons other than refusal or failure to cooperate without good cause in obtaining such assistance; or

(b) A woman who relinquished a newborn for adoption if the woman was receiving:

(i) GA-S at the time of the birth of the child; or

(ii) AFDC at the time of the birth of the child and subsequently loses AFDC eligibility because an eligible child does not reside in the household.

(2) Assistance granted under subsection (1)(b) of this section shall be limited to the end of the month containing the last day of the six week period following the day the child is born.

NEW SECTION

WAC 388-230-0050 Assistance units. The GA-S assistance unit shall include only the eligible woman.

NEW SECTION

WAC 388-230-0060 Eligibility conditions—Program criteria. For GA-S, the department shall apply the general assistance unemployable (GAU) program criteria applicable to:

- (1) Citizenship;
- (2) Social security number; and
- (3) Residency.

NEW SECTION

WAC 388-230-0080 Persons in institutions. (1) If otherwise eligible, the department may grant GA-S to a person in an institution only if the person is not:

- (a) An inmate of a public institution; or
- (b) A patient of a public institution unless in an institution for mental disease and is:

- (i) Sixty-five years of age or older; or
- (ii) Twenty years of age or younger.

(2) When a person is under the control of a public institution such as a state penitentiary or county jail, but is on a work release program or confined to a place of residence other than the institution, the department shall consider the person an inmate of the public institution.

NEW SECTION

WAC 388-230-0090 Eligibility conditions—Financial criteria. In determining financial eligibility and grant amounts, the department shall follow aid to families with dependent children income, resource, and payment rules.

NEW SECTION

WAC 388-230-0110 Need and payment standards. (1) The department shall use the aid to families with dependent children need and payment standards.

(2) The department shall use the one-person grant standard for GA-S households except as provided under subsection (3) of this section.

(3) In the case of a married couple when the husband is receiving GA-U, the grant shall be prorated with the pregnant woman receiving half of a two-person grant.

NEW SECTION

WAC 388-230-0120 Protective payees. For a recipient unable to manage assistance funds, the department shall follow aid to families with dependent children protective payee rules.

NEW SECTION

WAC 388-230-0140 Ineligibility based on benefits from other programs. The department shall deny requests for or terminate GA-S to a person:

- (1) Eligible for or receiving CEAP or AFDC;
- (2) Eligible for or whose needs are being met by supplemental security income (SSI);
- (3) Currently under sanction for failure to comply with AFDC or SSI requirements; or
- (4) Who fails or refuses to cooperate without good cause in obtaining AFDC, CEAP, or SSI.

WSR 93-08-065
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)
 [Filed April 5, 1993, 3:07 p.m.]

Original Notice.

Title of Rule: Chapter 388-96 WAC, Nursing home accounting and reimbursement system.

Purpose: WAC 388-96-026, to clarify who is a "new contractor" and who must submit a budget; 388-96-113, to remove "special circumstances" all accounts are reversed after 120 days; 388-96-572, correct reference; 388-96-585, revise automobile depreciation and add bankruptcy fees and outside consultation for MDS support; 388-96-709, new section to determine contractor's rate when the contractor reduces the number of licensed beds; 388-96-710, to clarify how the rate will be set for a contractor who meets the definition of WAC 388-96-026; 388-96-754, to clarify the prospective rate for computing the variable return does not include any rate increase granted under WAC 388-96-774; and 388-96-774, to clarify that rate increases will not be granted, nor may the contractor spend a rate revision granted under WAC 388-96-774, for any type of wage increase or for temporary personnel.

Statutory Authority for Adoption: RCW 74.46.800, 74.46.450, and 74.09.120.

Statute Being Implemented: RCW 74.09.120, 74.46.450, and 74.46.800.

Summary: Reduce the number of administrative review conferences and adjudication proceedings. Provide the mechanism for rate revisions when a contractor reduces the size of its operation.

Reasons Supporting Proposal: Clarifies current regulations by making editorial changes; makes clear the department policy in areas that are ambiguous; adds new regulation under department's rule-making authority on how a contractor's rate will be computed when the contractor reduces the number of its licensed beds.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Paul Montgomery and Pat Haugh, Aging and Adult Services, 493-2587.

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

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

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

Proposal Changes the Following Existing Rules: See above.

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

Hearing Location: OB-2 Auditorium, 14th and Franklin, Olympia, Washington, on May 25, 1993, at 10:00 a.m.

If you need sign language or language assistance, please contact the Office of Issuances by May 4, 1993.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Mailstop 5805, Department of Social and Health Services, Olympia, 98504, FAX 664-0118 or SCAN 366-0118, by May 21, 1993.

Date of Intended Adoption: May 26, 1993.

April 5, 1993
 Rosemary Carr
 Acting Director
 Administrative Services

AMENDATORY SECTION (Amending Order 3424, filed 7/23/92, effective 8/23/92)

WAC 388-96-026 Projected budget for new contractors. (1) ~~((Each new contractor shall submit a projected budget to the department at least sixty days before its contract becomes effective.))~~ For purposes of ~~((this section))~~ administering chapter 388-96 WAC, the department shall consider a "new contractor" as one ~~((which))~~ who receives a new vendor number and:

(a) ~~((Operates a new facility going into operation for the first time))~~ On a site that has not been previously used for a nursing facility operation, builds from the ground-up a new facility; and operates the new facility with completely new staff, administration and residents. If the "new contractor" operated a nursing facility immediately before the opening of the new facility, then the "new contractor" must operate the new facility;

(i) With staff and administration that are substantially to completely different than the previous operation of the "new contractor"; and

(ii) Have a resident population that is substantially to completely different than the residents residing in the previous nursing facility; or

(b) Currently operates, acquires, or assumes responsibility for operating an existing nursing facility that was not operated under a Medicaid contract immediately prior to the effective date of the new Medicaid contract; or

(c) ~~((Enters the cost-related reimbursement system after providing service at the nursing home in the past, but either not under the program or receiving flat or class rate reimbursement))~~ Purchases or leases a nursing facility that at the time of the purchase or lease was operated under a Medicaid contract.

(2) A new contractor as defined under WAC 388-96-026 (1)(a) or (b) shall submit a projected budget to the department at least sixty days before its contract becomes effective. The projected budget shall:

- (a) Cover the twelve months immediately following the date the contractor enters the program;
- (b) Be certified by the new contractor;
- (c) Be prepared on forms and in accordance with instructions provided by the department; and
- (d) Include all earnest money, purchase, and lease agreements involved in the transactions, if applicable.

(3) A new contractor shall submit, at least sixty days before the effective date of the contract, a statement disclosing the identity of individuals or organizations who:

- (a) Have a beneficial ownership interest in the current operating entity or the land, building, or equipment of the facility; or
- (b) Have a beneficial ownership interest in the purchasing or leasing entity.

AMENDATORY SECTION (Amending Order 3424, filed 7/23/92, effective 8/23/92)

WAC 388-96-113 Completing reports and maintaining records. (1) All report schedules shall be legible and reproducible. All entries must be typed, completed in black or dark blue ink, or provided in an acceptable, indelible copy.

(2) Reports shall be completed in accordance with the provisions of this chapter, the state of Washington nursing home accounting and reporting manual, and such instructions as may be issued by the department from time to time. If no specific regulation, manual provision, or instruction covers a situation, generally accepted accounting principles shall be followed.

(3) The accrual method of accounting shall be used. All revenue and expense accruals shall be reversed against the appropriate accounts if not received or paid within one hundred twenty days after the accrual is made ~~((, unless special circumstances are documented justifying continuing to carry all or part of the accrual (e.g., contested billings)))~~. Accruals for vacation, holiday, sick pay, and taxes may be carried for longer periods, provided the contractor's usual policy and generally accepted accounting principles are followed.

(4) Methods of allocating costs, including indirect or overhead costs, shall be consistently applied. Written approval must be obtained from the department if a contractor wishes to change an allocation method. Contractors operating multiservice facilities or facilities incurring joint facility costs shall allocate costs using the methods approved by the department under WAC 388-96-534.

(5) The contractor's records relating to a nursing home shall be maintained so reported data can be audited for compliance with generally accepted accounting principles and the department's reimbursement principles and reporting instructions. If a contractor maintains records utilizing a chart of accounts other than that established by the department, the contractor shall provide to the department a written schedule specifying the way in which the contractor's individual account numbers correspond to the department's

chart of accounts. Records shall be available for review by authorized personnel of the department and of the United States Department of Health and Human Services during normal business hours at a location in the state of Washington specified by the contractor.

(6) If a contractor fails to maintain records adequate for audit purposes as provided in subsection (5) of this section or fails to allow inspection of such records by authorized personnel as provided in subsection (5) of this section, the department may suspend all or part of subsequent reimbursement payments due under the contract until compliance is forthcoming. Upon compliance, the department shall resume current contract payments and shall release payments suspended pursuant to subsection (6) of this section.

AMENDATORY SECTION (Amending Order 2025, filed 9/16/83)

WAC 388-96-572 Handling of gains and losses upon retirement of depreciable assets—Other periods. (1) This section shall apply in the place of WAC 388-96-571 effective January 1, 1981, for purposes of settlement for settlement periods subsequent to that date, and for purposes of setting rates for rate periods beginning July 1, 1982, and subsequently.

(2) A gain or loss on the retirement of an asset shall be the difference between the remaining undepreciated base and any proceeds received for, or to compensate for loss of, the asset.

(3) If the retired asset is replaced, the gain or loss shall be applied against or added to the cost of the replacement asset, provided that a loss will only be so applied if the contractor has made a reasonable effort to recover at least the outstanding book value of the asset.

(4) If the retired asset is not replaced, any gain shall be offset against property expense for the period during which it is retired and any loss shall be expenses subject to the provisions of WAC 388-96-554~~((6))~~(7).

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 3270, filed 10/29/91, effective 11/29/91)

WAC 388-96-585 Unallowable costs. (1) The department shall not allow costs if not documented, necessary, ordinary, and related to the provision of care services to authorized patients.

(2) The department shall include, but not limit unallowable costs to the following:

(a) Costs of items or services not covered by the medical care program. Costs of nonprogram items or services even if indirectly reimbursed by the department as the result of an authorized reduction in patient contribution;

(b) Costs of services and items provided to SNF or ICF recipients covered by the department's medical care program but not included in SNF or ICF services respectively. Items and services covered by the medical care program are listed in chapters 388-86 and 388-88 WAC;

(c) Costs associated with a capital expenditure subject to Section 1122 approval (Part 100, Title 42 C.F.R.) if the department found the capital expenditure inconsistent with applicable standards, criteria, or plans. If the contractor did not give the department timely notice of a proposed capital expenditure, all associated costs shall be nonallowable as of the date the costs are determined not to be reimbursable under applicable federal regulations;

(d) Costs associated with a construction or acquisition project requiring certificate of need approval pursuant to chapter 70.38 RCW if such approval was not obtained;

(e) Costs of outside activities (e.g., costs allocable to the use of a vehicle for personal purposes or related to the part of a facility leased out for office space);

(f) Salaries or other compensation of owners, officers, directors, stockholders, and others associated with the contractor or home office, except compensation paid for service related to patient care;

(g) Costs in excess of limits or violating principles set forth in this chapter;

(h) Costs resulting from transactions or the application of accounting methods circumventing the principles of the prospective cost-related reimbursement system;

(i) Costs applicable to services, facilities, and supplies furnished by a related organization in excess of the lower of the cost to the related organization or the price of comparable services, facilities, or supplies purchased elsewhere;

(j) Bad debts. Beginning July 1, 1983, the department shall allow bad debts of Title XIX recipients only if:

(i) The debt is related to covered services;

(ii) It arises from the recipient's required contribution toward the cost of care;

(iii) The provider can establish reasonable collection efforts were made;

(iv) The debt was actually uncollectible when claimed as worthless; and

(v) Sound business judgment established there was no likelihood of recovery at any time in the future.

Reasonable collection efforts shall consist of three documented attempts by the contractor to obtain payment. Such documentation shall demonstrate the effort devoted to collect the bad debts of Title XIX recipients is at the same level as the effort normally devoted by the contractor to collect the bad debts of non-Title XIX patients. Should a contractor collect on a bad debt, in whole or in part, after filing a cost report, reimbursement for the debt by the department shall be refunded to the department to the extent of recovery. The department shall compensate a contractor for bad debts of Title XIX recipients at final settlement through the final settlement process only.

(k) Charity and courtesy allowances;

(l) Cash, assessments, or other contributions, excluding dues, to charitable organizations, professional organizations, trade associations, or political parties, and costs incurred to improve community or public relations. Any portion of trade association dues attributable to legal and consultant fees and costs in connection with lawsuits or other legal action against the department shall be unallowable;

(m) Vending machine expenses;

(n) Expenses for barber or beautician services not included in routine care;

(o) Funeral and burial expenses;

(p) Costs of gift shop operations and inventory;

(q) Personal items such as cosmetics, smoking materials, newspapers and magazines, and clothing, except items used in patient activity programs where clothing is a part of routine care;

(r) Fund-raising expenses, except expenses directly related to the patient activity program;

(s) Penalties and fines;

(t) Expenses related to telephones, televisions, radios, and similar appliances in patients' private accommodations;

(u) Federal, state, and other income taxes;

(v) Costs of special care services except where authorized by the department;

(w) Expenses of key-man insurance and other insurance or retirement plans not in fact made available to all employees on an equal or fair basis in terms of costs to employees and benefits commensurate to such costs;

(x) Expenses of profit-sharing plans;

(y) Expenses related to the purchase and/or use of private or commercial airplanes which are in excess of what a prudent contractor would expend for the ordinary and economic provision of such a transportation need related to patient care;

(z) Personal expenses and allowances of owners or relatives;

(aa) All expenses of maintaining professional licenses or membership in professional organizations;

(bb) Costs related to agreements not to compete;

(cc) Goodwill and amortization of goodwill;

(dd) Expense related to vehicles which are in excess of what a prudent contractor would expend for the ordinary and economic provision of transportation needs related to patient care;

(ee) Legal and consultant fees in connection with a fair hearing against the department relating to those issues where:

(i) A final administrative decision is rendered in favor of the department or where otherwise the determination of the department stands at the termination of administrative review; or

(ii) In connection with a fair hearing, a final administrative decision has not been rendered; or

(iii) In connection with a fair hearing, related costs are not reported as unallowable and identified by fair hearing docket number in the period they are incurred if no final administrative decision has been rendered at the end of the report period; or

(iv) In connection with a fair hearing, related costs are not reported as allowable, identified by docket number, and prorated by the number of issues decided favorably to a contractor in the period a final administrative decision is rendered.

(ff) Legal and consultant fees in connection with a lawsuit against the department, including suits which are appeals of administrative decisions;

(gg) Lease acquisition costs and other intangibles not related to patient care;

(hh) Interest charges assessed by the state of Washington for failure to make timely refund of overpayments and interest expenses incurred for loans obtained to make such refunds;

(ii) Beginning January 1, 1985, lease costs, including operating and capital leases, except for office equipment operating lease costs;

(jj) Beginning January 1, 1985, interest costs;

(kk) Travel expenses outside the states of Idaho, Oregon, and Washington, and the Province of British Columbia. However, travel to or from the home or central office of a chain organization operating a nursing home will be allowed whether inside or outside these areas if such travel is necessary, ordinary, and related to patient care;

(ll) Board of director fees for services in excess of one hundred dollars per board member, per meeting, not to exceed twelve meetings per year;

(mm) Moving expenses of employees in the absence of a demonstrated, good-faith effort to recruit within the states of Idaho, Oregon, and Washington, and the Province of British Columbia;

(nn) For rates effective after June 30, 1993, depreciation expense in excess of ~~((twenty-five hundred))~~ four thousand dollars per year for each passenger car((s)) or other vehicle((s primarily used for the administrator, facility staff, or central office staff));

(oo) Any costs associated with the use of temporary health care personnel from any nursing pool not registered with the director of the department of ~~((licensing))~~ health at the time of such pool personnel use;

(pp) Costs of payroll taxes associated with compensation in excess of allowable compensation for owners, relatives, and administrative personnel;

(qq) Department-imposed postsurvey charges incurred by the facility as a result of subsequent inspections which occur beyond the first postsurvey visit during the certification survey calendar year;

(rr) Costs and fees otherwise allowable for legal services, whether purchased, allocated by a home office, regional office or management company, or performed by the contractor or employees of the contractor, in excess of the eighty-fifth percentile of such costs, measured on a total cost basis, reported by all contractors for the most recent cost report period: *Provided*, That this limit shall not apply to a contractor unless the contractor has exceeded this percentile for each of the three years preceding the most recent cost report year;

(ss) Costs and fees otherwise allowable for accounting and bookkeeping services, whether purchased, allocated by a home office, regional office or management company, or performed by the contractor or employees of the contractor, in excess of the eighty-fifth percentile of such costs, measured on a per patient-day cost basis, reported by all contractors for the most recent cost report period, provided this limit shall not apply to a contractor unless the contractor has exceeded this percentile for each of the three years preceding the most recent cost report year; ~~((and))~~

(tt) For all partial or whole rate periods after July 17, 1984, costs of assets, including all depreciable assets and land, which cannot be reimbursed under the provisions of the Deficit Reduction Act of 1984 (DEFRA) and state statutes and regulations implementing DEFRA((-));

(uu) Effective for July 1, 1991, and all following rates, compensation paid for any purchased nursing care services, including registered nurse, licensed practical nurse, and nurse assistant services, obtained through service contract arrange-

ment in excess of the amount of compensations which would have been paid for such hours of nursing care services had they been paid at the combined regular and overtime average hourly wage, including related taxes and benefits, for in-house nursing care staff of like classification of registered nurse, licensed practical nurse, or nursing assistant at the same nursing facility, as reported on the facility's filed cost report for the most recent cost report period((-));

(vv) Outside consultation expenses required pursuant to WAC 388-88-135;

(xx) Fees associated with filing a bankruptcy petition under chapters VII, XI, and XIII, pursuant to the Bankruptcy Reform Act of 1978, Public No. 95-598.

NEW SECTION

WAC 388-96-709 Prospective rate revisions—Reduction in licensed beds. (1) The department will revise a contractor's prospective rate when the contractor reduces the number of its licensed beds and:

(a) Notifies the department in writing thirty days before the licensed bed reduction; and

(b) Supplies a copy of the new bed license and documentation of the number of beds sold, exchanged or otherwise placed out of service, along with the name of the contractor that received the beds, if any; and

(c) Requests a rate revision.

(2) The revised prospective rate shall comply with all the provisions of rate setting contained in this chapter including all lids and maximums unless otherwise specified in this section and remain in effect until a prospective rate can be set according to WAC 388-96-713.

(3) The revised prospective rate shall be effective the first of a month determined by where in the month the effective date of the licensed bed reduction occurs or the date the contractor complied with subsections 1(a), (b), and (c) of this section as follows:

(a) If the contractor complied with subsection (1)(a), (b), and (c) of this section and the effective date of the reduction falls:

(i) Between the first and the fifteenth of the month, then the revised prospective rate is effective the first of the month in which the reduction occurs; or

(ii) Between the sixteenth and the end of the month, then the revised prospective rate is effective the first of the month following the month in which the reduction occurs; or

(b) When the contractor fails to comply with subsection 1(a) of this section, then the date the department receives from the contractor the documentation that is required by subsection (1)(b) and (c) of this section shall become the effective date of the reduction for the purpose of applying subsection (3)(a)(i) and (ii) of this section.

(4) The department shall revise the contractor's prospective rate as follows:

(a) For the nursing service and food cost centers, the rate will remain the same as before the reduction in licensed beds;

(b) For property, administration, and operations cost centers; and return on investment rate, the department will use the reduced total of licensed beds to determine occupancy level under WAC 388-96-719(4). If the contractor's

occupancy level of licensed beds computed on the most recent, complete, desk-reviewed annual cost report before the licensed bed reduction:

(i) Was above eighty-five percent and remains above eighty-five percent after the reduction, then the department will:

(A) Not change the administration and operation rate;
(B) Recompute the property rate to reflect the new asset basis; and

(C) Recompute the return on investment rate to reflect the new asset basis and the change in the property cost center.

(ii) Was below eighty-five percent and changes to at or above eighty-five percent after the reduction, then the department will recompute rates for:

(A) Administration and operations using actual days; and

(B) Property and return on investment rates using actual days and the new asset basis.

(iii) Was below eighty-five percent and remains below eighty-five percent after the reduction, then the department will recompute rates for:

(A) Administration and operation using the change in days that results from the reduced number of licensed beds used in calculating the eighty-five percent occupancy level; and

(B) Property and return on investment using the change in days that results from the reduced number of licensed beds used in calculating the eighty-five percent occupancy level and to reflect the new asset basis.

AMENDATORY SECTION (Amending Order 3424, filed 7/23/92, effective 8/23/92)

WAC 388-96-710 Prospective reimbursement rate for new contractors. (1) The department shall establish ~~((a))~~ an initial prospective reimbursement rate for a new contractor as defined under WAC 388-96-026 (1)(a) or (b) within sixty days following receipt by the department of a properly completed projected budget (see WAC 388-96-026). The rate shall take effect as of the effective date of the contract~~(-~~

~~(2) The department shall base this prospective reimbursement rate, as specified below, on the contractor's projected cost of operations, and on costs and payment rates of the prior contractor, if any, and/or of other contractors in comparable circumstances. This rate)) and shall comply with all the provisions of rate setting contained in this chapter ((and shall comply with)) including all lids and maximums set forth in this chapter. ((Subject to such provisions, lids, and maximums, the department shall follow the procedures set forth in this section))~~

(2) To set the initial prospective reimbursement rate for a new contractor as defined in WAC 388-96-026 (1)(a) and (b), the department shall:

~~(a) ((The department shall select from department records a sample comprised of all the current contractors in the same county in similar circumstances:~~

~~(i) For facilities not operated by a Medicaid contractor for the period of operation immediately prior to the effective date of the new contract; and~~

~~(ii) For new facilities going into operation for the first time. New facilities going into operation for the first time shall be those with a new building, new resident population and new staff. Similar circumstances shall consist of the same bed capacity, plus or minus twenty five beds. The department shall exclude from the sample those facilities against which the department has assessed a civil penalty for health or safety violations or proposed licensed revocation, stop placement or decertification for health or safety violations within six months preceding the effective date of the new contract. If the county wide sample does not include at least six facilities, the department shall include in the sample all facilities in similar circumstances in the adjoining county or counties. Based upon the most recent information in its files relating to the topics set forth below, the department shall determine:~~

~~(A) The average sample debility score;~~

~~(B) The average sample nursing services wages and hours; and~~

~~(C) The average sample costs for nursing services, food, and administration and operations cost centers inflated in accordance with the provisions of this chapter.~~

~~(I) Nursing services. The department shall follow the projected budget for rate setting to the extent it does not exceed the sample average wages, hours, and inflated costs plus ten percent of such wages, hours, and inflated costs. The department shall allow a budget above the sample averages plus ten percent only to the extent anticipated debility of the patient population to be served exceeds or is likely to exceed the sample average debility as demonstrated and documented by the contractor. In such cases, rate funding shall not exceed predicted staffing for the anticipated debility. The department shall determine actual debility when sufficient data is available and shall recover any overpayment under rules relating to errors and omissions.~~

~~(II) Food. The food rate shall be the rate per patient day of other Medicaid contractors established in accordance with this chapter.~~

~~(III) Administration and operations. The department shall follow the projected budget for rate setting to the extent it does not exceed:~~

~~(aa) The sample average inflated costs as determined under subsection (2)(a) of this section for administration and operations, plus~~

~~(bb) Ten percent of such costs. The department shall allow a budget above the sample average inflated costs plus ten percent only to the extent costs are likely to exceed the inflated sample average plus ten percent as demonstrated by the contractor. However, the department shall allow budgeted salaries of administrators and assistant administrators if not in excess of maximums set forth in this chapter.~~

~~(IV) Property. The property rate shall be set in accordance with the provisions of this chapter.~~

~~(V) Return on investment. The department shall set the return on investment rate in accordance with the provisions of this chapter. The department shall use budgeted food cost in computing the financing allowance to the extent it does not exceed the inflated sample average food cost. The department shall allow a budget above the inflated sample average only to the extent food cost is likely to exceed the inflated sample average as demonstrated and documented by the contractor.~~

~~(b) The department shall follow the procedures set forth in subsection (2)(a) of this section for facilities operated by a Medicaid contractor, if any, for the period of operation immediately prior to the effective date of the new contract. However, the department shall use data used to set the preceding contractor's rate rather than data from a sample average plus ten percent. The department shall not use data used to set the preceding contractor's rate if the department has assessed a civil penalty against such contractor for health or safety violations or has proposed licensed revocation, stop placement, or decertification for health or safety violations within six months preceding the effective date of the new contract. In such cases, the department shall use sample average data.)~~ Select all nursing facilities from the department's records of all the current Medicaid nursing facilities in the new contractor's peer group with the same bed capacity plus or minus ten beds. If the selection does not result in seven facilities, then the department will increase the bed capacity by plus or minus five bed increments until a sample of at least seven nursing facilities is obtained; and

~~(c) Based upon the most recent information available to the department for the nursing facilities selected under subsection (2)(b) of this section, rank from the lowest to the highest.~~

~~(3) If the department has not received a properly completed projected budget at least sixty days prior to the effective date of the contract, the department shall establish a rate based on the other factors specified in subsection (2)(e) of this section. This initial prospective rate shall remain in effect until a prospective rate can be set according to WAC 388-96-713.~~

~~(4) If a change of ownership is not an arm's length transaction as defined in WAC 388-96-010, the department shall set the new contractor's prospective rates in the administration and operation and property cost areas no higher than the rates of the old contractor, adjusted if necessary to take into account economic trends.)~~ Determine whether the new contractor belongs to the metropolitan statistical area (MSA) peer group or the non-MSA peer group using the latest information received from the office of management and budget or the appropriate federal agency;

(b) Select all nursing facilities from the department's records of all the current Medicaid nursing facilities in the new contractor's peer group with the same bed capacity plus or minus ten beds. If the selection does not result in seven facilities, then the department will increase the bed capacity by plus or minus five bed increments until a sample of at least seven nursing facilities is obtained; and

(c) Based upon the most recent information available to the department for the nursing facilities selected under subsection (2)(b) of this section, rank from the lowest to the highest the rates in nursing services, food, administration, and operations cost centers and based on this ranking:

(i) Determine the rate in the middle of the ranking, above and below which lie an equal number of rates (median) and then identify the rate immediately above the median for each cost center identified in subsection (2)(c) of this section. The rate immediately above the median will be known as the "selected rate" for each cost center; and

(ii) Set the new contractor's rates for each cost center identified in subsection (2)(c) at the lower of the "selected rate" or the budget rate; and

(iii) Set the property rate in accordance with the provisions of this chapter; and

(iv) Set the return on investment rate in accordance with the provisions of this chapter. In computing the financing allowance, the department shall use for the nursing services, food, administration, and operations cost centers the rates set pursuant to subsection (2)(c)(i) and (ii) of this section.

(3) If the department has not received a properly completed projected budget from the new contractor as defined under WAC 388-96-026 (1)(a) or (b) at least sixty days prior to the effective date of the new contract, the department shall establish rates for:

(a) Nursing services, food, administration and operations cost centers based on the "selected rates" as determined under subsection (2)(c) of this section; and

(b) Property in accordance with the provisions of this chapter using for the new contractor:

(i) As defined under subsection 1(a) of this section, information from the certificate of need; or

(ii) As defined under subsection (1)(b) of this section, information provided by the new contractor within ten days of the date the department requests the information in writing. If the contractor as defined under subsection (1)(b) of this section, has not provided the requested information timely, then the property rate will be zero. The property rate will remain zero until the information is received.

(c) Return on investment rate in accordance with the provisions of this chapter using the "selected rates" established under subsection (2)(c) of this section, to compute the working capital provision and variable return for the new contractor:

(i) As defined under subsection (1)(a) of this section, information from the certificate of need; or

(ii) As defined under subsection (1)(b) of this section, information provided by the new contractor within ten days of the date the department requests the information in writing. If the contractor as defined under subsection (1)(b) of this section, has not provided timely the requested information, then the net book value of allowable assets will be zero. The financing allowance rate component will remain zero until the information is received.

(4) The initial prospective reimbursement rate for a new contractor as defined under WAC 388-96-026 (1)(c), shall be the last prospective reimbursement rate paid by the department to the Medicaid contractor operating the nursing facility immediately prior to the effective date of the new contract.

(5) For the new contractor as defined under WAC 388-96-026 (1)(a), (b), or (c):

(a) The initial prospective rate shall remain in effect until a prospective rate can be set according to WAC 388-96-713; or

(b) If the new contractor has participated in the program for less than six months of the prior calendar year, its July 1 prospective reimbursement rate will be the one set pursuant to WAC 388-96-710 inflated in accordance with WAC 388-96-719(3).

AMENDATORY SECTION (Amending Order 3270, filed 10/29/91, effective 11/29/91)

WAC 388-96-754 A contractor's return on investment. (1) The department shall establish for individual Medicaid facilities return on investment allowances composed of a financing allowance and a variable return allowance.

(2) The department shall determine the financing allowance by:

(a) Multiplying the net invested funds of each facility by ten percent and dividing by the contractor's total patient days effective for July 1, 1991, and all following rate settings. Annual patient days taken from the contractor's cost report for the most recent twelve-month cost report period will be used. If the cost report covers less than twelve months, the department will estimate annual patient days and working capital costs for a full year based upon data in the cost report. If a capitalized addition or retirement of an asset results in a different licensed bed capacity during the ensuing period, the department shall adjust the prior period total patient days used in computing the financing and variable return allowances to anticipated patient day level; and

(b) In computing the portion of net invested funds representing the net book value of tangible fixed assets, the same assets, depreciation bases, lives, and methods referred to in this chapter, including owned and leased assets, shall be used, except the capitalized cost of land upon which a facility is located and other such contiguous land which is reasonable and necessary for use in the regular course of providing patient care shall also be included. As such, subject to provisions contained in this chapter, capitalized cost of leased land, regardless of the type of lease, shall be the lessor's historical capitalized cost. Subject to provisions contained in this chapter, for land purchases before July 18, 1984 (the enactment date of the Deficit Reduction Act of 1984 (DEFRA)), capitalized cost of land shall be the buyer's capitalized cost. For all partial or whole rate periods after July 17, 1984, if the land is purchased on or after July 18, 1984, capitalized cost of land shall be that of the owner of record on July 17, 1984, or buyer's capitalized cost, whichever is lower. In the case of leased facilities where the net invested funds are unknown or the contractor is unable or unwilling to provide necessary information to determine net invested funds, the department may determine an amount to be used for net invested funds based upon an appraisal conducted by the department of general administration per this chapter.

(3) The department shall determine the variable return allowance according to the following procedure:

(a) The department shall rank all facilities in numerical order from highest to lowest based upon average per diem allowable costs for the sum of the administration and operations and property cost centers for the preceding cost report period. In the case of a new contractor, property and administration and operations cost levels actually used to set the initial rate shall be used for the purpose of ranking the new contractor. The department shall adjust the new contractor's costs to the cost year used to establish the most recent variable return ranking for all providers using inflation factors authorized by provisions of this chapter.

(b) The department shall compute the variable return allowance by multiplying the total prospective rate excluding any revisions done pursuant to WAC 388-96-774 for each facility by the appropriate percentage which shall not be less than one percent nor greater than four percent. The department shall divide the facilities ranked according to subsection (3)(a) of this section into four groups, from highest to lowest, with an equal number of facilities in each group or nearly equal as is possible. The department shall assign facilities in the highest quarter a percentage of one, in the second highest quarter a percentage of two, in the third highest quarter a percentage of three, and in the lowest quarter a percentage of four. The per patient day variable return allowance in the initial rate of a new contractor shall be the same as that in the rate of the preceding contractor, if any.

(4) The sum of the financing allowance and the variable return allowance shall be the return on investment for each facility and shall be added to the prospective rate for each facility.

(5) If a facility is leased by a contractor as of January 1, 1980, in an arm's-length agreement, which continues to be leased under the same lease agreement as defined in this chapter, and for which the annualized lease payment, plus any interest and depreciation expenses of contractor-owned assets, for the period covered by the prospective rates, divided by the contractor's total patient days, minus the property cost center determined according to this chapter, is more than the return on investment allowance determined according to this section, the following shall apply:

(a) The financing allowance shall be recomputed substituting the fair market value of the assets, as of January 1, 1982, determined by department of general administration appraisal less accumulated depreciation on the lessor's assets since January 1, 1982, for the net book value of the assets in determining net invested funds for the facility. Said appraisal shall be final unless shown to be arbitrary and capricious.

(b) The sum of the financing allowance computed under this subsection and the variable return allowance shall be compared to the annualized lease payment, plus any interest and depreciation expenses of contractor-owned assets, for the period covered by the prospective rates, divided by the contractor's total patient days, minus the property cost center rate determined according to this chapter. The lesser of the two amounts shall be called the alternate return on investment allowances.

(c) The return on investment allowance determined in accordance with subsections (1), (2), (3), and (4) of this section or the alternate return on investment allowance, whichever is greater, shall be the return on investment allowance for the facility and shall be added to the prospective rate of the facility.

(d) In the case of a facility leased by the contractor as of January 1, 1980, in an arm's-length agreement, if the lease is renewed or extended pursuant to a provision of the lease agreement existing on January 1, 1980, the treatment provided in subsection (5)(a) of this section shall be applied except that in the case of renewals or extensions made on or subsequent to April 1, 1985, per a provision of the lease agreement existing on January 1, 1980, reimbursement for the annualized lease payment shall be no greater than the

reimbursement for the annualized lease payment for the last year prior to the renewal or extension of the lease.

(6) The information from the two prior reporting periods used to set the two prospective return on investment rates in effect during the settlement year is subject to field audit. If the financing allowances which can be documented and calculated at audit of the prior periods are different than the prospective financing allowances previously determined by desk-reviewed, reported information, and other relevant information, the prospective financing allowances shall be adjusted to the audited level at final settlement of the year the rates were in effect, except the adjustments shall reflect a minimum bed occupancy level of eighty-five percent. Any adjustments to the financing allowances pursuant to this subsection shall be for settlement purposes only. However, the variable return allowances shall be the prospective allowances determined by desk-reviewed, reported information, and other relevant information and shall not be adjusted to reflect prior-period audit findings.

AMENDATORY SECTION (Amending Order 2970, filed 4/17/90, effective 5/18/90)

WAC 388-96-774 Prospective rate revisions. (1) The department shall determine each contractor's reimbursement rates prospectively at least once each calendar year, to be effective July 1st. The department shall determine all prospective reimbursement rates for 1984 and thereafter using the prior year's desk-reviewed cost reports. Prospective rates shall be maximum payment rates for contractors for the periods to which they apply.

(a) The department may grant revisions for:

(i) Inflation only as authorized ~~((#))~~ under WAC 388-96-719(3); and ~~((may grant))~~

(ii) Other revisions for cost increases only as authorized in this section.

(b) The department shall not grant and the contractor shall not use rate adjustments for:

(i) Wage increases for existing, newly hired or promoted staff except as authorized in WAC 388-96-756; and ~~((not for increases in))~~

(ii) The use of temporary employment services providing direct patient care. ~~((This section shall apply to rate revision requests and periods subsequent to May 20, 1985.))~~

(2) The department shall adjust rates for any capitalized additions or replacements made as a condition for licensure or certification.

(3) The department may adjust rates for any of the following:

(a) Variations in the distribution of patient classifications or changes in patient characteristics from:

(i) The prior reporting year; or

(ii) Those used to set the rate for a new contractor; or

(iii) Corresponding to the nursing staff funded for a new contractor.

(b) Program changes required by the department as evidenced by a written directive from the director of nursing home services, aging and adult services administration; and

(c) Changes in staffing levels at a facility required by the department as evidenced by a written directive from the

director of nursing home services, aging and adult services administration.

(4) Contractors requesting an adjustment shall submit a written request to the department separate from all other requests and inquires of the department, e.g., WAC 388-96-904 (1) and (5). The written request shall include the following:

(a) A financial analysis showing:

(i) The increased cost; and

(ii) An estimate of the rate increase, computed according to allowable methods, necessary to fund the cost.

(b) A written justification for granting the rate increase; and

(c) A certification and supporting documentation showing the changes in staffing have commenced, or other commenced or completed improvements.

(5) Contractors receiving prospective rate increases per this section shall submit quarterly reports ~~((beginning))~~. The quarterly reports shall cover the first day ((of the month following the date)) the rate increase is ((granted, showing)) effective and show how the additional rate funds and hours were ((spent)) utilized. If the funds and/or hours were not ~~((spent))~~ utilized for the changes and/or improvements approved by the department in granting the adjustment, they shall be subject to immediate recovery by the department.

(6) A contractor requesting an adjustment pursuant to subsection (3)(a) of this section shall submit a written plan specifying:

(a) Additional staff to be added;

(b) Changes in ~~((Medicaid))~~ all patient characteristics requiring the additional staff; and

(c) The predicted improvements in patient care services which will result. The department shall respond to such requests within sixty days following the receipt of a properly completed request.

(7) In reviewing a request made under subsection (3) of this section, the department shall consider one or more of the following:

(a) Whether additional staff requested by a contractor is necessary to meet patient care needs;

(b) Comparisons of staffing patterns of nursing facilities ((having similar size and patient characteristics)) from either the latest statewide metropolitan statistical area (MSA) peer group or non-MSA peer group to which the nursing facility belongs and calculated on a per patient day basis. The department shall use the latest MSA and non-MSA received from the office of management and budget or the appropriate federal agency;

(c) The physical layout of the facility;

(d) Nursing service planning and management for maximum efficiency;

(e) Historic trends in underspending of a facility's nursing services component rate;

(f) Numbers, positions, and scheduling of existing staff;

(g) Increases in acuity (debility) levels of contractors' residents;

(h) Survey, inspection of care, and department consultation results; and

(i) The facility's ability to fund its staffing request through the facility's existing total Medicaid reimbursement rate.

(8) If a request made under subsection (3) of this section is approved by the department, the cost of funding the additional staff may be reduced for rate revision purposes by amounts shifted out of nursing services in 1986 or 1987, as reflected in the preliminary or final settlement reports for 1986 and 1987.

(9) The department may also adjust rates to cover costs associated with placing a nursing home in receivership for costs not covered by the rate of the former contractor, including:

- (a) Compensation of the receiver;
- (b) Reasonable expenses of receivership and transition of control; and
- (c) Costs incurred by the receiver in carrying out court instructions or rectifying deficiencies found.

(10) The department shall not grant a rate adjustment effective earlier than sixty days prior to receipt of the written request for such adjustment accompanied by all related documentation and information required by this section.

WSR 93-08-066
PROPOSED RULES
GAMBLING COMMISSION
[Filed April 5, 1993, 3:38 p.m.]

Original Notice.

Title of Rule: WAC 230-30-072 Punchboard and pull tab inventory and retention requirements; and 230-08-010 monthly records.

Purpose: To add computerized record-keeping requirements.

Statutory Authority for Adoption: RCW 9.46.070 (6)(7)(8)(9)(17).

Summary: To add computerized record-keeping requirements.

Name of Agency Personnel Responsible for Drafting: Sharon M. Tolton, Rules Coordinator, Lacey, 438-7685; Implementation: Frank L. Miller, Director, Lacey, 438-7640; and Enforcement: Neal S. Nunamaker, Deputy Director, Lacey, 438-7690.

Name of Proponent: [Gambling Commission], 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 Summary above.

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

The agency has considered whether these rule changes would create an economic impact on small businesses as defined in chapter 19.85 RCW. It has determined that there are [is] no economic impact to small business as a result of these proposals for the following reasons: No cost or expenditure of resources; no affect on industry; and no substantive change in existing regulatory scheme.

Hearing Location: Sheraton Hotel, 1400 6th Avenue, Seattle, WA 98101, on June 11, 1993, at 10:00 a.m.

Submit Written Comments to: Sharon M. Tolton, Special Assistant to the Director, Washington State Gam-

bling Commission, P.O. Box 42400, Olympia, WA 98504-2400, by June 9, 1993.

Date of Intended Adoption: June 11, 1993.

April 5, 1993

Sharon M. Tolton
Rules Coordinator

AMENDATORY SECTION (Amending Order 198, filed 10/17/89, effective 11/17/89)

WAC 230-30-072 Punchboard and pull tab inventory and retention requirements. Each punchboard and pull tab series purchased or otherwise obtained by an operator shall be controlled and accounted for in the following manner:

(1) Each operator shall closely monitor punchboard and pull tab series purchased to assure that all Washington state identification and inspection service stamp numbers are correctly entered in all records and each device purchased is recorded. The following control procedures apply:

(a) After the close of business on September 30, 1988, and before operating punchboards and pull tabs after that date, each operator shall take a physical inventory of all punchboards and pull tabs in-play and awaiting play and record the following information separately for punchboards and pull tabs:

(i) Name of game; and

(ii) ~~((H-D-))~~ Washington state identification and inspection stamp number;

(b) At the time ~~((punchboards and pull tabs are))~~ a punchboard or pull tab series is delivered, each operator will assure that all purchase invoice data is ~~((correct))~~ correctly recorded by the distributor by comparing the actual ~~((H-D-))~~ Washington state identification and inspection stamp number ~~((s-on))~~ attached to each punchboard ~~((#))~~ and pull tab series to the number ~~((s-entered))~~ recorded on the purchase invoice ~~((s));~~

(c) All purchases of punchboards or pull tab ~~((s))~~ series shall be recorded on a standard distributor's invoice, which will be used by the operator as a record to account for the punchboard or pull tab series between the time it is purchased and removed from play. Each invoice shall include ~~((s))~~ space for the operator to either attach a records entry label or enter the Washington state identification and inspection services stamp number and the date the device was placed out for play ~~((For all punchboards or pull tab series purchased, the operator shall enter the date and the identification and inspection service stamp number in the space on the invoice, adjacent to the distributors entry, by attaching a records entry label, or by written entry if record entry labels are not attached to the punchboard or pull tab series~~

~~((#))~~ Provided, That in lieu of the distributor's invoice recording system, licensees may use a separate inventory record to account for purchases and uses of punchboards and pull tabs. The inventory record may be manually maintained or generated from a computer data base. If generated from a computer data base, all requirements relating to computer data base records and printouts, as set out in WAC 230-08-010 (6) and (7) shall be followed. Inventory records shall include the following entries for each punchboard or pull tab series purchased or otherwise obtained:

- (i) Distributor's name;
- (ii) Invoice number;
- (iii) Date of purchase;
- (iv) Name of the punchboard or pull tab series;
- (v) Date placed into play;
- (vi) The Washington state identification and inspection services stamp number entered by the distributor at the time of purchase; and

(vii) The Washington state identification and inspection services stamp number entered by the operator by attaching a records entry label at the time placed into play: *Provided*, That a computer generated facsimile of the number may be imprinted on the inventory record in lieu of a records entry label;

(d) At the time a punchboard or pull tab series is placed into play, each operator shall record in the allotted space on the distributor's invoice or the inventory record the following:

- (i) Date placed into play; and
- (ii) Washington state identification and inspection services stamp number by attaching a records entry label: *Provided*, That a computer generated facsimile of the number may be imprinted on the inventory record in lieu of a records entry label.

(e) If a device is returned to a distributor for any reason, including commission required recall, the operator shall record the date, invoice or credit memo number, and "returned" on the original purchase invoice(~~(-*Provided*, That licensees may use a commission approved inventory log to comply with subsections (e) and (d) of this section)~~) or inventory log in the spaces allotted for "date-in-play" and "records entry label";

(2) Each punchboard or pull tab series which is removed from operation, together with the prize flare, all unplayed tabs, and all winning punches or tabs, shall be retained by the operator for at least four months following the last day of the month in which it was removed from play. The board, unplayed tabs, flare, and all winning punches or tabs shall remain available for inspection, on the licensed premises, by commission agents and/or local law enforcement and taxing agencies: *Provided*, That devices may be stored off premise if they are produced for inspection upon demand;

(3) Each punchboard or pull tab series which is not placed out for public play or returned to the distributor or manufacturer from whom it was originally purchased, must be retained on the licensed premises and made available for inspection by commission agents and/or local law enforcement and taxing agencies: *Provided*, That devices may be stored off premise if they are produced for inspection upon demand;

(4) Each punchboard or pull tab series which is deemed by the operator to be defective or unplayable, for any reason, shall not be returned to the distributor or manufacturer without approval from the commission. If it is found to be defective after it has been placed out for play, all other rules apply and it must be recorded as required by WAC 230-08-010: *Provided*, That the retention time required by subsection (2) above may be shortened by the commission upon inspection and written release by a commission agent.

AMENDATORY SECTION (Amending Order 231, filed 9/18/92, effective 10/19/92)

WAC 230-08-010 Monthly records. Every person or organization licensed to operate any authorized gambling activity shall ~~((keep and))~~ maintain permanent monthly records of all ~~((of the activities of the licensee related to each licensed activity))~~ financial transactions directly or indirectly related to gambling activities. Each of these records shall be maintained by the licensee for a period of not less than three years from the end of the fiscal year for which the record is kept unless the licensee is released by the commission from this requirement as to any particular record or records. These records must include all financial transactions and contain enough detail to determine compliance with the requirements of WAC 230-04-024, 230-04-080, and 230-08-122. The record for each licensed activity shall be a separate unit, covering all transactions occurring during a calendar month. These records shall be complete in every detail and available for audit or inspection by agents of the commission or other law enforcement personnel no later than thirty days following the end of each month. Each record shall include, but not necessarily be limited to, all details of the following:

- (1) The gross gambling receipts from the conduct of each of the activities licensed.
- (2) Full details on all expenses related to each of the activities licensed.
- (3) The total cost of all prizes paid out for each of the activities licensed.
- (4) With respect to those organizations licensed as qualified bona fide charitable or bona fide nonprofit organizations, except agricultural fairs, records shall clearly show in detail how those proceeds from each licensed activity obtained by the licensee were used or disbursed by that licensee.
- (5) With respect to commercial stimulant licensees, records shall include at least the following details:
 - (a) Gross sales of food and drink for consumption on their licensed premises;
 - (b) Gross sales of food and drink for consumption off the licensed premises; and
 - (c) Gross sales from all other business activities occurring on the licensed premises.
- (6) In addition to any other requirement set forth in these rules, licensees for the operation of punchboards and pull tabs shall be required to prepare a detailed monthly record for punchboards and pull tab series removed from play during that month. This detailed monthly record shall be recorded in a standard format prescribed by the commission ~~((and))~~: *Provided*, That punchboard and pull tab monthly records may be stored in computer data bases if:
 - (a) Computer data base records are not the primary storage medium and all original input control documents supporting data maintained in computer data bases are retained by the licensee;
 - (b) A "hard copy" report organizing the data maintained in the computer data base is generated for each month. This report must be completed and available for review no later than thirty days following the end of the month.

(c) An up-to-date "hard copy" report is provided within three days upon request of commission agents, law enforcement personnel, or local tax authorities;

(d) Reports generated from the computer data base provides all data required by subsection (7) of this section; and

(e) Reports generated from the computer data base organizes the required data in an order that approximates the standard format and does not impede audit;

(7) Monthly records for punchboards and pull tabs shall disclose for each ((set at minimum)) punchboard and pull tab series the following information:

(a) The name of the punchboard or pull tab series;

(b) The Washington state identification and inspection services stamp number ((issued by the commission and placed thereon: *Provided, That when records entry labels are attached to the punchboard or pull tab series flare, a label shall be attached to the record in lieu of a written entry*)) recorded by attaching a records entry label: *Provided, That in lieu of the records entry label, licensees may use a facsimile of the bar coded Washington state identification and inspection services stamp number which is generated by a printer interfaced with a computer data base, if the following standards and procedures are followed:*

(i) The Washington state identification and inspection services stamp number must be electronically input into the data base by scanning the stamp with a bar code reader;

(ii) Records must be printed on white paper. Facsimiles of the bar coded Washington state identification and inspection stamp numbers must be at least one-quarter inch in height with a "quiet zone" on at least one-quarter inch of each side of the bar code;

(iii) Bar code facsimiles must be code "interleaved two of five" (USS-12/5) with a readability rate of at least 99.0% with a maximum of three passes with commission bar code reading equipment. Each licensee will be responsible for the accuracy of printouts and ensuring that bar codes are electronically readable. It is recommended that specifications of a printer be reviewed for capability to meet minimum standards prior to purchase or lease and that the printer be equipped with a serviceable ribbon;

(c) The date removed from play;

(d) The total number of tabs in each pull tab series or the total number of punches in each punchboard;

(e) The number of pull tabs or punches remaining after removal from play;

(f) The number of pull tabs or punches played from the pull tab series or punchboard;

(g) The cost to the players to purchase one pull tab or one punch;

(h) The gross gambling receipts as defined in WAC 230-02-110;

(i) The total prizes paid, including both cash and merchandise (calculated by the cost to the licensee) prizes;

(j) The net gambling receipts (gross gambling receipts less total prizes paid);

(k) The cash over or short determined by:

(i) Subtracting actual cash from net gambling receipts for punchboards and pull tabs which ((~~pay~~)) award cash prizes((:)); and

(ii) Subtracting actual cash from gross gambling receipts for punchboards and pull tabs which award merchandise prizes; ((~~and~~))

(l) The actual cash received from the operation of each pull tab series or punchboard: *Provided, That when more than one series of pull tabs is sold from a single dispensing device and the dispensing device is equipped with recording devices or meters which provide an accounting of the number of tabs dispensed from each individual series, the actual cash received may be computed by use of the meter readings. If this method is used to account for actual cash, all series shall be played out at least once each calendar quarter and the combined cash over or short calculated for all series played during the period by reconciling the total cash removed from the dispenser to the total tabs sold. The combined cash over or short shall be recorded as required by (k) of this subsection; ((~~and~~))*

(m) With written commission approval, licensees operating pull tabs to stimulate food and drink sales may record (k) and (l) of this subsection in total on a daily, weekly, or monthly basis, if their recordkeeping procedures meet commission standards.

((~~7~~)) (8) Copies of all additional financial data which support tax reports to any and all governmental agencies.

WSR 93-08-067

PROPOSED RULES

BELLEVUE COMMUNITY COLLEGE

[Filed April 5, 1993, 3:42 p.m.]

Original Notice.

Title of Rule: Chapter 132H-116 WAC, Parking and traffic rules, rules covering parking on campus and driving regulations.

Purpose: Amend chapter 132H-116 WAC.

Statutory Authority for Adoption: Chapter 34.05 RCW.

Statute Being Implemented: RCW 28B.50.140.

Summary: Amends chapter 132H-116 WAC.

Reasons Supporting Proposal: Clarifies definition of WAC 132H-116-315 Definitions, subsection (5).

Name of Agency Personnel Responsible for Drafting: Phyllis Hudson, A201, 641-2302; Implementation and Enforcement: Board of Trustees, A201, 641-2301.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 132H-116-315 Definitions, subsection (5) is being amended to include all elements of faculty members, i.e., faculty members, librarians, counselors.

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

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

Hearing Location: Bellevue Community College, 3000 Landerholm Circle S.E., B202A, Bellevue, WA 98007-6484, on May 11, 1993, at 8:00 a.m.

Submit Written Comments to: Elise Erickson, by May 11, 1993.

Date of Intended Adoption: May 11, 1993.

March 12, 1993
 Elise Erickson
 Secretary
 Board of Trustees

AMENDATORY SECTION (Amending Order [Resolution No.] 206, filed 8/17/92 [6/17/92])

WAC 132H-116-315 Definitions. For the purpose((d)) of this chapter, the following terms and definitions shall apply:

(1) Board: The board of trustees of Community College District VIII, State of Washington.

(2) Campus: Any or all real property owned, operated, controlled, or maintained by Community College District VIII, State of Washington.

(3) Car pool: Any group of three to five faculty, staff, or students who commute to the college in the same vehicle.

(4) College: Bellevue Community College, or any additional community college hereafter established with Community College District VIII, State of Washington, and collectively, those responsible for its control and operations.

(5) Faculty members: Any employee of Community College District VIII who is employed on a full-time or part-time basis as a teacher, counselor, librarian or other position for which the training, experience and responsibilities are comparable as determined by the appointing authority, including administrative appointment ((certified to teach in a community college in the State of Washington)).

(6) Foot ((P))propelled device: Wheeled devices including but not limited to skateboards roller skates, roller blades, etc. designed or used for recreation and/or transportation purposes.

(7) Security Officers: Employees of the college accountable to the Dean of ((Administration)) Administrative Services and responsible for campus security, safety, and parking and traffic control.

(8) Staff: The administrative and classified members employed by the college.

(9) Student: Any person enrolled in the college.

(10) Vehicle: An automobile, truck, motorcycle, scooter or bicycle, both engine-powered and non-engine-powered.

(11) Visitor(s): Person(s) who come on to campus as guest(s), and person(s) who lawfully visit the campus for purposes in keeping with the college's role as an institution of higher learning in the State of Washington and are neither employees nor registered students of the institution.

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

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 93-08-068
PROPOSED RULES
BELLEVUE COMMUNITY COLLEGE
 [Filed April 5, 1993, 3:45 p.m.]

Original Notice.

Title of Rule: Amending chapter 132H-120 WAC, The student code of Community College District VIII.

Purpose: Amending chapter 132H-120 WAC sections.
 Statutory Authority for Adoption: Chapter 34.05 RCW.
 Statute Being Implemented: RCW 28B.50.140.

Summary: Amending chapter 132H-120 WAC.

Reasons Supporting Proposal: Necessary for the preservation of general welfare as current practices are inconsistent with WAC as filed.

Name of Agency Personnel Responsible for Drafting: Tomas Ybarra, B103, 641-2454; Implementation and Enforcement: Board of Trustees, A201, 641-2301.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Provides current policies and regulations for students attending Bellevue Community College.

Proposal Changes the Following Existing Rules: Existing rules are in conflict with current operating practices.

Hearing Location: Bellevue Community College, 3000 Landerholm Circle S.E., B202A, Bellevue, WA 98007-6484, on May 11, 1993, at 8:00 a.m.

Submit Written Comments to: Elise Erickson, by May 11, 1993.

Date of Intended Adoption: May 11, 1993.

March 12, 1993
 Elise Erickson
 Secretary
 Board of Trustees

AMENDATORY SECTION (Amending Order 116 [WSR 92-19-047], filed 9/10/92)

WAC 132H-120-050 Student rights and freedoms. The following enumerated rights and freedoms are guaranteed to each student within the limitations are deemed necessary to achieve the educational goals of the college:

(1) **Academic freedom.**

(a) Students are guaranteed rights of free inquiry, expression and peaceful assembly upon and within college facilities that are generally open and available to the public. Students and other members of the college community shall always be free to express their views or support causes by orderly means which do not disrupt the regular and essential operation of the college.

(b) Students have the right of "assembly" as defined in WAC 132H-120-030 upon college facilities that are generally available to the public: *Provided, ((y))* That such assembly shall:

(i) Be conducted in an orderly manner; and

(ii) Not unreasonably interfere with vehicular or pedestrian traffic; or

(iii) Not unreasonably interfere with classes, schedules, meetings, or ceremonies, or with the educational functions of the college; and

(iv) Not unreasonably interfere with college functions.

(v) Not cause damage or destruction to college property or private property on the college campus.

(c) Students are free to pursue appropriate educational objectives from among the college's curricula, programs and services, subject to the limitations of RCW 26B.50.090 (3)(b).

(d) Students shall be protected from academic evaluation which is arbitrary, prejudiced or capricious, but are responsible for meeting the standards of academic performance established by each of their instructors.

(e) Students have the right to a learning environment which is free from unlawful discrimination, inappropriate and disrespectful conduct, and sexual harassment.

(2) Due process.

(a) The rights of students to be secure in their persons, quarters, papers and effects against unreasonable searches and seizures is guaranteed.

(b) No disciplinary sanction may be imposed on any student without notice to the accused of the nature of the charges.

(c) A student accused of violating this student code is entitled, upon request, to procedural due process as set forth in this chapter.

(3) Distribution and posting. Students may distribute or post printed or published material subject to official procedures printed and available in the dean of student service's office. All free publications not in violation of state and/or federal laws such as books, magazines, newspapers, handbills, leaflets, or similar materials may be distributed on campus. The college may restrict the distribution of any publications where such distribution unreasonably interferes with college operations. Such materials may be distributed from authorized public areas in the student center and at any outdoor area on campus consistent with the maintenance of college property, with the free flow of traffic and persons, and not in a manner which in itself limits the orderly operation of college affairs. Any person desiring to distribute such publications shall first register with the director of student programs so that reasonable areas and times can be assured and the activities of the institution will not be unduly interfered with. All handbills, leaflets, newspapers, and similarly related matter must bear identification as to the publishing agency and distributing organization or individual.

(4) Off campus speakers. Recognized student organizations shall have the right to invite outside speakers to speak on campus subject to the availability of campus facilities, funding, and compliance with the college procedures available in the administrative office.

(5) Incidental sales. Students have the right to engage incidental sales of personal property in a private transaction provided college facilities are not explicitly used for this purpose.

(6) Commercial activities. The use of college grounds or facilities for commercial or private gain purposes is prohibited except where commercial activity such as sale of books, instructional supplies, or food contribute to the operation of the instructional program or where limited sale is specifically authorized by the dean of student services for the benefit of the approved activity.

(7) Fund raising. Student have the right to engage in fund raising activities for nonprofit organizations as recognized by the Internal Revenue Service. All fund raising activities must be approved by the dean of student services.

(8) Sale of merchandise. All merchandise offered for commercial sale may be sold only through the college bookstore or college food services except when approved by the dean of student services.

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

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 116 [WSR 92-19-047], filed 9/10/92)

WAC 132H-120-200 Student responsibilities. Any student shall be subject to disciplinary action as provided for in this chapter, who either as a principal actor or aide or abettor: actor, aider, abettor or accomplice as defined in RCW 9A.08.020: (1) Materially and substantially interferes with the personal rights or privileges of others or the education process of the college:

(2) Violates any provisions of this chapter; or

(3) Commits any of the following acts which are hereby prohibited:

(a) Alcoholic Beverages. Being demonstrably under the influence of any form of alcoholic beverage. Possessing or consuming any form of liquor or alcoholic beverage except as a participant of legal age in a student program, banquet or educational program which has the special written authorization of the college president or his/her designee. ((See ~~WAC 132H-200-490~~))

(b) Controlled Substances. Using, possessing, selling or being under the influence of any narcotic drug or controlled substance as defined in Chapter 69.50 RCW 101 as now law or hereafter amended, except when the use or possession of a drug is specifically prescribed as medication by an authorized medical doctor or dentist. For the purpose of this regulation "sale" shall include the statutory meaning defined in RCW 69.50.410 RCW 69.04.005 as now law or hereafter amended.

(c) Entering any locked or otherwise closed college facility in any manner, at any time, without permission of the college employee or agent in charge thereof.

(d) Forgery or Alteration of Records. Forgery, as defined in RCW 9A.60.010 - 9A.60.020 as now law or hereafter amended or any district record of instrument or tendering any forged record of instrument to any employee or agent of the district acting in his/her official capacity as such.

(e) Illegal Assembly. Participation in an assembly which materially and substantially interferes with vehicular or pedestrian traffic, classes, hearings, meetings, the education and administrative functions of the college, or the private rights and privileges of others.

(f) Malicious Mischief. Intentional or negligent damage to or destruction of any college facility or other public or private real or personal property.

(g) Failure to Follow Instructions. Failure to comply with directions of properly identified college officials acting in performance of their duties.

(h) Physical Abuse. Physical abuse of any person or conduct which is intended unlawfully to threaten imminent bodily harm or to endanger the health or safety of any

person on college-owned or controlled property or at college-sponsored or supervised functions.

(i) Assault. Assault, reckless endangerment, intimidation or interference upon another person in the manner set forth in RCW 9A.36.010 - 050 or 28B.10.570 - 572 as now or hereafter amended.

(j) Disorderly, abusive, or bothersome conduct. Disorderly or abusive behavior that interferes with the rights of others or which obstructs or disrupts teaching, research, or administrative functions.

(k) Weapons. Possession or use of firearms, explosives, dangerous chemicals or other dangerous weapons or instrumentalities of the college campus, except for authorized college purposes or for law enforcement officers, unless written approval has been obtained from the dean of student services or any other person designated by the president.

(l) Lewd Conduct. Engaging in lewd, indecent or obscene behavior on college-owned or controlled property or at college-sponsored or supervised functions.

(m) False Alarms. Falsely setting off or otherwise tampering with any emergency safety equipment, alarm or other device established for the safety of individuals and/or college facilities.

(n) Cheating and Plagiarism. Engaging in cheating, stealing, plagiarizing, knowingly furnishing false information to the college, or submitting to a faculty member any work product that the student fraudulently represents as his or her own work for the purpose of fulfilling or partially fulfilling any assignment or task required as part of a program of instruction.

(o) Sexual harassment. Engaging in unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where such behavior knowingly offends the recipient, causes discomfort or humiliation, or interferes with job or school performance.

(p) Theft or robbery. Theft or robbery from the district or of another as defined in RCW 9A.56.010 - 9A.56.050 and 9A.56.100 as now law or hereafter amended.

(q) Unauthorized Use of Property. Converting college equipment, supplies or other property without proper authority.

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

(s) Smoking. Smoking in any classroom or laboratory, the library, or in any college facility or office posted "no smoking" or any other smoking not complying with Chapter 70.160 RCW.

(t) False Complaint. Filing a formal complaint falsely accusing another student or college employee with violating a provision of this chapter.

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

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

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

AMENDATORY SECTION (Amending Order 116 [WSR 92-19-047], filed 9/10/92)

WAC 132H-120-220 Responsibility/college discipline committee. The dean of student programs and personnel services is the college administrator responsible for student discipline. All discipline procedures will be initiated by the dean, who shall have the authority to administer the disciplinary action prescribed in this chapter and to convene the ~~((C))~~college ~~((D))~~discipline ~~((E))~~committee. The composition of the college discipline committee shall be as follows: The committee shall be established each fall. It will be composed of the following persons:

(1) A faculty member appointed by the president of the college.

(2) A member of the faculty, appointed by the president of Bellevue Community College Association of Higher Education.

(3) Two representatives [selected] by the student services cabinet.

(4) Three students. The three students will be appointed by the ~~((P))~~president of the Associated Students of Bellevue Community College.

None of the above-named persons shall sit in any case in which he/she has a conflict of interest, is a complainant or witness, has a direct or personal interest, or has acted previously in an advisory capacity. Decisions in this regard, including the selection of alternates, shall be made by the college discipline committee as a whole.

The college discipline committee chair will be elected by the members of the college discipline committee.

There shall be a list of alternates provided in the same manner and number in which membership was obtained.

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

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

Reviser's note: The 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 116 [WSR 92-19-047], filed 9/10/92)

WAC 132H-120-225 Disciplinary terms. The following definitions of disciplinary terms have been established to provide consistency in the application of penalties:

(1) Disciplinary Warning: Formal action censoring a student for violation of college rules or regulations or for failure to satisfy the college's expectations regarding conduct. Disciplinary warnings are always made in writing to the student by the dean of student services. A disciplinary warning indicates to the student that continuation of the specific conduct involved or other misconduct will result in one of the more serious disciplinary actions described below.

(2) (~~(DISCIPLINARY PROBATION)~~) Disciplinary Probation: Formal action placing conditions upon the student's continued attendance for violation of college rules or regulations or failure to satisfy the college's expectations regarding conduct. Disciplinary probation warns the student that any further misconduct will make him/her liable to suspension or expulsion from the college. Disciplinary probation may be for a specific term or for an indefinite period.

(3) Suspension: Formal action dismissing a student temporarily from the college for unacceptable conduct (~~(of)~~) or violation of college rules or regulations. Suspension may be for an indefinite period, but the implication of the action is that the student may eventually return if evidence or other assurance is presented that the unacceptable conduct will not be repeated.

(4) Summary Suspension: Exclusion from college property and/or classes and other privileges or activities in accordance with WAC-132H-120-40(4)5.

(5) Expulsion: Students may be expelled only on the approval of the president of the college and on the recommendation of the dean of student services or the college discipline committee. The notification expelling a student will indicate, in writing, the term of the expulsion and any conditions which must be met before readmission. There is no refund of fees for the quarter in which the action is taken, but fees paid in advance for a subsequent quarter are to be refunded.

(6) Registration Denied: Formal action refusing to allow a student to register for subsequent quarters, for violation of college rules or regulations, or failure to satisfy the college's expectations regarding conduct, or failure to fulfill obligations to the college.

Students may be denied registration only on the approval of the president and on the recommendation of the dean of student services or college discipline committee. The initiating authority, in his/her written notification to the student, will detail the reasons for the denial of registration and the conditions to be met before registration will be allowed. Registration may be denied for a fixed or indefinite period. Future registration will not be allowed until the initiating authority is satisfied that the conditions have been met.

(7) Restitution: Reimbursement for damage to or misappropriation of property. This may take the form of appropriate service or other compensation.

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

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

AMENDATORY SECTION (Amending Order 116 [WSR 92-19-047], filed 9/10/92)

WAC 132H-120-245 Appeals of disciplinary action -

Generally. (1) Appeals contesting any disciplinary action may be made by the student(s) involved. Such appeals shall be made in the following order:

(a) Disciplinary action taken by the dean of student services or his or her designee(s) may be appealed to the

discipline committee, which may, at the request of the dean, hear the case de novo.

(b) Disciplinary recommendations made by the discipline committee may be appealed by the student to the president of the college. The president shall review the record of the proceedings which give rise to the appeal, as well as the recommendations made by the dean and the discipline committee. The president's decision shall be final.

(2) any appeal by a student receiving a disciplinary sanction must meet the following conditions: (a) The appeal must be in writing and must clearly state errors in fact or matters in extenuation or mitigation which justify the appeal; and (b) the appeal must be filed within twenty-one (21) calendar days from the date on which the student was notified that disciplinary action was being taken.

(3) All decisions shall be sent from the office of the dean to the president. Written decisions shall include the signature of the discipline committee chair. Copies shall be sent to the president of the college or his or her designee and the student involved in the proceeding.

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

AMENDATORY SECTION (Amending Order 116 [WSR 92-19-047], filed 9/10/92)

WAC 132H-120-300 Discipline committee procedure.

(1) The discipline committee shall conduct a hearing within twenty (20) calendar days after disciplinary action has been referred to the committee.

(2) When a person is charged with an offense punishable by suspension, or dismissal of his or her relationship with the institution, and where the person

(a) waives the opportunity for a brief adjudicative proceeding, or

(b) by his/her conduct in the judgment of the hearing officer makes it impossible to conduct a brief adjudicative proceeding, or

(c) is dissatisfied with the results of the brief adjudicative proceeding; that person is entitled to an adjudicative proceeding according to the provisions of RCW 34.05.410 and the guidelines of this chapter. Where an adjudicative proceeding is neither required by law nor requested by the student or the college, the matter may be resolved informally. Brief adjudicative proceedings before the discipline committee shall be conducted in any manner which will bring about a prompt, fair resolution of the matter.

(3) Written notice of the time and place of his hearing before the college discipline committee, shall be given to the student by personal service or certified mail not less than twenty (20) calendar days in advance of the hearing. The notice shall be issued by the (~~(D)~~)dean of (~~(S)~~)student (~~(S)~~)services and shall contain:

(a) A statement of the time, place and nature of the disciplinary proceedings;

(b) A statement of the charges including reference to the particular sections of the student code involved; and

(c) To the extent known, a list of witnesses who will appear and a summary description of any documentary or other physical evidence that will be presented by the college at the hearing.

(4) The student shall be entitled to:

(a) hear and examine the evidence against him or her and be informed of the identity of its source; he shall be entitled to

(b) present evidence in his or her own behalf and to cross-examine witnesses testifying on behalf of the college as to factual matters.

(c) take depositions upon oral examination or written interrogatories. Discovery shall be done according to the rules of civil procedure or by a less formal method where all parties agree.

(5) The student shall have all authority possessed by the college to obtain information he/she specifically describes, in writing, and tenders to the dean of student services no later than three 3 days prior to the hearings, or request the presence of witnesses or the production of other evidence relevant to the issues of the hearings.

(6) The student shall have the right to dismiss a member of the college discipline committee on prejudicial grounds if notice is tendered in writing to the dean of student services at least three 3 days prior to the scheduled hearing.

(7) The student may be represented by counsel of his or her choice at the disciplinary hearing. If the student elects to choose a duly licensed attorney as his or her counsel, he or she must tender at least seven (7) calendar days' notice thereof to the dean of student services development)).

(8) In all disciplinary proceedings the college may be represented by the dean of student services ((dean for student services and development)) or his or her designee who shall present the college's case to the college discipline committee. The dean of student services may elect to have the college represented by an assistant attorney general.

(9) An adequate record of the hearing shall be maintained and shall include:

- (a) all documents, motions, and intermediate rulings;
- (b) evidence received and considered;
- (c) a statement of matters noticed; and
- (d) questions and offers of proof, objections and rulings thereon.

(10) The chair of the college discipline committee shall preside at the disciplinary hearing and shall be considered the presiding officer.

(11) The dean of student services shall designate a recorder to take notes during the hearing and to prepare a written summary of all evidence, facts and testimony presented to the college discipline committee during the course of the hearing.

(12) Hearings conducted by the college disciplin((ary))e committee generally will be held in closed session, provided that the accused student may request the hearing to be held in open session.

(13) If at any time during the conduct of a hearing visitors disrupt the proceedings, the chair of the committee may exclude such persons from the hearing room.

(14) Any student attending the college discipline committee hearing who continues to disrupt the proceedings after the chair of the committee has asked him or her to cease or to leave the hearing room((-)) shall be subject to disciplinary action.

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

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 116 [WSR 92-19-047], filed 9/10/92)

WAC 132H-120-335 Final appeal. Any student who is aggrieved by the finding(s) or conclusions of an appeal to the discipline committee may appeal the same in writing to the president within twenty-one (21) days following notification to the student of the action taken by the committee. The president may, at his or her discretion, suspend the disciplinary actions imposed. In the consideration of such an appeal, the president shall base his or her findings and decision solely on the official written record of the case and on any reports or recommendations of the discipline committee and/or the dean who conducted the original hearing.

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

AMENDATORY SECTION (Amending Order 116 [WSR 92-19-047], filed 9/10/92)

WAC 132H-120-475 Appeals from summary suspension hearing. (1) Any student aggrieved by an order issued at the summary suspension proceeding may appeal to the discipline committee. No such appeal shall be entertained, however, unless

(a) the student has first appeared at the student hearing in accordance with WAC 132H-120-430;

(b) ((+)) the student has been officially notified of the outcome of the hearing;

(c) (-) summary suspension or other disciplinary sanction has been upheld; and

(d) (-) the appeal conforms to the standards set forth in WAC-132H-120-245(2).

(2) The discipline committee shall, within five(s) working days, conduct a formal hearing in the manner described in WAC-132H-120-300.

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

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

WSR 93-08-069
PROPOSED RULES
DEPARTMENT OF HEALTH
[Filed April 5, 1993, 3:48 p.m.]

Original Notice.

Title of Rule: Chapter 246-254 WAC, Radiation protection fees.

Purpose: This chapter establishes fees charged for licensing, registration and inspection services rendered by the Division of Radiation Protection.

Statutory Authority for Adoption: RCW 43.70.110 and [43.70.]250.

Statute Being Implemented: Chapter 70.98 RCW.

Summary: The proposed rule change will revise the current fee schedule for users of radiation machines and radioactive materials.

Reasons Supporting Proposal: Additional revenue necessary to make the radioactive materials and radiation machine program self-supporting.

Name of Agency Personnel Responsible for Drafting: Ellen Haars, Tumwater, 664-8162; **Implementation and Enforcement:** T. R. Strong, Tumwater, 586-8949.

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: In 1982, the legislature authorized and the department instructed, its radiation protection program to be funded by self-supporting fees. After completing a financial review of the program, it is necessary to adjust the fees to reflect actual costs for the period beginning July 1, 1993. Therefore, it is proposed to increase the fees to make the radioactive materials and radiation machine program self-supporting.

Proposal Changes the Following Existing Rules: The proposed changes would increase the fees charged to users of radioactive materials and radiation machines.

Small Business Economic Impact Statement: The Department of Health licenses approximately 440 businesses, institutions, and private practices to possess or use radioactive materials and registers 5000 facilities to use x-ray machines. Fees to support the regulatory program within the Department of Health are based on the cost of providing the regulatory oversight for each category of use. Licensees and registrants within each fee category may come from a number of different standard industrial classification (SIC) categories. The Regulatory Fairness Act, chapter 19.85 RCW, requires that rules which have an economic impact on more than 20 percent of all industries or more than 10 percent of the businesses in any one industry (as defined by the 3 digit SIC Code) be reviewed and altered to minimize their impact on small business. The regulations revising fees for radioactive material licenses and x-ray facility registrations must meet the provisions of chapter 19.85 RCW.

Impact of Proposed Fees for Radioactive Materials: Radioactive material license fees are based on the cost of providing health and safety inspections and license reviews for the specific use of the licensed radioactive material. By law, all licensees must meet the same radiation safety requirements. Since the use of radioactive material is frequently only a minor aspect of the business' overall activity, the cost of the license fee per employee shows a disproportionate burden for the small business. For example, the fee for a portable gauge user (proposed to be \$550 per year) would cost \$110 per employee per year in a five employee business versus \$5.50 per employee per year in a 100 employee business. Similarly, the fee for a diagnostic nuclear medicine license (proposed to be \$2410 per year) would cost \$241 per employee per year in a 10 employee clinic versus about \$24 in a 100 employee hospital. To meet the legislative requirement to minimize the proportionately higher burden on small businesses, a small business discount of 25% is authorized in WAC 246-254-030 for any licensee meeting the definition of a small business as set forth in the Regulatory Fairness Act. The small business discount is

currently given to approximately one quarter of the department's radioactive materials licensees.

Impact of Proposed Fees for X-Ray Machines: X-ray registration fees are based on the number of x-ray tubes, the frequency of inspection, and the time it takes to inspect a facility. The numbers of each type of facility are: 2500 dentists, 1000 medical private practice and hospitals, 750 chiropractors, 500 veterinarians, 150 podiatrist, 70 industrial and research facilities, and 30 other facilities including airport baggage, schools, etc. The proposed rule increases the registration fees, increases the surcharge for mammography facilities, and increases the penalty for late payment but retains the basic "per machine" concept to protect small business. Using dental and hospital x-ray departments as examples, a comparison of the impact of the proposed fees follows: The annual fee for a representative dental office with one tube and four employees (proposed to be \$90 per year) would cost \$22.50 per employee per year. In a representative 10 employee hospital x-ray department with 10 tubes (proposed annual fee of \$615), the cost would \$61.50 per employee per year. The proposed fees are smaller for small dental facilities than they are for larger hospital x-ray departments. The intent of the Regulatory Fairness Act is met by having the fees based on the number of x-ray machines. Facilities that are smaller (i.e. most of the registrants) with fewer x-ray tubes pay less per facility or employee than do larger facilities.

Hearing Location: General Administration Auditorium, 11th and Columbia, Olympia, Washington 98504, on May 11, 1993, at 1:00 p.m.

Submit Written Comments to: Ann Foster, Rules Coordinator, 1300 S.E. Quince Street, P.O. Box 47902, Olympia, WA 98504-7902, by May 10, 1993.

Date of Intended Adoption: May 18, 1993.

April 2, 1993
Bruce Miyahara
Secretary

AMENDATORY SECTION (Amending Order 208, filed 10/29/91, effective 11/29/91)

WAC 246-254-053 Radiation machine facility registration fees. (1) Persons owning and/or leasing and using radiation-producing machines shall submit (~~a sixty~~) an eighty dollar registration fee to the department at the time of application and every two years thereafter. In addition:

- (a) For dentists, veterinarians, and podiatrists, add:
- (i) (~~Seventy~~) One hundred dollars for the first tube; and
- (ii) (~~Twenty-five~~) Forty dollars for each additional tube.
- (b) For hospitals and medical or chiropractic facilities, add:
- (i) Two hundred fifty dollars for the first tube; and
- (ii) (~~Seventy~~) One hundred dollars for each additional tube.
- (c) For industrial, research, and other uses, add:
- (i) (~~One~~) Two hundred dollars for the first tube; and
- (ii) (~~Thirty~~) Seventy-five dollars for each additional tube.
- (2) The department shall charge a maximum total fee of (~~four~~) five thousand dollars for any facility or group of

facilities where an in-house, full-time staff of at least two or more is devoted entirely to in-house radiation safety.

(3) For any facility with a mammographic x-ray machine, add a biennial surcharge of two hundred fifty dollars.

(4) A penalty fee of ~~((sixty))~~ eighty dollars shall be charged for late registration or late re-registration.

AMENDATORY SECTION (Amending Order 208, filed 10/29/91, effective 11/29/91)

WAC 246-254-070 Fees for specialized radioactive material licenses. (1) Persons licensed or authorized to possess or use radioactive material in the following special categories shall forward annual fees to the department as follows:

~~(a) ((Eight thousand seven hundred dollars for operation of a single radioactive waste facility allowing processing, volume reduction, or waste treatment, but not permitting commercial on-site disposal.~~

~~((b))~~ Three thousand ((five)) eight hundred thirty dollars for operation of a single nuclear pharmacy.

~~((c))~~ (b) Six thousand five hundred sixty dollars for operation of a single nuclear laundry.

~~((d))~~ (c) Six thousand five hundred sixty dollars for a license authorizing a single facility to use more than one curie of unsealed radioactive material in the manufacture and distribution of radioactive products or devices containing radioactive material.

~~((e))~~ (d) Two thousand ((one)) three hundred dollars for a license authorizing a single facility to use less than or equal to one curie of unsealed radioactive material or any quantity of previously sealed sources in the manufacture and distribution of products or devices containing radioactive material.

~~((f))~~ (e) Six hundred dollars for a license authorizing the receipt and redistribution from a single facility of manufactured products or devices containing radioactive material.

(f) Four thousand three hundred eighty dollars for a license authorizing decontamination services operating from a single facility.

(g) ((One thousand nine hundred)) Two thousand eighty dollars for a license authorizing waste brokerage including the possession, temporary storage at a single facility, and over-packing only of radioactive waste.

(h) ((Eight hundred fifty)) Nine hundred thirty dollars for a license authorizing equipment servicing involving:

(i) Incidental use of calibration sources;

(ii) Maintenance of equipment containing radioactive material; or

(iii) Possession of sealed sources for purpose of sales demonstration only.

(i) One thousand ((six)) seven hundred fifty dollars for a license authorizing health physics services, leak testing, or calibration services.

(j) One thousand ninety dollars for a civil defense license.

(k) Three hundred thirty dollars for a license authorizing possession of special nuclear material as pacemakers or depleted uranium as shielding.

(2) Persons licensed or authorized to possess and use radioactive material in the following broad scope categories shall forward annual fees to the department as follows:

(a) ((Twelve)) Thirteen thousand one hundred thirty dollars for a license authorizing possession of atomic numbers three through eighty-three with maximum authorized possession of any single isotope greater than one curie.

(b) ((Five thousand five hundred)) Six thousand twenty dollars for a license authorizing possession of atomic numbers three through eighty-three with maximum authorized possession of any single isotope greater than 0.1 curie but less than or equal to one curie.

(c) Four thousand ((five)) nine hundred twenty dollars for a license authorizing possession of atomic numbers three through eighty-three with maximum authorized possession less than or equal to 0.1 curie.

(3) Persons licensed or authorized to possess or use radioactive material which are not covered by any of the annual license fees described in WAC 246-254-070 through 246-254-100, shall pay fees as follows:

(a) An initial application fee of one thousand dollars;

(b) Billing at the rate of eighty dollars for each hour of direct staff time associated with issuing and maintaining the license and for the inspection of the license; and

(c) Any fees for additional services as described in WAC 246-254-120.

(d) The initial application fee will be considered a credit against billings for direct staff charges but is otherwise nonrefundable.

(4) Persons licensed or authorized to possess or use radioactive material in a facility for radioactive waste processing, including resource recovery, volume reduction, decontamination activities, or other waste treatment, but not permitting commercial on-site disposal, shall pay fees as follows:

(a) A nonrefundable initial application fee for a new license of sixteen thousand dollars which shall be credited to the applicant's quarterly billing; and

(b) Quarterly billings for actual costs to the department including, but not limited to, license renewal, license amendments, compliance inspections, investigations, a resident inspector for all hours of operation, laboratory and other support services, travel costs associated with staff involved in the foregoing, and the associated direct and indirect costs of the department.

AMENDATORY SECTION (Amending Order 208, filed 10/29/91, effective 11/29/91)

WAC 246-254-080 Fees for medical and veterinary radioactive material licenses. (1) Persons licensed or authorized to possess or use radioactive material in the following medical or veterinary categories shall forward annual fees to the department as follows:

(a) Three thousand ((two)) five hundred dollars for operation of a mobile nuclear medicine program from a single base of operation.

(b) Two thousand ((two)) four hundred ten dollars for a license authorizing groups II and III of WAC 246-235-120 for diagnostic nuclear medicine at a single facility.

(c) (~~One thousand nine hundred~~) Two thousand eighty dollars for a license authorizing groups IV and V of WAC 246-235-120 for medical therapy at a single facility.

(d) Three thousand two hundred eighty dollars for a license authorizing groups II or III and groups IV or V of WAC 246-235-120 for full diagnostic and therapy services at a single facility.

(e) One thousand (~~six~~) seven hundred fifty dollars for a license authorizing groups VI of WAC 246-235-120 for brachytherapy at a single facility.

(f) One thousand ninety dollars for a license authorizing brachytherapy or gamma stereotactic therapy or teletherapy at a single facility.

(g) One thousand (~~five~~) six hundred forty dollars for a license authorizing medical or veterinary possession of greater than two hundred millicuries total possession of radioactive material at a single facility.

(h) One thousand (~~two~~) three hundred ten dollars for a license authorizing medical or veterinary possession of greater than thirty millicuries but less than or equal to two hundred millicuries total possession of radioactive material at a single facility.

(i) Nine hundred eighty dollars for a license authorizing medical or veterinary possession of less than or equal to thirty millicuries total possession of radioactive material at a single facility.

(j) Eight hundred seventy dollars for a license authorizing group I as defined in WAC 246-235-120 or in vitro uses of radioactive material at a single facility.

(k) Five hundred fifty dollars for a license authorizing medical or veterinary possession of a sealed source for diagnostic use at a single facility.

(2) Persons with licenses authorizing multiple locations of use shall increase the annual fee by fifty percent for each additional location or base of operation.

AMENDATORY SECTION (Amending Order 208, filed 10/29/91, effective 11/29/91)

WAC 246-254-090 Fees for industrial radioactive material licenses. (1) Persons licensed or authorized to possess or use radioactive material in the following industrial categories shall forward annual fees to the department as follows:

(a) (~~Three thousand seven hundred~~) Four thousand fifty dollars for a license authorizing the use of radiographic exposure devices in one or more permanent radiographic vaults in a single facility.

(b) (~~Four thousand seven hundred~~) Five thousand one hundred fifty dollars for a license authorizing the use of radiographic exposure devices at temporary job sites but operating from a single storage facility.

(c) Two thousand (~~three~~) five hundred twenty dollars for a license authorizing well-logging activities including the use of radioactive tracers operating from a single storage facility.

(d) Five hundred fifty dollars for a license authorizing possession of portable sealed sources including moisture/density gauges and excluding radiographic exposure devices operating from a single storage facility.

(e) (~~Five~~) Six hundred (fifty) dollars for a license authorizing possession of any nonportable sealed source,

including special nuclear material and excluding radioactive material used in gas chromatograph at a single facility.

(f) Three hundred (~~fifty~~) eighty dollars for a license authorizing possession of gas chromatograph units containing radioactive material at a single facility.

(g) (~~Nine hundred fifty~~) One thousand forty dollars for a license authorizing possession of any self-shielded or pool type irradiator with sealed source total quantity greater than one hundred curies at a single facility.

(h) Five thousand five hundred dollars for a license authorizing possession of sealed sources for a walk-in type irradiator at a single facility.

(i) Four thousand (~~four~~) eight hundred ten dollars for a license authorizing possession of greater than one gram of unsealed special nuclear material or greater than five hundred kilograms of source material at a single facility.

(j) One thousand (~~four~~) five hundred thirty dollars for a license authorizing possession of less than or equal to one gram of unsealed special nuclear material or five hundred kilograms of source material at a single facility.

(k) Two hundred fifty dollars for a license authorizing possession of static elimination devices not covered by a general license.

(2) Persons with licenses authorizing multiple locations of permanent storage shall increase the annual fee by fifty percent for each additional location.

(3) Depleted uranium registrants required to file Form RHF-20 shall forward an annual fee of (~~fifty~~) fifty-five dollars to the department.

AMENDATORY SECTION (Amending Order 208, filed 10/29/91, effective 11/29/91)

WAC 246-254-100 Fees for laboratory radioactive material licenses. (1) Persons licensed or authorized to possess or use unsealed radioactive material in the following laboratory categories shall forward annual fees to the department as follows:

(a) Two thousand (~~four~~) six hundred thirty dollars for a license authorizing possession at a single facility of unsealed sources in amounts greater than:

(i) One millicurie of I-125 or I-131; or

(ii) One hundred millicuries of H-3 or C-14; or

(iii) Ten millicuries of any single isotope.

(b) One thousand (~~two~~) three hundred ten dollars for a license authorizing possession at a single facility of unsealed sources in amounts:

(i) Greater than 0.1 millicurie and less than or equal to one millicurie of I-125 or I-131; or

(ii) Greater than ten millicuries and less than or equal to one hundred millicuries of H-3 or C-14; or

(iii) Greater than one millicurie and less than or equal to ten millicuries of any single isotope.

(c) One thousand ninety dollars for a license authorizing possession at a single facility of unsealed sources in amounts (~~less than or equal to~~):

(i) Greater than 0.01 millicurie and less than or equal to 0.1 millicurie of I-125 or I-131; or

(ii) Greater than one millicurie and less than or equal to ten millicuries of H-3 or C-14; or

(iii) Greater than 0.1 millicurie and less than or equal to one millicurie of any other single isotope.

(d) Three hundred eighty dollars for a license authorizing possession at a single facility of unsealed or sealed sources in amounts:

(i) Less than or equal to 0.01 millicurie of I-125 or I-131; or

(ii) Less than or equal to one millicurie of H-3 or C-14; or

(iii) Less than or equal to 0.1 millicurie of any other single isotope.

(e) Five hundred dollars for a license authorizing possession at a single facility of large quantities of naturally occurring radioactive material in total concentration not exceeding 0.002 microcuries per gram.

(2) Persons with licenses authorizing multiple locations of use shall increase the annual fee by fifty percent for each additional location.

(3) Persons registered to perform in vitro testing pursuant to Form RHF-15 shall forward an annual fee of ~~(fifty)~~ fifty-five dollars to the department.

AMENDATORY SECTION (Amending Order 208, filed 10/29/91, effective 11/29/91)

WAC 246-254-120 Fees for licensing and compliance actions. (1) In addition to the fee for each radioactive material license as described under WAC 246-254-070, 246-254-080, 246-254-090, and 246-254-100, a licensee shall pay a service fee for each additional licensing and compliance action as follows:

(a) For a second follow-up inspection, and each follow-up inspection thereafter, a fee of eighty dollars per hour of direct staff time associated with the follow-up inspection, not to exceed eight hundred dollars per follow-up inspection. Hours are calculated in half-hour increments.

(b) For each environmental cleanup monitoring visit, a fee of eighty dollars per hour of direct staff time associated with the environmental cleanup monitoring visit, not to exceed two thousand dollars per visit. Hours are calculated in half-hour increments.

(c) For each new license application, the fee of one hundred fifty dollars in addition to the required annual fee.

(d) For each sealed source and device evaluation, a fee of eighty dollars per hour of direct staff time associated with each sealed source and device evaluation, not to exceed two thousand four hundred dollars per evaluation.

(e) For review of air emission and environmental programs and data collection and analysis of samples, and review of decommissioning activities by qualified staff in those work units, a fee of eighty dollars per hour of direct staff time associated with the review. The fee does not apply to reviews conducted by the radioactive materials section staff and does not apply unless the review time would result in a special service charge exceeding ten percent of the licensee's annual fee.

(f) For expedited licensing review, a fee of eighty dollars per hour of direct staff time associated with the review. This fee only applies when, by the mutual consent of licensee and affected staff, a licensing request is taken out of date order and processed by staff during nonwork hours and for which staff is paid overtime.

(2) The licensee or applicant shall pay any additional service fees at the time of application for a new license or

within thirty days of the date of the billing for all other licensing and compliance actions.

(3) The department shall process an application only upon receipt of the new application fee and the annual fee.

(4) The department may take action to modify, suspend, or terminate the license or sealed source and device registration if the licensee fails to pay the fee for additional licensing and compliance actions billed by the department.

WSR 93-08-070

PROPOSED RULES

DEPARTMENT OF HEALTH

[Filed April 5, 1993, 3:50 p.m.]

Original Notice.

Title of Rule: Kidney disease treatment centers.

Purpose: Changes dialysis station need methodology to reflect actual practice of patient shift scheduling; need formula based on trending of patient census and services data.

Statutory Authority for Adoption: RCW 70.38.135 (3)(c).

Statute Being Implemented: Chapter 70.38 RCW.

Summary: Simplifies need formula and uses 80% of a 3 patient shift as the standard for patient shift scheduling.

Reasons Supporting Proposal: Old formula over projected station need. Direct trending of patient census and services data will improve forecasting and simplification will enhance consistency.

Name of Agency Personnel Responsible for Drafting: Tom Ansart, 1112 Quince, P.O. Box 47851, 753-5816; Implementation: Janis Sigman, 1112 Quince, P.O. Box 47851, 753-3787; and Enforcement: Certificate of Need Program, 1112 Quince, P.O. Box 47851, 753-3787.

Name of Proponent: Workgroup comprised of nonprofit providers and department representative, private, public, and governmental.

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

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

Proposal Changes the Following Existing Rules: See Summary above.

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

No compliance cost to business.

Hearing Location: General Administration Auditorium, 11th and Columbia, Olympia, Washington 98504, on May 11, 1993, at 2:30 p.m.

Submit Written Comments to: Ann Foster, Rules Coordinator, 1300 S.E. Quince Street, P.O. Box 47902, Olympia, WA 98504-7902, by May 10, 1993.

Date of Intended Adoption: May 18, 1993.

April 2, 1993
Bruce Miyahara
Secretary

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

WAC 246-310-280 Kidney disease treatment centers.

~~((1) To receive approval, a kidney disease treatment center must meet the following standards in addition to applicable review criteria in WAC 246-310-210, 246-310-220, 246-310-230, and 246-310-240.~~

~~(2) End stage renal disease planning areas shall be health service areas. The health service areas are as follows:~~

~~(a) Health service Area I includes Clallam, Jefferson, San Juan Island, Kitsap, Pierce, King, Snohomish, Skagit, and Whatcom counties.~~

~~(b) Health service Area II includes Thurston, Mason, Grays Harbor, Pacific, Wahkiakum, Lewis, Cowlitz, Clark, Skamania, and Klickitat counties.~~

~~(c) Health service Area III includes Okanogan, Chelan, Douglas, Grant, Kittitas, Yakima, Benton, and Franklin counties.~~

~~(d) Health service Area IV includes Ferry, Stevens, Pend Oreille, Lincoln, Spokane, Adams, Whitman, Walla Walla, Columbia, Garfield, and Asotin counties.~~

~~(3) The maximum number of dialysis stations needed in an end stage renal disease planning area shall be determined using the following data:~~

~~(a) Utilization of a dialysis station or a center.~~

~~(i) One hundred percent utilization equals twelve dialyses per week.~~

~~(ii) Eighty percent utilization equals 9.6 dialyses per week.~~

~~(iii) When determining the utilization of an existing center each station on which at least six patients have been self/home trained annually shall be deducted from the approved stations.~~

~~(iv) When determining the utilization of an existing center, the utilization rate may be reduced to seventy five percent and seventy percent in facilities with ten percent and twenty percent peritoneal dialysis patients respectively.~~

~~(b) At the time of the application, the most recent Washington state office of financial management population data:~~

~~(c) Historical data of the Northwest renal network.~~

~~(d) The health service area's most recent three year average shall be used for incidence, death, transplant, and home training rates.~~

~~(4) The maximum number of dialysis stations projected as needed in an ESRD planning area shall be determined using the following methodology:~~

~~(a) Identify the number of incenter patients expected in the planning area in the year in which the application is submitted.~~

~~(i) Add expected new ESRD and re-entry cases per year.~~

~~(ii) Subtract expected ESRD patient deaths per year.~~

~~(iii) Subtract expected ESRD home training patients per year.~~

~~(iv) Subtract the number of expected functional transplants per year.~~

~~(b) Calculate the number of expected dialyses by multiplying the number of incenter patients by three treatments per week.~~

~~(e) Calculate the number of dialysis stations needed in the applicant's projected third full year of operation using eighty percent utilization.~~

~~(5) All kidney disease treatment centers within a reasonable driving time must be operating at an eighty percent utilization rate before additional stations are approved.~~

~~(6) New kidney disease treatment centers must reasonably project an eighty percent utilization rate by the third year of operation.)~~ (1) To receive approval, a kidney disease treatment center providing hemo or peritoneal dialysis, training, or backup must meet the following standards in addition to applicable review criteria in WAC 246-310-210, 246-310-220, 246-310-230, and 246-310-240.

(2) Definitions:

(a) "Base year" means the last full calendar year preceding the first year of dialysis station need projections.

(b) "Projection year" means the base year plus three years.

(c) "End of year incenter patients" means the number of patients receiving incenter dialysis at the end of the calendar year.

(d) "End stage renal dialysis service areas" means each individual county, designated by the department as the smallest geographic area for which dialysis station need projections are calculated, or other service area documented by patient origin.

(e) "Justified home training station" means a dialysis station designated for home hemo dialysis and/or peritoneal dialysis training. When no dialysis stations have been designated for home training at a given dialysis treatment center, one station for every six patients trained for home hemo dialysis, and one station for every twenty patients for peritoneal dialysis, will be considered a justified home training station. In no case shall all stations at a given dialysis treatment center be designated as justified home training stations unless the center can document that at least six patients are projected to be trained for home hemo dialysis or twenty patients for peritoneal dialysis for each dialysis station at the center.

(3) The number of dialysis stations needed in an ESRD service area shall be determined using the following data of the Northwest Renal Network:

(a) The ESRD service area's total number of incenter dialyses provided for the previous five years.

(b) The number of end of year incenter patients for the ESRD service area for the previous five years.

(c) The number of patients trained for home hemo and peritoneal dialysis for the ESRD service area for the previous five years.

(4) The number of dialysis stations projected as needed in an ESRD service area shall be determined using the following methodology:

(a) Project the number of incenter dialyses needed in the ESRD service area through a three-year future regression analysis of the previous five years' data.

(b) Project the number of incenter dialyses needed to serve residents of the ESRD service area by projecting the number of end of year incenter patients through a three-year future regression analysis of patient origin adjusted data for the previous five years. Multiply this result by one hundred fifty-six dialyses per year.

(c) Project the number of patients to be trained for home hemo and peritoneal dialysis in the service area through a three-year regression analysis of the previous five years' data.

(d) Determine the number of dialysis stations needed for incenter dialysis by dividing the result of (a) of this subsection by 748.8 (equivalent to eighty percent of a three-patient shift schedule).

(e) Determine the number of dialysis stations needed for incenter dialysis to serve residents of the service area by dividing the result of (b) of this subsection by 748.8 (equivalent to eighty percent of a three-patient shift schedule).

(f) Determine the number of stations needed for home hemo and peritoneal training in the service area by dividing the projected number of home hemo patients to be trained by six and peritoneal patients to be trained by twenty.

(g) Determine the number of dialysis stations needed in a service area by the projection year as the total of:

(i) The result of (e) of this subsection, designated at the number of resident stations;

(ii) The result of (d) of this subsection, minus the result of (e) of this subsection, designated as visitor stations;

(iii) The result of (f) of this subsection, designated as the number of training stations.

(h) To determine the net station need for an ESRD service area, subtract the number calculated in (g) of this subsection from the total number of certificate of need approved stations.

(5) All kidney disease treatment centers that would stand to lose market share by approval of the applicant's facility, must be operating at 748.8 dialyses per nontraining station per year before additional nontraining stations are approved.

(6) New incenter kidney disease treatment stations must reasonably project to be operating at 748.8 dialyses per nontraining station per year by the third year of operation.

(7) The department shall not issue certificates of need approving more than the number of stations identified as being needed in a given ESRD service area unless:

(a) The department finds such additional stations are needed to be located reasonably close to the people they serve; or

(b) Existing nontraining dialysis stations in the treatment facility are operating at nine hundred thirty-six dialyses per year (three-patient shifts); or

(c) The applicant can document a significant change in ESRD treatment practice has occurred, affecting dialysis station utilization in the service area; and

The department finds that an exceptional need exists and explains such approval in writing.

WSR 93-08-071

PROPOSED RULES

DEPARTMENT OF HEALTH

[Filed April 5, 1993, 3:55 p.m.]

Original Notice.

Title of Rule: Administrative procedure—Adjudicative proceedings.

Purpose: To establish adjudicative proceedings for secretary programs and professions. Repeals sections of the

Washington Administrative Code previously governing adjudicative proceedings and procedures and creates new chapter 246-10 WAC. Other rules added for purposes of "cleanup."

Statutory Authority for Adoption: RCW 43.70.040.

Statute Being Implemented: RCW 34.05.220 (1)(a).

Summary: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Colleen Klein, Attorney, 2413 Pacific Avenue, Olympia, 664-8881; Implementation and Enforcement: Colleen Klein and Bonnie King, 2413 Pacific Avenue, Olympia, 664-8881.

Name of Proponent: Department of Health Executive Team, Bill Williams, Senior Assistant Attorney General, Health Division, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Establishes rules for adjudicative proceedings for secretary programs and professions. Repeals existing WAC and creates new chapter 246-10 WAC. Other rules added as "cleanup."

Proposal does not change existing rules.

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

Hearing Location: General Administration Auditorium, 11th and Columbia, Olympia, Washington 98504, on May 11, 1993, at 2:00 p.m.

Submit Written Comments to: Ann Foster, P.O. Box 47902, Olympia, WA 98504-7902, by May 10, 1993.

Date of Intended Adoption: May 18, 1993.

March 29, 1993

Bruce Miyahara

Secretary

NEW SECTION

WAC 246-08-101 Declaratory orders—Forms, content, and filing. A petition for a declaratory order shall generally adhere to the following form:

(1) At the top of the page shall appear the wording "Before the Washington state department of health." On the left side of the page below the foregoing the following caption shall be set out: "In the matter of the petition of (name of petitioning party) for a declaratory order." Opposite the foregoing caption shall appear the word "petition."

(2) The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party. The second paragraph shall state all rules or statutes that may be brought into issue by the petition. Succeeding paragraphs shall set out the statement of facts relied upon in form similar to that applicable to complaints in civil actions before the superior courts of this state. The concluding paragraphs shall contain the prayer of the petitioner. The petition shall be subscribed and verified in the manner prescribed for verification of complaints in the superior courts of this state.

(3) The original and two legible copies shall be filed with the appropriate board having jurisdiction in relation to a profession as provided in RCW 18.130.040 (2)(b). The original and two legible copies shall be filed with the Department of Health, Office of Professional Standards, PO Box 47872, Olympia, WA 98504-7872 if the secretary of the

department of health has jurisdiction in relation to a profession or program as provided under RCW 18.130.040 (2)(a) and 43.70.020 through 43.70.040 respectively. Petitions shall be on white paper, 8 1/2" x 11" in size.

NEW SECTION

WAC 246-08-102 Declaratory orders—Procedural rights of persons in relation to petition. If a petition for a declaratory order is set for specified proceedings under RCW 34.05.240 (5)(b), the department shall give not less than seven days advance written notice of the proceedings to the petitioner and all persons described under RCW 34.05.240(3). The notice shall contain the time, date, place, and nature of the proceedings and shall describe how interested persons may participate in the proceeding.

NEW SECTION

WAC 246-08-103 Declaratory orders—Disposition of petition. A declaratory order entered by the department or a decision declining to enter a declaratory order shall be in writing and shall be served upon the petitioner and all other persons described under RCW 34.05.240(3).

NEW SECTION

WAC 246-08-104 Petition for rule making—Form, content, and filing. A petition for adoption, amendment, or repeal of a rule shall generally adhere to the following form:

(1) At the top of the page shall appear the wording "Before the Washington state department of health." On the left side of the page below the foregoing the following caption shall be set out: "In the matter of the petition of (name of petitioning party) for rule making." Opposite the foregoing caption shall appear the word "petition."

(2) The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party and whether petitioner seeks the adoption of new rule or rules, or amendment or repeal of existing rule or rules. The second paragraph, in case of a proposed new rule or amendment of an existing rule, shall set forth the desired rule in its entirety. Where the petition is for repeal of an existing rule, such shall be stated and the rule proposed to be repealed shall either be set forth in full or shall be referred to by agency rule number. The third paragraph shall set forth concisely the reasons for the proposal of the petitioner and shall contain a statement as to the interest of the petitioner in the subject matter of the rule. Additional numbered paragraphs may be used to give full explanation of petitioner's reason for the action sought.

(3) Petitions shall be dated and signed by the person or entity named in the first paragraph or by his attorney. The original and two legible copies shall be filed with the appropriate board having jurisdiction in relation to a profession as provided in RCW 18.130.040 (2)(b). The original and two legible copies shall be filed with the Department of Health, Office of Professional Standards, PO Box 47872, Olympia, WA 98504-7872 if the secretary of the department of health has jurisdiction in relation to a profession or program as provided under RCW 18.130.040 (2)(a) and 43.70.020 through 43.70.040 respectively. Petitions shall be on white paper, 8 1/2" x 11" in size.

NEW SECTION

WAC 246-08-105 Petition for rule making—Consideration and disposition. (1) Each petition for the adoption, amendment, or repeal of a rule shall be considered by the department and the department may, in its discretion, solicit comments or invite discussion concerning the matter before disposition of the petition.

(2) If the department denies the petition, the denial shall be served upon the petitioner.

NEW SECTION

WAC 246-08-106 Updating mailing lists. (1) Periodically, the department may cause the following notice, or a notice substantially similar, to be mailed: "In order to maintain as current a mailing list as possible, and to eliminate mailing notices to those who no longer have need for such notices, the department will discontinue use of its old mailing lists, effective (date to be specified). If you wish to continue receiving copies of notices of intention to adopt, amend, or repeal rules after that date, please fill out the attached form and return it to the department at the address indicated on the form. If you do not return the form indicating your desire to continue to receive notices to adopt, amend, or repeal rules, your name or the names of your organization will be removed from the mailing lists."

(2) The notice regarding updating of mailing lists is to be mailed by first-class mail.

(3) The form to be filled out by those persons or organizations wishing to continue to receive department notices to adopt, amend, or repeal rules shall specify interest areas covered by these notices, thereby enabling those on mailing lists to limit correspondence received.

Chapter 246-10 WAC ADMINISTRATIVE PROCEDURE—ADJUDICATIVE PROCEEDINGS

SECTION I PRELIMINARY MATTERS

NEW SECTION

WAC 246-10-101 Application of chapter. (1) This chapter shall apply to adjudicative proceedings authorized to be conducted under the authority of the department of health.

(2) This chapter applies to adjudicative proceedings begun on or after the effective date of this chapter in programs administered by the department of health. For purposes of this section, "begun" shall mean the receipt by the appropriate office of an application for an adjudicative proceeding. These rules shall be the exclusive rules governing adjudicative proceedings under the jurisdiction of the department.

(3) To the extent that these rules differ by inclusion, deletion, or content from the model rules adopted by the chief administrative law judge pursuant to RCW 34.05.250, this chapter shall prevail in order to provide a process consistent with the organization of the department.

(4) Where a provision of this chapter conflicts with another chapter of this title, the provision of this chapter shall prevail.

(5) Where a provision of this chapter conflicts with a provision of the Revised Code of Washington, the statute shall prevail.

NEW SECTION

WAC 246-10-102 Definitions. As used in these rules of practice and procedure, the following terms shall have the meaning set forth in this section unless the context clearly indicates otherwise. Other terms shall have their ordinary meaning unless defined elsewhere in this chapter.

"Adjudicative proceeding" or "hearing" shall mean a proceeding required by statute or constitutional right and conducted under the rules of this chapter, which provides an opportunity to be heard by the department prior to the entry of a final order under this chapter.

"Brief adjudicative proceeding" shall mean an adjudicative proceeding or hearing, the scope or conduct of which is limited as provided in this chapter.

"Department" shall mean the Washington state department of health and, where appropriate, the secretary of the Washington state department of health.

"Filing" shall mean receipt by the office of professional standards.

"Initiating document" shall mean a written agency document which initiates action against a license holder or applicant for license or recipient of benefits and which creates the right to an adjudicative proceeding. It may be denominated a statement of charges, notice of intent to deny, order, or by any other designation indicating the action or proposed action to be taken.

"License" shall have the meaning set forth in RCW 34.05.010, and includes any license, certification, registration, permit, approval, or any similar form of authorization required by law to be obtained from the department.

"Office of professional standards" shall mean the unit responsible for prehearing adjudicative proceedings, whose address is:

Department of Health
Office of Professional Standards
2413 Pacific Avenue
P.O. Box 47872
Olympia, WA 98504-7872

"Presiding officer" shall mean the person who is assigned to conduct an adjudicative proceeding and may either be an employee of the department who is authorized to issue a final decision or an administrative law judge employed by the office of administrative hearings.

"Program" shall mean the administrative unit within the department responsible for implementation of a particular statute or rule.

"Prompt adjudicative proceeding" or "prompt hearing" shall mean a hearing conducted at the request of the license holder or applicant for license following summary action taken in accord with this chapter against that license holder or applicant.

"Protective order" shall mean an order issued under this chapter which limits the use of, access to, or disclosure of information or evidence.

"Recipient of benefits" shall mean an individual who has qualified for benefits administered by the department.

"Respondent" shall mean a person eligible to request an adjudicative proceeding in a program under the jurisdiction of the department who is named in an initiating document.

"Secretary" shall mean the secretary of the department of health or his/her designee.

"Summary action" shall mean an agency action to address an immediate danger to the public health, safety, or welfare and shall include, but not be limited to, a cease and desist order, an order of summary suspension, and an order of summary restriction of a license.

NEW SECTION

WAC 246-10-103 Signature authority. (1) A person designated by the program shall sign all initiating documents and orders issued under this chapter.

(2) Authority to sign shall be indicated by designation of the title of the person signing and shall not require any other affirmation, affidavit, or allegation.

NEW SECTION

WAC 246-10-104 Appearance of parties. If a respondent requests an adjudicative proceeding to contest the action, that party shall appear at all stages of the proceeding except as otherwise provided in this section.

(1) If the respondent is represented as provided in this chapter, the respondent shall appear personally at the hearing and at any scheduled settlement conference but need not appear at the prehearing conference or at presentation of motions.

(2) Parties may be represented by counsel at all proceedings.

(3) The respondent may appear by telephone at any portion of the proceedings conducted by telephone, in the discretion of the presiding officer following reasonable advance notice to the presiding officer and to the opposing party.

(4) The requirement of personal appearance may be waived for good cause in the discretion of the presiding officer.

(5) Failure to appear as provided in this chapter shall be grounds for taking final action by default.

NEW SECTION

WAC 246-10-105 Computation of time. (1) When computing a period of time prescribed or allowed by an applicable statute or rule, the day of the act, event, or default from which the designated period of time begins to run shall not be included.

(2) The last day of the computed period shall be included unless the last day is a Saturday, Sunday, or legal holiday.

(3) When the last day is a Saturday, Sunday, or legal holiday, the period shall run until the end of the next day which is not a Saturday, Sunday, or legal holiday.

(4) When the period of time prescribed or allowed is seven days or less, any intermediate Saturday, Sunday, and legal holiday shall be excluded from the computation.

NEW SECTION

WAC 246-10-106 Notarization, certification, and authentication. (1) A person's sworn written statement, declaration, verification, certificate, oath, or affidavit may be authenticated by an unsworn written statement which is executed in substantially the following form:

I certify (or declare) under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

_____ (date and place)

_____ (Signature)

(2) Documents or records may be authenticated by a certification, as provided in subsection (1) of this section, from the custodian of the records or other qualified person that the documents or records are what they purport to be.

(3) Signature of any attorney shall be accompanied by and authenticated by that attorney's Washington State Bar Association number.

(4) Documents prepared and submitted by a party who is not represented by an attorney shall be signed and dated by that party and shall include that party's current address.

(5) Signature by a party or an attorney on a document shall constitute a certificate by the party or attorney that he/she has read the document, believes there are grounds to support it, and has not submitted the document for delay, harassment, or needless increase in the cost of a proceeding.

(6) Compliance with certification requirements of subsections (1) and (2) of this section creates a rebuttable presumption that a document is authentic.

NEW SECTION

WAC 246-10-107 Persons who may request adjudicative proceedings. The persons indicated may request an adjudicative proceeding under this chapter.

(1)(a) With respect to the denial of applications made under WAC 246-290-100, 246-290-110, 246-290-120, 246-290-130, and 246-290-140, the aggrieved applicant may request an adjudicative proceeding.

(b) A person whose application for the approval of a new public water system is denied under WAC 246-293-190, a purveyor whose license is adversely affected by a departmental decision under WAC 246-293-190 or the county legislative authority having jurisdiction in the area affected by the decision may request an adjudicative proceeding under this chapter.

(c) A purveyor affected by the decision of the department under WAC 246-293-430 or the county legislative authority having jurisdiction in the area may request an adjudicative proceeding with respect to a decision made under WAC 246-293-430.

(2) With respect to all other matters involving the issuance, denial of, or adverse action against, a license, the applicant or licensee;

(3) With respect to matters involving receipt of benefits or application therefor, the recipient of or applicant for the benefits.

(4) With respect to an application for approval of a school or curriculum, the person or authority that applied for such approval.

(5) With respect to the department's final threshold determination that an environmental impact statement (EIS) is or is not necessary and with respect to the adequacy of a final EIS, any person who:

(a) Is seeking to protect an interest within the zone of interests to be protected or regulated by the statute or constitutional guarantee in question; and

(b) Will be specifically and perceptibly harmed by the proposed action.

(6) Any application for an adjudicative proceeding that on its face demonstrates that the person making the application does not have standing under this rule may be summarily dismissed by entry of a decision pursuant to RCW 34.05.416. A motion to dismiss a matter for lack of standing may be made at any time prior to entry of the final order.

NEW SECTION

WAC 246-10-108 Representation. (1) Persons requesting an adjudicative proceeding may be represented subject to the following conditions:

(a) A person requesting an adjudicative proceeding may represent himself/herself or may be represented by an attorney who has complied with the admission to practice rules of the supreme court of the state of Washington;

(b) Every attorney representing a person requesting an adjudicative proceeding shall file a notice of appearance with the office of professional standards upon commencing representation, and shall file a notice of withdrawal of counsel with the office of professional standards upon terminating representation.

(c) No person requesting an adjudicative proceeding may be represented in an adjudicative proceeding by an employee of the department.

(2) No current or former employee of the department may appear as an expert, character witness, or representative of any party other than the state of Washington if he/she took an active part in investigating or evaluating the case or represented the agency in the matter, unless written permission of the secretary is granted. No current or former member of the attorney general's office staff who participated personally and substantially in investigating or evaluating the matter at issue while so employed may represent a party or otherwise participate in a related proceeding without first having obtained the written consent of the attorney general's office.

NEW SECTION

WAC 246-10-109 Service and filing. (1) A party filing a pleading, brief, or paper other than an initiating document or application for an adjudicative proceeding as required or permitted by these rules, shall serve a copy of the paper upon the opposing party or any designated representative of the opposing party prior to or simultaneous with filing.

(2) Unless otherwise provided by law, filing and service shall be made by personal service; first class, registered, or certified mail; or commercial parcel delivery company.

(3) Filing shall be complete upon actual receipt during normal business hours at the office of professional standards when filing is with the office of professional standards.

(4) Service shall be complete when personal service is made; mail is properly stamped, addressed, and deposited in the United States mail; or a parcel is delivered to a parcel delivery company with charges prepaid.

(5) Proof of service shall consist of filing as required by these rules, together with one of the following:

(a) An acknowledgement of service;

(b) A certificate of service including the date the papers were served, the parties upon whom served, the signature of the serving party, and a statement that service was completed by:

(i) Personal service; or

(ii) Mailing in the United States mail or shipping by commercial parcel service a copy properly addressed with postage and fees prepaid to each party and each designated representative.

(6) For the purpose of service on a licensee or a person requesting an adjudicative proceeding, service shall be made at the last known address provided to the department in accordance with WAC 246-01-100, unless the program has actual knowledge of a different correct address for the person being served.

NEW SECTION

WAC 246-10-110 Jurisdiction. (1) The department has jurisdiction over all licenses issued by the department and over all holders of and applicants for licenses. Such jurisdiction is retained even if an applicant requests to withdraw the application, or a licensee surrenders or fails to renew a license.

(2) The department has jurisdiction over unlicensed practice of any activity for which a license is required.

NEW SECTION

WAC 246-10-111 Telephone proceedings. (1) The presiding officer may conduct all or part of the proceedings or permit a party or witness to appear by telephone or other electronic means if each participant in the proceedings has an opportunity to participate in, hear, and, if technically and economically feasible, see the entire proceeding while it is taking place. Cost of such appearance may be assessed to the party so appearing or on whose behalf the witness appears.

(2) If all or part of the proceedings is conducted as provided in subsection (1) of this section, the parties shall file and serve copies of all documentary evidence no less than three days prior to the proceeding. The presiding officer may, for good cause, allow exceptions to this requirement.

NEW SECTION

WAC 246-10-112 Hearing location. The presiding officer shall designate sites for the conduct of proceedings taking into account accessibility, efficiency, and economy.

NEW SECTION

WAC 246-10-113 Good faith requirement. Good faith shall be the standard for compliance with these rules. Failure to make a good faith effort to comply with these rules shall be grounds for sanctions as provided in this chapter.

NEW SECTION

WAC 246-10-114 Public records. (1) All papers, exhibits, transcripts, and other materials required by or submitted in accordance with this chapter shall be considered public records.

(2) Release of information upon request for public records shall be subject to the following limitations:

(a) Release of health care information shall comply with chapter 70.02 RCW and rules promulgated thereunder;

(b) Protective orders issued pursuant to WAC 246-10-405 shall prevail;

(c) Initiating documents may be released after service upon the person eligible to request an adjudicative proceeding but no other records shall be released until a final order is entered and served; and

(d) Chapter 42.17 RCW shall govern the release of records.

NEW SECTION

WAC 246-10-115 Expenses and witness fees. (1) Fees and expenses shall be paid at the following rates to witnesses appearing under subpoena by the party requesting the appearance:

(a) Fees shall be paid at the daily rate established for jurors in superior court of Thurston County; and

(b) Expenses shall be paid at the rate established for employees of the state of Washington, or as otherwise required by law.

(2) Fees for an expert witness shall be negotiated by and paid by the party requesting services of the expert.

(3) All expenses incurred in connection with proceedings under this chapter shall be paid by the party incurring the expense.

(4) The program shall pay expenses associated with:

(a) The facility in which proceedings are conducted; and

(b) Recording of the proceedings.

(5) Expenses related to preparation and distribution of the transcript of proceedings shall be paid by the party filing a motion or request for review of an initial order or petition for reconsideration, appealing a final order, or otherwise requesting the transcript.

NEW SECTION

WAC 246-10-116 Immunity. The legislature has determined that persons who file complaints with or provide information to the department regarding health care practitioners licensed by the department are immune from civil

liability, provided that such persons have acted in good faith. RCW 4.24.240 through 4.24.260, 18.130.170, 18.130.180, and 18.130.300 set forth the provisions under which immunity is granted.

NEW SECTION

WAC 246-10-117 Official notice and agency expertise. (1) Official notice may be taken as provided in RCW 34.05.452(5).

(2) The department, through its designated presiding officer, may use its expertise and specialized knowledge to evaluate and draw inferences from the evidence presented to it.

NEW SECTION

WAC 246-10-118 Sanctions. (1) Orders may include sanctions against either party.

(2) Grounds for sanctions may include:

(a) Failure to comply with these rules or orders of the presiding officer; and

(b) Willful interference with the progress of proceedings.

(3) Sanctions may include:

(a) Dismissal of the matter;

(b) Proceeding in default; and

(c) Other sanctions as appropriate.

(4) The order shall state the grounds upon which any sanctions are imposed.

NEW SECTION

WAC 246-10-119 Intervention. (1) The presiding officer may grant a petition for intervention pursuant to RCW 34.05.443.

(2) A request to intervene shall be handled as a prehearing motion and shall be subject to the dates contained in the scheduling order. Within the sound exercise of discretion, the presiding officer may allow intervention if:

(a) The intervenor is not a party to the matter but has a substantial interest in outcome of the matter and the interest of the intervenor is not adequately represented by a party, or other good cause exists; and

(b) Any representative of the intervenor meets the requirements of WAC 246-10-108.

(3) A person shall not be allowed to intervene if that person had notice of the agency's decision and, upon timely application, would have been able to appear as a party in the matter in which intervention is sought, but failed to make such timely application.

(4) If intervention is granted, the intervenor shall be subject to these rules on the same basis as the other parties to the proceeding, unless otherwise limited in the order granting intervention.

NEW SECTION

WAC 246-10-120 Form of pleadings and orders. (1) Pleadings, orders, and other papers filed, served, or entered under this chapter shall be:

(a) Captioned with the name of the state of Washington, department of health and the title of the proceeding; and

(b) Signed by the person filing, serving, or entering the document. When that person is an attorney representing a party, the signature block shall include the attorney's Washington State Bar Association number.

(2) All orders shall comply with RCW 34.05.461 and the requirements of this chapter.

NEW SECTION

WAC 246-10-121 Notice to limited-English-speaking parties. When the program or the office of professional standards is notified or otherwise made aware that a limited-English-speaking person is a party in an adjudicative proceeding, all notices concerning the hearing, including notices of hearing, continuance, and dismissal, shall either be in the primary language of the party or shall include a notice in the primary language of the party which describes the significance of the notice and how the party may receive assistance in understanding and, if necessary, responding to the notice.

NEW SECTION

WAC 246-10-122 Interpreters. (1) A "hearing impaired person" means a person who, because of a hearing impairment or speech defect, cannot readily understand or communicate in spoken language. A "hearing impaired person" includes a person who is deaf, deaf and blind, or hard of hearing.

(2) A "limited-English-speaking person" means a person who because of a non-English-speaking cultural background cannot readily speak or understand the English language.

(3) If a hearing impaired person or a limited-English-speaking person is involved in an adjudicative proceeding and a need for an interpreter is made known to the office of professional standards, the presiding officer shall appoint an interpreter who is acceptable to the parties or, if the parties are unable to agree on an interpreter, the presiding officer shall select and appoint an interpreter.

(4) Before beginning to interpret, an interpreter shall take an oath or make affirmation that:

(a) A true interpretation shall be made to the impaired person of all the proceedings in a language or in a manner the impaired person understands; and

(b) The interpreter shall repeat the statements of the impaired person to the presiding officer, in the English language, to the best of the interpreter's skill and judgment.

(5) When an interpreter is used in a proceeding:

(a) The interpreter shall translate all statements made by other participants in the proceeding;

(b) The presiding officer shall ensure sufficient extra time is provided to permit translation; and

(c) The presiding officer shall ensure that the interpreter translates the entire proceeding to the hearing impaired person or limited-English-speaking person to the extent that the person has the same opportunity to understand the statements made as would a person not requiring an interpreter.

(6) An interpreter appointed under this section shall be entitled to a reasonable fee for services, including waiting time and reimbursement for actual necessary travel expenses. The program shall pay the interpreter fee and expenses incurred for interpreters for license holders, applicants, or

recipients of benefits. The party on whose behalf a witness requiring an interpreter appears shall pay for interpreter services for that witness.

(7) All proceedings shall be conducted consistent with chapters 2.42 and 2.43 RCW.

NEW SECTION

WAC 246-10-123 Subpoenas. (1) The presiding officer, the secretary or designee, and attorneys for parties may issue subpoenas to residents of the state of Washington, to license holders and applicants for license, and to other persons or entities subject to jurisdiction under RCW 4.28.185.

(2) The presiding officer shall issue subpoenas pursuant to RCW 34.05.446(1) for parties not represented by counsel upon request of the party and upon a showing of relevance and reasonable scope of the testimony or evidence sought.

(3) The person on whose behalf the subpoena is issued shall pay any witness fees and expenses as provided in WAC 246-10-115 or costs for interpreters for such witnesses as provided in WAC 246-10-122.

(4) Attendance of persons subpoenaed and production of evidence may be required at any designated place in the state of Washington.

(5) Every subpoena shall:

- (a) Comply with WAC 246-10-120;
- (b) Identify the party causing issuance of the subpoena;
- (c) State the title of the proceeding; and

(d) Command the person to whom the subpoena is directed to attend and give testimony and/or produce designated items under the person's control at a specified time and place.

(6) A subpoena may be served by any suitable person eighteen years of age or older by:

(a) Giving a copy to the person to whom the subpoena is addressed;

(b) Leaving a copy at the residence of the person to whom the subpoena is addressed with a person of suitable age and discretion;

(c) Sending a copy by mail to the current address on file with the department if the person is licensed by the department or has filed an application for a license with the department; or

(d) Sending a copy by certified mail with proof of receipt if the person is neither licensed by nor has applied for a license with the department.

(7) Proof of service may be made by:

(a) Affidavit of personal service;

(b) Certification by the person mailing the subpoena to a license holder or applicant; or

(c) Return or acknowledgment showing receipt by the person subpoenaed or his/her representative. Any person accepting certified or registered mail at the last known address of the person subpoenaed shall be considered an authorized representative.

(8) The presiding officer, upon motion made promptly and before the time specified for compliance in the subpoena, may:

(a) Quash or modify the subpoena if the subpoena is unreasonable or requires evidence not relevant to any matter at issue; or

(b) Condition denial of the motion upon just and reasonable conditions, including advancement of the reasonable cost by the person on whose behalf the subpoena is issued of producing the books, documents, or tangible things; or

(c) Issue a protective order under RCW 34.05.446.

(9) The department may seek enforcement of a subpoena under RCW 34.05.588(1) or proceed in default pursuant to WAC 246-10-204.

NEW SECTION

WAC 246-10-124 Preliminary requirements. (1) An aggrieved applicant for an initial license or renewal of an existing license shall not be entitled to an adjudicative proceeding unless the applicant has submitted:

(a) A completed initial application or renewal application, as appropriate; and

(b) All applicable application, examination, or renewal fees payable in connection with such application or license.

(2) An aggrieved applicant shall not be entitled to an adjudicative proceeding with respect to the denial of an application submitted under WAC 246-290-100, 246-290-110, 246-290-120, 246-290-130, or 246-290-140 unless the applicant has submitted to the district engineer or other departmental employee responsible for reviewing the submittal, a certification that, to the best of the applicant's knowledge and belief, the submittal is complete and demonstrates compliance with the state's drinking water regulations. Certification with respect to water system plans, project reports, construction documents and other submittals requiring preparational review by a licensed professional engineer shall be provided on behalf of the applicant by the licensed professional engineer preparing or reviewing the submittal. Failure to comply with these preliminary requirements shall result in the denial of the application for adjudicative proceeding without further review.

(3) An affected party shall not be entitled to an adjudicative proceeding with respect to a decision made under WAC 246-293-190 unless:

(a) Except with respect to a county legislative authority, the applicant shall have complied with all preliminary requirements established under the coordinated water system plan approved by the county legislative authority and the department or, if the critical water supply service area's external boundaries have been approved but a coordinated water system plan has not been approved and adopted, then with any interim requirements imposed by the county legislative authority; and

(b) Within sixty days of the department's receipt of the request for an adjudicative proceeding, the applicant submits copies of the complete record of all proceedings conducted under the applicable coordinated water system plan or interim requirements. If such proceedings were taped or otherwise recorded, the record submitted to the department shall include a transcript of the hearing or hearings which shall be prepared and certified as correct by a registered professional court reporter.

(c) Failure to comply with the preliminary requirements outlined herein shall result in a denial of the hearing application without further review.

(4) WAC 246-293-430.

(a) An adjudicative proceeding shall not be conducted with respect to a departmental decision made under WAC 246-293-430 unless, within sixty days of the department's receipt of the request for an adjudicative proceeding, the applicant has, at his or her own expense, submitted a transcript of the hearing conducted under WAC 246-293-430 from tapes or other record of the hearing which the department shall make available for that purpose. The transcript shall be prepared and certified as correct by a registered professional court reporter. Failure to comply with preliminary requirements established under this section shall result in the dismissal of the hearing application without further review.

(b) If a request for an adjudicative proceeding has been timely filed under this section and a transcript of the record has been timely submitted, the department shall promptly provide the presiding officer with copies of all documents and exhibits admitted at the hearing conducted under WAC 246-293-430.

(c) The departmental employee responsible for the department's decision under WAC 246-293-430 shall provide a copy of his or her decision to the presiding officer and may submit documents or evidence not made part of the record at the hearing conducted under WAC 246-293-430. Copies of all such documents shall be provided to all other parties involved in the proceeding.

SECTION II INITIATING ACTIONS

NEW SECTION

WAC 246-10-201 Form and content of initiating documents. (1) Initiating documents shall include a clear and concise statement of the:

- (a) Identity and authority of the person issuing the document;
- (b) Factual basis for the action or proposed action set forth in the document;
- (c) Statutes and rules alleged to be at issue;
- (d) Identity of the party against whom the action is taken or proposed to be taken;
- (e) Action or proposed action or penalties, including the statutory or rule authority for those actions or penalties; and
- (f) Signature of the person issuing the document and the date signed.

(2) Initiating documents shall be accompanied by the following documents:

- (a) Notice that the respondent may defend against the action or proposed action; and
 - (b) Form for requesting adjudicative proceeding.
- (3) Initiating documents shall be served as described in WAC 246-10-109.

NEW SECTION

WAC 246-10-202 Amendment of initiating documents. (1) Prior to the hearing date, initiating documents may be amended subject to the following conditions:

- (a) Amended initiating documents shall meet the requirements of WAC 246-10-201(1);
- (b) Amended initiating documents shall be accompanied by the documents described in WAC 246-10-201(2);

(c) Whenever amended initiating documents are issued, a new interval for response will begin, as described in WAC 246-110-203, unless the amendment benefits the respondent; and

(d) Issuance of amended initiating documents ends all obligations of the parties under the prior initiating documents.

(2) On the hearing date, the initiating documents may be amended subject to the following conditions:

(a) The documents may be amended upon motion of the state;

(b) The documents may not be amended without the approval of the presiding officer; and

(c) Upon motion of a party or upon his/her own initiative, the presiding officer may grant a continuance on all or part of the matter if necessary to afford the respondent an opportunity to prepare a defense to the amended documents.

NEW SECTION

WAC 246-10-203 Request for adjudicative proceeding. A respondent may respond to an initiating document by filing an application for an adjudicative proceeding or by waiving the opportunity for adjudicative proceeding.

(1) If the respondent wishes to file an application for an adjudicative proceeding:

(a) An application for adjudicative proceeding must be filed in accordance with the following time periods:

(i) For matters under chapter 18.130 RCW, the Uniform Disciplinary Act, within twenty days of service of the initiating documents; and

(ii) For all other matters, within twenty-eight days of service of the initiating documents, unless otherwise provided by statute.

(b) The application for adjudicative proceeding shall be made on the Request for Adjudicative Proceeding Form accompanying the initiating documents or by a written document including substantially the same information.

(c) By filing a request for adjudicative proceeding, the responding party agrees to appear personally at the adjudicative proceeding or, if otherwise approved by the presiding officer, by telephone, unless appearance is waived as authorized in WAC 246-10-104(4).

(d) The application for adjudicative proceeding shall contain a response to the initiating documents, indicating whether each charge is admitted, denied, or not contested, and responses shall be subject to the following conditions:

(i) Once admitted or not contested, an allegation may not be denied; and

(ii) An allegation denied or not contested may later be admitted.

(e) When an allegation is admitted or not contested, it shall be conclusively deemed to be true for all further proceedings. No proof of the allegation need be submitted.

(f) The application for adjudicative proceeding shall specify the representative, if any, designated pursuant to WAC 246-10-108 and any request for interpreter. The responding party shall amend the name of the representative and need for interpreter immediately if circumstances change prior to the hearing.

(g) The application for adjudicative proceeding shall be filed at the office of professional standards at the address specified in WAC 246-10-102.

(2) A respondent may waive an adjudicative proceeding and submit a written statement and other documents in defense or in mitigation of the charges. Such waiver and documents shall be filed:

(a) In accordance with the timelines in subsection (1)(a) of this section; and

(b) At the address indicated in subsection (1)(g) of this section.

NEW SECTION

WAC 246-10-204 Default. (1) If a party fails to respond to initiating documents according to WAC 246-10-203, that party will be deemed to have waived the right to a hearing, and the secretary shall enter a final order without further contact with that party.

(2) If a party requests an adjudicative proceeding but fails to appear, without leave to do so, at a scheduled settlement or prehearing conference, the presiding officer may issue an order of default. The order shall include notice of opportunity to request that the default order be vacated pursuant to RCW 34.05.440(3).

(3) If a party requests an adjudicative proceeding but fails to appear at the hearing, the presiding officer may issue an order of default in the same manner as subsection (2) of this section, or may proceed to hear the matter in the absence of the party and issue a final order.

(4) Final orders entered under this section shall contain:

(a) Findings of fact and conclusions of law based upon prima facie proof of the allegations contained in the initiating documents;

(b) A finding that there is no reason to believe that the party in default is in active military service;

(c) The penalties or conditions imposed by the order; and

(d) Notice of the opportunity to request reconsideration pursuant to RCW 34.05.470.

(5) Final and default orders entered under this section shall be served upon the parties in accordance with WAC 246-10-109.

NEW SECTION

WAC 246-10-205 Scheduling orders. (1) Within thirty days after receipt of the application for adjudicative proceeding, the department shall:

(a) Examine the application;

(b) Notify the respondent of any obvious errors or omissions;

(c) Request any additional information the department wishes or is permitted by law to require; and

(d) Notify the respondent of the name, mailing address, and telephone number of an office that may be contacted regarding the application.

(2) Within ninety days after receipt of any additional information required to be submitted under subsection (1)(c) of this section or receipt of an application without obvious errors or omissions, whichever comes later, the office of professional standards shall:

(a) Approve the application for full adjudicative procedure and issue and serve on the parties a notice of the date, time, and place of the hearing; or

(b) Approve the application for a brief adjudicative procedure and issue and serve a notice of the date by which any additional written materials are to be submitted for consideration; or

(c) Deny the application according to RCW 34.05.416.

(3) The presiding officer may issue a scheduling order governing the course of the proceeding and the scheduling order may be modified by order of the presiding officer.

**SECTION III
EMERGENCY ADJUDICATIVE PROCEEDINGS**

NEW SECTION

WAC 246-10-301 Conduct of emergency adjudicative proceedings. (1) Summary action may be taken only after a review by the secretary or designee of such evidence, including affidavits, if appropriate, to establish:

(a) The existence of an immediate danger to the public health, safety, or welfare;

(b) The department's ability to address the danger through a summary action; and

(c) The summary action necessary to address the danger.

(2) No notice to any person potentially affected by a summary action shall be required prior to issuance of a summary action.

NEW SECTION

WAC 246-10-302 Effect of summary action. (1) Summary action takes effect upon entry of the order.

(2) No person shall be required to comply with a summary action until service has been made or the person has knowledge of the order, whichever occurs first.

(3) A summary action shall be served as promptly as practicable, in accordance with WAC 246-10-109.

(4) A summary action shall not be subject to the posthearing process provided in WAC 246-10-701, et seq., but a summary action may be appealed to superior court as provided by law.

NEW SECTION

WAC 246-10-303 Form and content of summary actions. (1) A summary action shall be entered in the form of an order containing findings of fact, conclusions of law, and the summary action imposed, as well as a statement of policy reasons for the decision.

(2) A summary action imposed by emergency adjudicative proceeding shall be limited to those actions necessary to alleviate an immediate danger to the public health, safety, or welfare.

(3) Initiating documents, and all other documents required by WAC 246-10-201, shall accompany a summary action order when served.

NEW SECTION

WAC 246-10-304 Adjudicative proceedings upon summary action. Following summary action taken by the department, the respondent may:

- (1) Request a prompt adjudicative proceeding conducted in accordance with this chapter; or
- (2) Waive the prompt adjudicative proceeding and request an adjudicative proceeding conducted in accordance with this chapter;
- (3) Waive the right to an adjudicative proceeding and submit a written statement to be considered prior to the entry of the final order; or
- (4) Waive the opportunity to be heard.

NEW SECTION

WAC 246-10-305 Opportunity for prompt adjudicative proceeding. (1) Any respondent affected by a summary action shall be provided the opportunity to request a prompt adjudicative proceeding. Notice of the opportunity shall be provided in the notice of opportunity to defend against the allegations that are the basis for the summary action. The form for requesting an adjudicative proceeding shall include the option of requesting a prompt adjudicative proceeding.

(2) Any respondent affected by a summary action may request a prompt adjudicative proceeding, may elect a regularly scheduled adjudicative proceeding in lieu of a prompt adjudicative proceeding, or may waive the opportunity for adjudicative proceeding in accordance with WAC 246-10-203.

(3) Any request for a prompt adjudicative proceeding must be filed within ten days of the service of the summary action.

(4) If requested by the respondent, a prompt adjudicative proceeding shall be conducted within twenty days of service of a summary action.

(5) Regardless of whether a prompt adjudicative proceeding is requested, the matter shall be resolved as quickly as feasible in accordance with all other applicable rules.

NEW SECTION

WAC 246-10-306 Proceedings prior to prompt adjudicative proceeding. A settlement conference may be requested, a settlement may be offered, and a prehearing conference may be conducted prior to a prompt adjudicative proceeding. Prehearing proceedings shall not delay a prompt adjudicative proceeding except by mutual agreement of the parties.

SECTION IV**SETTLEMENT AND PREHEARING PROCEDURE**NEW SECTION

WAC 246-10-401 Settlement conference. (1) Following a request for an adjudicative proceeding, the office of professional standards may schedule a settlement conference. The parties shall be notified of the date, time, and place of the settlement conference.

(2) The purpose of the settlement conference shall be to attempt to reach agreement on the issues and the order to be

entered. Any agreement of the parties is subject to final approval by the secretary or designee.

(3) The respondent shall attend the settlement conference as scheduled and may also be represented as provided in WAC 246-10-108. Representatives of the department will also attend. Other persons may attend by agreement of the parties.

(4) Either party may bring documents or other materials to the settlement conference for the purpose of settlement negotiations. No testimony will be taken. No documents or information submitted at the settlement conference will be admitted at the adjudicative proceeding unless stipulated by the parties or otherwise admitted into evidence by the presiding officer.

(5) If a settlement offer has been made in writing to the respondent and it is signed and returned by the respondent to the office of professional standards prior to the settlement conference, all subsequent scheduled dates are continued pending final review of the settlement by the secretary or designee.

NEW SECTION

WAC 246-10-402 Discovery. The parties are encouraged to exchange information and documents related to the case prior to the adjudicative proceeding. Formal discovery may be had at the discretion of the presiding officer.

NEW SECTION

WAC 246-10-403 Motions. (1) The presiding officer shall rule on motions. The presiding officer may rule on motions without oral argument or may request or permit the parties to argue the motion in person or by telephone. Oral argument may be limited in time at the discretion of the presiding officer.

(2) All prehearing motions, including discovery and evidentiary motions, shall be made in writing to the presiding officer prior to the dates set in the scheduling order.

(3) Motions for continuance must be made in writing within forty-five days following service of the scheduling order. If the adjudicative proceeding is scheduled to take place fewer than forty-five days from service of the scheduling order, motions for continuance must be made within ten days of service of the scheduling order, but in no event fewer than five days prior to the hearing.

(4) The presiding officer may grant a continuance when a motion for continuance is not submitted within the time limits contained in subsection (3) of this section in a bona fide emergency.

NEW SECTION

WAC 246-10-404 Prehearing conference. (1) The presiding officer may schedule a prehearing conference to be held prior to the hearing. Parties shall be notified of the time and place of the conference in the scheduling order.

(2) The presiding officer shall conduct the prehearing conference and shall issue rulings related to prehearing motions and evidentiary issues. The rulings shall govern the conduct of subsequent proceedings.

(3) The prehearing conference shall be recorded unless recording is waived by the parties. All offers of proof and

objections concerning matters raised at the prehearing conference must be made on the record at the prehearing conference.

(4) Following the prehearing conference, the presiding officer shall issue a written prehearing order which will:

(a) Identify the issues to be considered at the hearing and indicate which party has the burden of proof on these issues;

(b) Specify the facts which are admitted or not contested by the parties;

(c) Identify those documents and exhibits that will be admitted at hearing and those which may, by agreement, be distributed prior to hearing;

(d) Identify expert and lay witnesses that may be called at hearing and the issues to which those witnesses may testify;

(e) Rule on motions;

(f) Accept amendments to the pleadings;

(g) Address such other issues or matters as may be reasonably anticipated to arise and which may aid in the disposition of the proceedings; and

(h) Rule on objections made in any preserved testimony.

(5) Following the prehearing conference, the presiding officer may issue an order directing that the matter be heard as a brief adjudicative proceeding, pursuant to WAC 246-10-501, et seq.

(6) Documentary evidence not offered in the prehearing conference shall not be received into evidence at the adjudicative proceeding in the absence of a clear showing that the offering party had good cause for failing to produce the evidence at the prehearing conference.

(7) Witnesses not identified during the prehearing conference shall not be allowed to testify at the adjudicative proceeding in the absence of a clear showing that the party offering the testimony of such witness had good cause for failing to identify the witness at the prehearing conference.

(8) If the authenticity of documents submitted at the prehearing conference is not challenged at the prehearing conference, the documents shall be deemed authentic. However, a party shall be permitted to challenge such authenticity at a later time upon a clear showing of good cause for failure to object at the prehearing conference.

(9) Nothing in these rules shall prohibit the presiding officer from conducting a conference at any time, including during the hearing. The presiding officer shall state on the record the results of such conference.

(10) A party bound by a stipulation or admission of record may withdraw it in whole or in part only upon a determination by the presiding officer or hearing officer that:

(a) The stipulation or admission was made inadvertently or as a bona fide mistake of fact or law; and

(b) The withdrawal will not unjustly prejudice the rights of the other parties.

(11) In an appeal to superior court involving issues addressed in the prehearing order, the record of the prehearing conference, the prehearing order, and any orders issued by the presiding officer pursuant to WAC 246-10-403, shall be the record.

NEW SECTION

WAC 246-10-405 Protective orders. The presiding officer may issue a protective order at his or her discretion:

(1) To protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense;

(2) To preserve confidentiality related to health care records or provider-client information;

(3) To protect examination processes;

(4) To protect the identity of a person supplying information to the department where the person indicates a desire for nondisclosure unless that person testifies or has been called to testify at an adjudicative proceeding; or

(5) To comply with applicable state or federal law.

SECTION V

BRIEF ADJUDICATIVE PROCEDURES

NEW SECTION

WAC 246-10-501 Application of brief adjudicative proceedings. (1) If an adjudicative proceeding has been requested, a brief adjudicative proceeding will be conducted where the matter involves one or more of the following:

(a) A determination of whether an applicant for a professional, business, or facility license meets the minimum criteria for an unrestricted license and the department proposes to deny such a license or to issue a restricted license;

(b) An application to approve a water system plan under WAC 246-290-100;

(c) An application to approve a project report under WAC 246-290-110;

(d) An application for source approval under WAC 246-290-130;

(e) An application to approve construction documents under WAC 246-290-120;

(f) An application to approve an existing water system under WAC 246-290-140;

(g) An application to approve a new public water system within a critical water supply service area under WAC 246-293-190;

(h) A decision with respect to service area conflicts under WAC 246-293-430;

(i) A determination as to whether a person is in compliance with the terms and conditions of a final order previously issued by the department;

(j) Any approval of a school or curriculum when such approval by the department is required or authorized by statute or rule.

(2) If an adjudicative proceeding has been requested, a brief adjudicative proceeding may be conducted at the discretion of the presiding officer when it appears that:

(a) Only legal issues exist; or

(b) Both parties have agreed to a brief proceeding; and

(c) The protection of the public interest does not require that the department provide notice and an opportunity to participate to persons other than the parties.

NEW SECTION

WAC 246-10-502 Preliminary record in brief adjudicative proceedings. (1) The preliminary record with respect to an application for a professional, business, or facility license shall consist of the following, or for approval of a school or curriculum:

- (a) The application for the license or approval and all associated documents;
- (b) All documents relied on by the program in proposing to deny the application;
- (c) All correspondence between the applicant for license or approval and the program regarding the application.

(2) Preliminary record.

(a) The preliminary record with respect to decisions made under WAC 246-290-100, 246-290-110, 246-290-120, 246-290-130, and 246-290-140 shall consist of the decision document, all documents constituting the applicant's submittal and such other documents as the applicant or the departmental employee reviewing the submittal may wish to include in the preliminary record.

(b) WAC 246-293-190.

(i) If proceedings are required and have been conducted by local agencies under the applicable CWSP, the preliminary record shall consist of the record submitted to the department under WAC 246-10-124(3).

(ii) If hearings are not required or have not been conducted by local agencies under the applicable CWSP or if the external boundaries of the coordination act area have been approved but a CWSP has not been adopted, then the preliminary record shall consist of such documents as the presiding officer may solicit from the affected parties.

(c) The preliminary record with respect to a decision made under WAC 246-293-430 shall consist of the record submitted to the presiding officer under WAC 246-10-124(4).

(3) The preliminary record with respect to compliance with prior department orders shall consist of:

(a) The official department file of the proceeding in which the order was issued;

(b) All matters submitted by the person to whom the order is directed purporting to demonstrate compliance with the order;

(c) All documents relied on by the department in asserting noncompliance; and

(d) All correspondence between the department and the person to whom the order is directed respecting compliance.

(4) The preliminary record with respect to matters submitted to a brief adjudicative proceeding under WAC 246-10-501(2) shall be as agreed by the parties.

NEW SECTION

WAC 246-10-503 Conduct of brief adjudicative proceedings. (1) Brief adjudicative proceedings shall be conducted by a presiding officer designated by the assistant secretary having responsibility for the program that issued the initiating document that is the subject of the proceeding. The presiding officer shall have agency expertise in the subject matter but shall not have personally participated in the decision to issue the initiating document.

(2) The parties or their representatives may present written documentation in addition to the preliminary record.

The presiding officer shall designate the date by which written documents must be submitted by the parties.

(3) The presiding officer may, in his or her discretion, entertain oral argument from the parties or their representatives.

(4) No witnesses may appear to testify.

(5) In addition to the record, the presiding officer may consider agency expertise as a basis for decision.

(6) Within fifteen days of the final date for submission of materials or oral argument, if any, the presiding officer shall enter an initial order in accordance with WAC 246-10-608.

NEW SECTION

WAC 246-10-504 Effectiveness of orders on brief adjudicative proceedings. (1) Initial orders on brief adjudicative proceedings shall become final twenty-one days after service of the order unless:

(a) Review has been requested pursuant to WAC 246-10-701; or

(b) On his or her own initiative, the secretary determines to review the matter and provides notice to the parties of the date by which a determination shall be made.

(2) If review is taken under subsection (1) of this section, a written order containing findings of fact, conclusions of law, and order shall be entered and served upon the parties.

NEW SECTION

WAC 246-10-505 Agency record in brief proceedings. The agency record of brief adjudicative proceedings shall consist of:

(1) The preliminary record as set forth in WAC 246-10-502;

(2) All initiating documents including the notice of opportunity to defend;

(3) The request for adjudicative proceeding;

(4) All documents submitted in the proceeding;

(5) Any transcript or recording of any arguments presented; and

(6) All orders issued in the case.

**SECTION VI
HEARING**NEW SECTION

WAC 246-10-601 Notice of adjudicative proceeding. Notice of an adjudicative proceeding shall be issued pursuant to RCW 34.05.434.

NEW SECTION

WAC 246-10-602 Conduct of adjudicative proceeding. (1) The adjudicative proceeding shall be conducted as provided in RCW 34.05.449 through 34.05.455.

(2) The presiding officer may take the following actions to the extent not already determined in a prehearing order:

(a) Conduct the hearing de novo;

(b) Determine the order of presentation of evidence;

(c) Administer oaths and affirmations;

(d) Issue subpoenas;

(e) Rule on procedural matters, objections, motions, and offers of proof;

(f) Receive relevant evidence;

(g) Interrogate witnesses called by the parties in an impartial manner to develop any facts necessary to fairly and adequately decide the matter;

(h) Call additional witnesses and request additional exhibits deemed necessary to complete the record and receive such evidence subject to full opportunity for cross-examination and rebuttal by all parties;

(i) Take any appropriate action necessary to maintain order during the adjudicative proceeding;

(j) Determine whether to permit or require oral argument or briefs and determine the time limits for submission thereof;

(k) Permit photographic and recording equipment at hearing subject to conditions necessary to preserve confidentiality and prevent disruption;

(l) Permit a person to waive any right conferred upon that person by chapter 34.05 RCW or this chapter, except as precluded by law; and

(m) Take any other action necessary and authorized by applicable law or rule.

(3) The presiding officer shall:

(a) Apply as the first source of law governing an issue those statutes and rules deemed applicable to the issue;

(b) If there is no statute or rule governing the issue, resolve the issue on the basis of the best legal authority and reasoning available, including that found in federal and Washington constitutions, statutes, rules, and court decisions; and

(c) Not declare any statute or rule invalid.

(4) If the validity of any statute or rule is raised as an issue, the presiding officer may permit arguments to be made on the record concerning the issue for the purpose of subsequent review.

(5) A party may move to disqualify the presiding officer pursuant to RCW 34.05.425(3).

NEW SECTION

WAC 246-10-603 Evidence. (1) The presiding officer shall rule on objections to the admissibility of evidence pursuant to RCW 34.05.452 unless those objections have been addressed in the prehearing order.

(2) The refusal of a witness to answer any question ruled proper shall be grounds for the presiding officer, at his/her discretion, to strike some or all prior testimony by that witness on related matters or to grant a continuance to allow a party to seek a court order to compel the witness to answer.

(3) Each person called as a witness in an adjudicative proceeding shall swear or affirm that the evidence about to be given in the adjudicative proceeding shall be the truth under the provisions of RCW 5.28.020 through 5.28.060.

NEW SECTION

WAC 246-10-604 Proposed order. At the conclusion of the hearing or by a date specified by the presiding officer, each party shall submit to the presiding officer proposed findings of fact and conclusions of law and a proposed order, except as may be ordered by the presiding officer.

NEW SECTION

WAC 246-10-605 Issuance of final order. If the adjudicative proceeding is conducted by a presiding officer authorized to make the final decision, the presiding officer shall:

(1) Issue a final order containing findings of fact and conclusions of law and an order; and

(2) Serve a copy of the order on each party and any designated representative of the party.

NEW SECTION

WAC 246-10-606 Standard of proof. The order shall be based on the kind of evidence upon which reasonably prudent persons are accustomed to rely in the conduct of their affairs. In all cases involving an application for license the burden shall be on the applicant to establish that the application meets all applicable criteria. In all other cases the burden is on the department to prove the alleged factual basis set forth in the initiating document. Except as otherwise provided by statute, the burden in all cases is a preponderance of the evidence.

NEW SECTION

WAC 246-10-607 Consolidated proceedings. (1) When two or more applications for adjudicative proceeding involve a similar issue, the applications may be consolidated by the presiding officer and the hearings conducted together. The presiding officer may consolidate on his/her own motion or upon the request of a party.

(2) A party scheduled for a consolidated proceeding may request to withdraw from the consolidated proceeding in favor of an individual proceeding. A request to withdraw from a consolidated proceeding shall be granted if the motion is filed before the presiding officer has made any discretionary ruling in the matter and before the hearing date. The presiding officer may grant a motion to withdraw from a consolidated proceeding at any time when good cause is shown.

(3) Each respondent in a consolidated proceeding shall retain the right to representation.

NEW SECTION

WAC 246-10-608 Initial order. If the adjudicative proceeding is conducted by a presiding officer who is not authorized to make the final decision, the presiding officer shall:

(1) Issue an initial order containing proposed findings of fact, conclusions of law, and a proposed order;

(2) Serve a copy of the initial order on each party and any designated representative of a party; and

(3) Forward the initial order and record of the adjudicative proceeding to the office of professional standards.

**SECTION VII
POSTHEARING PROCESS**

NEW SECTION

WAC 246-10-701 Appeal from initial order. (1) Any party may file a written petition for administrative review of an initial order issued under WAC 246-10-503 or 246-10-608 stating the specific grounds upon which exception is taken and the relief requested.

(2) Petitions for administrative review must be served upon the opposing party and filed with the office of professional standards within twenty-one days of service of the initial order.

(3) The opposing party may file a response to a petition for administrative review filed as provided in this section. The response shall be filed at the place specified in subsection (2) of this section. The party filing the response shall serve a copy of the response upon the party requesting administrative review. If the initial order was entered pursuant to WAC 246-10-503, the response shall be filed within ten days of service of the petition. In all other matters, the response shall be filed within twenty days of service of the petition.

NEW SECTION

WAC 246-10-702 Final orders. (1) The form and content of final orders shall be as follows:

(a) Final orders shall contain findings of fact, conclusions of law, and an order, and shall be signed by the secretary or by a designee of the secretary.

(b) Final orders may adopt by reference the initial order in whole or in part.

(c) Final orders may modify or revise the initial order in whole or in part.

(2) Final orders shall be served upon the parties and their representatives as provided in WAC 246-10-109.

(3) Final orders shall be issued following:

(a) A review of the record;

(b) A review of the initial order, if any;

(c) A review of any request for review of the initial order and any response thereto; and

(d) Consideration of protection of the public health and welfare.

(4) Unless a later date is stated in the final order, final orders shall be effective when entered but a party shall not be required to comply with a final order until the order is served upon that party.

(5) Final orders may contain orders that specified portions of the agency record shall not be disclosed as public records if necessary to protect privacy interests, the public welfare, or vital governmental functions. Such orders shall include but are not limited to protective orders issued during the proceeding or pursuant to WAC 246-10-405.

NEW SECTION

WAC 246-10-703 Stay of final orders. No final order will be stayed except by its own terms or by order of a court of competent jurisdiction.

NEW SECTION

WAC 246-10-704 Reconsideration of final orders.

(1) Within ten days of service of a final order, either party may file a petition for reconsideration, stating the specific grounds upon which reconsideration is requested and the relief requested.

(2) Grounds for reconsideration shall be limited to:

(a) Specific errors of fact or law; or

(b) Implementation of the final order would require department activities inconsistent with current department practice.

(3) Petitions for reconsideration must be served upon the opposing party and filed with the office of professional standards within ten days of service of the final order.

(4) If reconsideration is requested based on an error of fact, the request for reconsideration shall contain specific reference to the record. If reconsideration is requested based on testimony of record, the party requesting consideration shall submit a copy of the transcript of the adjudicative proceeding or shall specify the date by which the transcript will be submitted, and shall submit specific reference to the transcript by a date determined by the presiding officer.

(5) The petition for reconsideration is denied if, within twenty days of the date the petition is filed, the secretary or designee:

(a) Denies the petition;

(b) Does not act upon the petition; or

(c) Does not serve the parties with notice of the date by which he/she will act on the petition.

(6) If the secretary or designee determines to act upon the petition, the opposing party shall be provided at least ten days in which to file a response to the petition.

(7) Disposition of petitions for reconsideration shall be in the form of a written order denying the petition, granting the petition, and dissolving or modifying the final order, or granting the petition and setting the matter for further proceedings.

NEW SECTION

WAC 246-10-705 Agency record of adjudicative proceedings. (1) The department shall maintain an official record of each adjudicative proceeding.

(2) The record shall include:

(a) Notices of all proceedings;

(b) Any prehearing order;

(c) Any motions, pleadings, briefs, petitions, requests, and rulings thereon;

(d) Evidence received or considered;

(e) A statement of matters officially noted;

(f) Offers of proof and objections and rulings thereon;

(g) Any proposed findings, requested orders, and exceptions;

(h) Any recording of the hearing and any transcript of all or part of the hearing considered before final disposition of the matter;

(i) Any final order, initial order, or order on reconsideration; and

(j) Matters placed on the record following an ex parte communication, if any.

(3) The record shall be subject to disclosure as provided by chapter 42.17 RCW, the Public Records Act, and by

WAC 246-10-114, except as limited by protective orders and orders contained in the final order.

NEW SECTION

WAC 246-10-706 Judicial review. (1) Judicial review of actions taken under this chapter shall be as provided in RCW 34.05.510, et seq.

(2) Notice of the opportunity for judicial review shall be provided in all final orders.

NEW SECTION

WAC 246-10-707 Vacating an order for reason of default or withdrawal. (1) A party against whom an order for reason of default is entered shall have the right to file a written petition requesting that the order be vacated.

(2) The petition to vacate shall state the grounds relied upon.

(3) The petition shall be filed at the office of professional standards.

(4) If, in the opinion of the presiding officer, good cause to grant the motion to vacate is shown, the presiding officer shall grant the motion and reinstate the application for adjudicative proceeding and may impose conditions on licensure pending final adjudication of the matter.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 246-08-001 Application of chapter 248-08 WAC.
- WAC 246-08-020 Application for an adjudicative proceeding.
- WAC 246-08-030 Administrative law judge— Authority—Application of law—Assignment— Disqualification. Representation.
- WAC 246-08-040 Prehearing conference.
- WAC 246-08-050 Notice of hearing.
- WAC 246-08-060 Filing and service of papers.
- WAC 246-08-070 Vacating an order of dismissal for reason of default or withdrawal.
- WAC 246-08-080 Subpoenas.
- WAC 246-08-090 Teleconference hearing.
- WAC 246-08-100 Rules of evidence.
- WAC 246-08-110 Contents of orders.
- WAC 246-08-120 Petition for review—Response to petition—Disqualification of review judge.
- WAC 246-08-130 Reconsideration.
- WAC 246-08-140 Adjudicative proceedings— Notice to limited-English-speaking parties.
- WAC 246-08-150 Interpreters.
- WAC 246-08-160 Group hearing.
- WAC 246-08-170 Continuance.
- WAC 246-08-180 Computation of time.
- WAC 246-08-190

- WAC 246-08-200 Judicial review of final adjudicative order.
- WAC 246-08-210 Variances, waivers, and exemptions.
- WAC 246-08-320 Delegation of authority by secretary.
- WAC 246-08-330 Declaratory orders—Forms, content, and filing.
- WAC 246-08-340 Declaratory orders—Procedural rights of persons in relation to petition.
- WAC 246-08-350 Declaratory orders— Disposition of petition.
- WAC 246-08-360 Petition for rule making— Form, content, and filing.
- WAC 246-08-370 Petition for rule making— Consideration and disposition.
- WAC 246-08-380 Updating mailing lists.

REPEALER

The following section of the Washington Administrative Code is repealed:

- WAC 246-293-440 Adjudicative proceeding.

**WSR 93-08-072
PROPOSED RULES
PERSONNEL BOARD
[Filed April 6, 1993, 8:55 a.m.]**

Original Notice.

Title of Rule: New WAC 356-18-145; and amending WAC 356-18-150, 356-18-060, 356-18-110, 356-14-260, and 356-15-030.

Purpose: These rules all apply to different kinds of leave usage.

Statutory Authority for Adoption: RCW 41.06.040.

Statute Being Implemented: RCW 41.06.150.

Summary: This proposal intends to allow employees 12 weeks of leave without pay for serious medical conditions as well as leave for newborn, adoptive, or foster child care.

Reasons Supporting Proposal: This proposal will amend and create rules to be in compliance with the 1993 Federal Family and Medical Leave Act.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, 586-1770; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Merit system rules currently allow employees to request to receive leave without pay, as well as paid leave, for sick leave and family leave. The 1993 Federal Family and Medical Leave Act mandates employees shall receive 12 weeks of leave under these conditions. This proposal attempts to bring existing rules in compliance with the 1993 Family Leave Act.

Proposal Changes the Following Existing Rules: This proposal amends existing rules and establishes a rule to allow state employees to receive 12 weeks of leave without pay for family leave and medical leave for a serious health condition.

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

Hearing Location: Department of Personnel, 2nd Floor, Board Room, 521 Capitol Way South, Olympia, WA, on May 13, 1993, at 10:00 a.m.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 7500, Olympia, WA 98504-7500, by May 11, 1993.

Date of Intended Adoption: May 13, 1993.

March 30, 1993

Marilyn Glenn

Acting Secretary

NEW SECTION

WAC 356-18-145 Leave without pay—Serious health condition. (1) Pursuant to the federal family and medical leave act of 1993, leave without pay shall be allowed for a minimum of 12 weeks, during any 12-month period, under the following circumstances:

(a) Serious health conditions of a parent, spouse or child, or an eligible employee; or

(b) The eligible employee's own serious health condition that prevents him or her from performing the functions of his or her job.

(2) A serious health condition is defined as an illness, injury, impairment, or physical or mental condition that involves:

(a) in-patient care in a hospital, hospice, or residential medical care facility; or

(b) continuing treatment by a health care provider.

(3) For purposes of this section, the following definitions will apply:

(a) Eligible employee: An employee who has worked for the state for 12 months for at least 1,250 hours.

(b) Parent: Biological parent or non-biological person that acted as a parent to an employee when the employee was a son or daughter.

(c) Spouse: Husband or wife.

(d) Child: A biological adopted or foster child, a step child, a legal ward, or a child of a person acting as a parent who is:

(i) Under 18 years of age; or

(ii) Eighteen years of age or older and incapable of self care because of a mental or physical disability.

AMENDATORY SECTION (Amending Order 314, filed 2/24/89, effective 4/1/89)

WAC 356-18-150 Leave—Newborn ~~(or)~~, adoptive, or foster child care—Provision. (1) Child care leave without pay ~~(may)~~ shall be authorized to a permanent employee or an employee who has worked for the state for 12 months for at least 1,250 hours who is the parent of a newborn child ~~(or is)~~, the adoptive parent, or foster parent of a child ~~((if the leave is requested in advance by the employee))~~. The duration of such leave without pay shall be

no more than six months. ~~((Leave must be requested within sixty days of adoption.))~~

(2) The employee shall make the request for child care leave without pay in writing and indicate the duration of the leave. The employee shall make every attempt to give the employer at least 30 days' notice, if possible. Employees shall be allowed to use their accrued vacation leave, or any portion thereof, in conjunction with child care leave without pay authorized in accordance with this section.

(3) ~~((An agency may deny the child care leave request on the basis of operational necessity.))~~ Employees are entitled to a minimum of 12 weeks of leave without pay. However, agencies may deny requests beyond 12 weeks on the basis of operational necessity. If both spouses are state employees and both have requested leave under this section, an agency(ies) may limit them to a total of 12 weeks of leave without pay which they may share. Denials shall be in writing to the employee and shall inform the employee of the right to petition the director of personnel for review.

(4) The director shall review the petition and may require the agency to authorize the child care leave request.

(5) When an agency denies child care leave under this section, and the director of personnel does not require it, an employee who vacates his/her position for the purpose of child care leave may request to return to state service. Such employee must notify the department of personnel, within six months of vacating the position, of their desire to return to work. The department of personnel shall direct the former employing agency to offer the employee the first vacancy in the employee's former class and geographic work location. This offer shall take precedence over all registers except for reduction-in-force registers.

AMENDATORY SECTION (Amending Order 398, filed 1/17/92, effective 3/1/92)

WAC 356-18-060 Paid sick leave—Use. (1) Personal illness: Accumulated sick leave shall be granted when an employee is required to be absent from work for any of the following reasons:

(a) Illness or injury of the employee or for preventative health care.

(b) Exposure of the employee to contagious disease when attendance at work would jeopardize the health of others.

(c) Disability of the employee due to pregnancy or childbirth.

(2) Illness of children: Accumulated sick leave shall be granted when an employee is required to be absent from work to provide care to a child under the age of eighteen with a health condition requiring treatment or supervision. For the purpose of this subsection, "children" shall be limited to the son or daughter of the employee or the employee's spouse.

(3) Illness of relatives or household members: Up to five days of accumulated sick leave shall be granted for each occurrence or as extended by the agency when an employee is required to be absent from work to provide care to members of the employee's household or relatives of the employee or the employee's spouse who experience an illness or injury. For purposes of this subsection, "relatives" shall be limited to:

- (a) Spouse.
- (b) Son or daughter, eighteen years of age or over, grandchild, or foster child.
- (c) Grandparent or parent.
- (4) Sick leave shall be approved for the purpose of WAC 356-18-145, Leave without pay—Serious health condition, or WAC 356-18-150, Leave—Newborn, adoptive, or foster child care—Provision.

~~((4))~~ (5) Preventative health care of relatives or household members: Up to one day of sick leave shall be granted for each occurrence or as extended by the agency when an employee is required to be absent to provide care or transportation for a relative of the employee or the employee's spouse or for a member of the employee's household obtaining preventative health care. For the purposes of this subsection "relatives" shall be limited to:

- (a) Spouse.
- (b) Son, daughter, grandchild, or foster child.
- (c) Grandparent or parent.
- ~~((5))~~ (6) For purposes of the provisions of subsections (3), ~~((4))~~ (5), and ~~((6))~~ (7)(a) of this section:

Members of household means "persons who reside in same home, who have reciprocal and natural and/or moral duties to and do provide support for one another. The term does not include persons sharing the same general house when the living style is primarily that of a dormitory or commune."

~~((6))~~ (7) Bereavement: Accumulated sick leave shall be granted up to three days for each occurrence or as extended by the agency for reasons of travel when an employee is required to be absent from work for any of the following reasons:

- (a) Death of members of the employee's household or relatives of the employee or the employee's spouse.
- (b) For purposes of the provisions of subsection ~~((6))~~ (7)(a) of this section, "relatives" shall be limited to:
 - (i) Spouse.
 - (ii) Son, daughter, grandchild, foster child, son-in-law, or daughter-in-law.
 - (iii) Grandparent, parent, brother, sister, niece, nephew, aunt, uncle, first cousin, brother-in-law, or sister-in-law.

~~((7))~~ (8) Inclement weather: Up to three days of accumulated sick leave shall be granted when the employee is unable to report for scheduled work because of severe inclement weather. (Such use of sick leave shall be limited to three days in any calendar year and shall be used only as specified in WAC 356-18-115.)

~~((8))~~ (9) Such use of sick leave shall normally be limited to a maximum of one day per incident, and to three days in any calendar year, unless extended by the appointing authority, and shall be used only as specified in WAC 356-18-116.

~~((9))~~ (10) When a condition listed under subsection (1)(a) or (c) of this section arises while the employee is on vacation leave, the employee shall be granted accrued sick leave as provided above for the condition (in lieu of the approved vacation leave) provided that the employee requests such sick leave within fourteen days after return to work. Such conversion rights shall not extend to vacation leave taken prior to an employee's separation as provided in WAC 356-18-100(2).

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 389, filed 9/23/91, effective 11/1/91)

WAC 356-18-110 Vacation leave—Allowance. (1) Full-time employees shall not use or be compensated for vacation leave credits until completion of six months continuous state service. Employees whose payroll hours are usually less than 40 hours a week shall not use nor be compensated for vacation leave credits until completion of twelve continuous months of state service.

(2) All requests for vacation leave shall be in writing and must be approved in advance of the effective date unless used in lieu of sick leave or to respond to unforeseen child care requirements, or the supervisor chooses to approve the vacation leave on a retrospective basis.

(3) Vacation leave shall be approved for the purposes of WAC 356-18-145, Leave without pay—Serious health condition, or WAC 356-18-150, Leave—Newborn, adoptive, or foster child care—Provision.

~~((3))~~ (4) Vacation leave shall be charged in half-hour increments or in smaller increments as set by the employing agency.

~~((4))~~ (5) When considering requests for vacation leave the employing agency shall give due regard to the needs of the employee but may require that leave be taken when it will least interfere with the work of the agency.

~~((5))~~ (6) Vacation leave for religious observances should be granted to the extent agency or program requirements permit.

AMENDATORY SECTION (Amending Order 288, filed 11/24/87, effective 1/1/88)

WAC 356-14-260 Compensatory time—Liquidation. Agencies may require that compensatory time off shall be scheduled as soon as possible after accrual and with due regard for the employee's needs, insofar as this can be accomplished without detracting from sound and orderly administration. Compensatory time shall be granted for purposes of WAC 356-18-145, Leave without pay—Serious health condition, or WAC 356-18-150, Leave—Newborn, adoptive, or foster child care—Provision.

Agencies may require that accumulated compensatory time be liquidated before vacation leave is granted except in those instances where this procedure would result in loss of accumulated vacation leave.

AMENDATORY SECTION (Amending Order 285, filed 11/24/87, effective 1/1/88)

WAC 356-15-030 Overtime provisions and compensation. (1) The following conditions constitute overtime:

(a) For full-time employees, work in excess of the workshift within the work day.

(b) Work in excess of forty nonovertime hours in one workweek or eighty nonovertime hours in a scheduled fourteen consecutive day period as authorized under WAC 356-15-020 (2)(a)(ii).

(c) Work on a holiday (except Sunday when it is within the scheduled workshift). Scheduled work performed on a Sunday which is coincidental with some other state holiday is overtime work.

(d) Work on a scheduled day off.

(e) Time worked in excess of the 28-day work period by law enforcement positions.

(2) Scheduled work period employees shall receive overtime compensation for work which meets subsection (1)(a) through (d) of this section.

(3) Nonscheduled work period employees shall receive overtime compensation for work which meets subsection (1)(b) through (d) of this section and may be paid overtime compensation for work which meets subsection (1)(a) of this section.

(4) Law enforcement positions have a one hundred sixty-hour, twenty-eight-day work period, rather than a forty-hour workweek.

(a) When the combination of credited work hours (vacation, sick leave, holidays, or compensatory time) and actual work hours exceeds one hundred sixty hours, the employee shall be compensated at time and one-half rates in cash or compensatory time at the option of the agency.

(b) Overtime compensation for actual work in excess of one hundred seventy-one hours in a work period may be in the form of compensatory time off if the employee and the agency agree.

(c) Assigned, actual work on a holiday shall be considered as work in excess of one hundred sixty hours.

(d) For the positions receiving assignment pay for an extended work period, the following special provisions apply:

(i) These law enforcement classes or positions have a one hundred seventy-one-hour, twenty-eight-day work period, for which they receive four ranges (approximately ten percent) above the base salary range.

(ii) When the combination of credited work hours and actual work hours exceeds one hundred seventy-one hours, the employee shall be compensated at time and one-half rates. Compensation may be in the form of compensatory time off if the employee and the agency agree.

(iii) Assigned, actual work on a holiday shall be considered as work in excess of one hundred seventy-one hours.

(5) Exceptions work period employees are not required to be ~~compensated~~ ~~[compensation]~~ compensated beyond their regular monthly rate of pay for work which meets subsection (1)(a) through (d) of this section. However, they may be compensated or granted exchange time for any of those conditions if their appointing authority deems it appropriate.

(a) If overtime compensation is authorized, the appointing authority may fix the rate, not to exceed the overtime rate (WAC 356-05-231). As indicated in subsection (5) of this section, the agency and the employee may agree to use compensatory time off in lieu of cash; in that event, the rules covering liquidation of compensatory time apply.

(b) Exchange time may be authorized for any number of hours worked beyond the exceptions work period employee's normal hours of work. For those hours authorized, the rate shall be equal hours off for those worked. Exchange time can be accrued to a limit determined by each agency, not to

exceed one hundred seventy-four hours. The exchange time accrual for incumbents in the class of youth development and conservation corps camp supervisor only may be increased to four hundred eighty hours by the employing agency.

(c) Employees must be allowed, and may be required, to use all exchange time in excess of eighty hours prior to each April 1 and October 1, or other semiannual dates fixed by an agency and made known to its employees and the director of personnel by that agency's director. As an exception to the above, the director of personnel may establish a single annual date based on the special needs of the requesting agency. Employees must exhaust their exchange time before using compensatory time or vacation leave unless this would result in a loss of accumulated leave.

(d) Exchange time shall be granted for the purposes of WAC 356-18-145, Leave without pay—Serious health condition, or WAC 356-18-150, Leave—Newborn, adoptive, or foster child care—Provision.

~~((d))~~ (e) Employee absence on approved exchange time shall be considered as time worked for payroll purposes.

~~((e))~~ (f) Exchange time has no cash liquidation value. However, employees voluntarily terminating from state service or transferring to another agency must be offered the opportunity to postpone their cessation of employment by the granting agency until their accumulated, authorized exchange time has been used. Employees who were separated due to a reduction in force or disability separation are entitled to reinstatement of accumulated exchange time if they are rehired on a permanent basis by the granting agency within three years of separation.

(6) Overtime shall be compensated in accord with the provisions of WAC 356-14-230 through 356-14-265.

(7)(a) Part-time employees whose positions are in job classes designated as scheduled, nonscheduled, or law enforcement shall receive overtime compensation for work which meets subsection (1)(b) or (c) of this section.

(b) Hourly paid employees whose positions are in job classes designated as exceptions are not exempt from the overtime provisions of the Fair Labor Standards Act. For these employees, an agency must determine and notify the employee of the beginning of the workweek, must maintain the wage and hour records identified in WAC 356-14-220, and must pay overtime compensation for actual hours worked in excess of 40 nonovertime hours in a workweek.

**WSR 93-08-073
PROPOSED RULES
BOARD OF
BOILER RULES**

[Filed April 6, 1993, 10:55 a.m.]

Original Notice.

Title of Rule: Chapter 296-104 WAC.

Purpose: To comply with actions taken by the Board of Boiler Rules.

Statutory Authority for Adoption: RCW 70.79.040.

Statute Being Implemented: Rules and regulations—
Scope.

Summary: WAC 296-104-010(27) Definition, this section of the WAC rule expands and clarifies the definition of places of assembly; WAC 296-104-010(35) Definitions, this new subsection of the WAC rule defines domestic and/or residential purposes; WAC 296-104-055 Examination fees, this WAC rule change increases the fee charged for each applicant taking any examination sponsored by the National Board of Boiler and Pressure Vessel Inspectors; WAC 296-104-200 Standards for new construction, this change to the rule adopts the current 1992 ASME Boiler and Pressure Vessel Code; WAC 296-104-500 Nonnuclear repairs, the word "jurisdiction" is changed to "department" to define where a report of welded repair is to be submitted. This rule is also being updated to adopt the 1992 National Board Inspection Code; WAC 296-104-501 Nonnuclear alterations, this portion of the WAC rule was replaced to clearly identify who is authorized to make alterations. Language has also been added requiring all alterations to conform to the rules contained in the 1992 National Board Inspection Code; and WAC 206-104-700 Inspection fees—Certificate fees—Expenses, this rule has been changed to reflect mileage reimbursement at the current Office of Financial Management approved rate.

Reasons Supporting Proposal: To comply with actions taken by the Board of Boiler Rules.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dick Barkdoll, 7273 Linderson Way S.W., Tumwater, (206) 956-5270.

Name of Proponent: Board of Boiler Rules, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 296-104-010(20) Definition, places of assembly, this change expands and clarifies the definition of places of assembly; WAC 296-104-010(35) Definition, domestic and/or residential purposes, this change defines the meaning of domestic and/or residential purposes as serving a private residence or an apartment house of less than six families; WAC 296-104-055 Examination fees, this change would increase examination fees from \$40 to \$60. It would adjust for inflation the compensation for expenses incurred in giving examinations; WAC 296-104-200 Standards for new construction, this change adopts the current 1992 ASME Boiler and Pressure Vessel Code. It is being proposed to maintain consistency with current code standards; WAC 296-104-500 Nonnuclear repairs, this change adopts a national standard for repairs that is currently available. The present standard is no longer published. There is a clarification naming the department as the jurisdiction collecting reports of welded repair; WAC 296-104-501 Nonnuclear alterations, this change was made to clearly identify who is authorized to make alterations. Language has also been added requiring all alterations to conform to the rules contained in the 1992 National Board Inspection Code; and WAC 296-104-700 Inspection fees—Certificate—Expenses, change would reimburse mileage at the current Office of Financial Management approved rate. It would keep mileage fees charged by state boiler inspectors current with accepted fees.

Proposal Changes the Following Existing Rules: See above.

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

The Board of Boiler Rules 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: The changes made in the above rules are for clarification to existing rules and the adoption of a current national standard for the implementation of both alterations and repairs to boilers and pressure vessels. In WAC 296-104-055 and 296-104-700 there may be a disproportionate economic impact on those employers that are small businesses; however the impact in most instances will be extremely minimal and furthermore cannot be mitigated because the board is required to set fees sufficient to cover actual cost.

Hearing Location: Labor and Industries Auditorium, 7273 Linderson Way S.W., Tumwater, WA, on May 18, 1993, at 10:00 a.m.

Submit Written Comments to: Dick Barkdoll, P.O. Box 44410, Olympia, WA 98504-4410, by May 18, 1993.

Date of Intended Adoption: May 18, 1993.

March 24, 1993

Robert E. Reid
Chairman

AMENDATORY SECTION (Amending WSR 92-11-070, filed 5/20/92, effective 6/20/92)

WAC 296-104-010 Definitions. (1) "Director" shall mean the director of the department of labor and industries.

(2) "Board of boiler rules" shall mean the board created by law and empowered to make, alter, amend, and interpret rules and regulations for the safe and proper construction, installation, repair, and use of boilers and for the proper construction, installation, and repair of unfired pressure vessels in this state.

(3) "Chief inspector" shall mean the chief boiler inspector appointed under RCW 70.79.100.

(4) "Deputy inspector" shall mean a deputy inspector of boilers and unfired pressure vessels appointed by the chief boiler inspector of Washington under the provisions of RCW 70.79.120.

(5) "Special inspector" shall mean an inspector holding a Washington commission, who is regularly employed by an insurance company authorized to insure against loss from explosion of boilers and unfired pressure vessels in this state, or who is continuously employed by any company operating unfired pressure vessels in this state for the purpose of making inspections of unfired pressure vessels used or to be used by such company.

(6) "Inspector" shall mean the chief boiler inspector, a deputy inspector, or a special inspector.

(7) "Certificate of competency" shall mean a certificate issued to a person who has passed an examination prescribed by the board of boiler rules.

(8) "Department" as used herein shall mean the department of labor and industries of the state of Washington.

(9) "Owner" or "user" shall mean a person, firm, or corporation owning or operating any boiler or unfired pressure vessel within the state.

(10) "ASME Code" shall mean the boiler and pressure vessel code of the American Society of Mechanical Engi-

neers with amendments and interpretations thereto made and approved by the council of the society which have been regularly adopted by the board of boiler rules in accordance with the provisions of RCW 70.79.030.

(11) "Existing installations" shall mean any boiler or unfired pressure vessel constructed, installed, placed in operation, or contracted for before January 1, 1952.

(12) "Approved" shall mean approved by the chief boiler inspector as evidenced by his issuance of an inspection certificate.

(13) "Standard boiler or unfired pressure vessel" shall mean a boiler or unfired pressure vessel which bears the ASME stamp.

(14) "Nonstandard boiler or unfired pressure vessel" shall mean a boiler or unfired pressure vessel that does not bear the ASME stamp.

(15) "Boiler" shall mean a closed vessel used for heating water or liquid or for generating steam or vapor by the direct application of heat.

(16) "Direct application of heat" shall mean the firing of any fuel, solid, liquid, or gaseous, including electrical elements of any description.

(17) "Power boiler" shall mean a boiler used to produce steam or vapor at a pressure exceeding 15 lbs. per square inch gage, or a boiler used for heating water or liquid to a pressure exceeding 160 psi. or to a temperature exceeding 250°F.

(18) "Low pressure heating boiler" shall mean a boiler operated at a pressure not exceeding 15 lbs. per square inch gage steam, or at a pressure not exceeding 160 lbs. per square inch and a temperature not exceeding 250°F. for water.

(19) "Hot water supply boiler" shall mean a low pressure boiler used to heat water to a temperature not exceeding 200°F.

(20) "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.

(21) "Unfired pressure vessel" shall mean a closed vessel in which pressure is obtained from an external source, or from an indirect application of heat, including steam or hot water coils, converters or heat exchangers.

(22) "Reinstalled boiler or unfired pressure vessel" shall mean a boiler or unfired pressure vessel removed from its original setting and reerected at the same location or at a new location without change of ownership.

(23) "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.

(24) "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.

(25) "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 inspection of the interior. An ultrasonic examination of unfired pressure vessels 36" diameter and under, shall constitute an internal inspection.

(26) "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.

(27) "Place of public assembly" or "assembly hall" shall mean a building or portion of a building used ~~((in whole or in part for occupation by))~~ for the gathering together of 50 or more persons for such purposes as deliberation, education, instruction, worship, ((hospitals, education, instruction;)) entertainment, amusement, drinking, or dining or waiting transportation ~~((, or child care centers.~~

~~Child care centers include those agencies which operate facilities for the care of thirteen children or more. No such center shall be located in a private family residence. The substantive rules of this code shall apply to all child care centers operated in the state of Washington).~~ 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.

(28) "Fusion welding" shall mean a process of welding metals in a molten, or molten and vaporous state, without the application of mechanical pressure or blows. Such welding may be accomplished by the oxy-acetylene or oxy-hydrogen flame or by the electric arc. Thermit welding shall be classified as fusion welding.

(29) "Major repair" shall mean one upon which the strength of a boiler or unfired pressure vessel depends.

(30) "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.

(31) "Attendant" shall mean the person in charge of the operation of a boiler or unfired pressure vessel.

(32) "Automatic operation of a boiler" shall mean full control of feed water and fuel in order to maintain the pressure and temperature constant within the limits set. Controls must 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, or power failure.

(33) "Alteration" is a structural modification of, or a departure from an original design or existing construction.

(34) "Repair" is a restoration of any damaged or impaired part to an effective and safe condition.

(35) "Domestic and/or residential purposes" shall mean serving a private residence or an apartment house of less than six families.

AMENDATORY SECTION (Amending Order 82-36, filed 11/23/82, effective 1/1/83)

WAC 296-104-055 Examination fees. A fee of ~~((forty))~~ sixty dollars will be charged for each applicant taking the examination for a certificate of competency or any examination sponsored by the National Board of Boiler and Pressure Vessel Inspectors. If an applicant fails to pass the examination this fee shall be good for one year during which

a reexamination may be taken. Checks for examination fees shall be made payable to the state treasurer.

AMENDATORY SECTION (Amending WSR 92-11-070, filed 5/20/92, effective 6/20/92)

WAC 296-104-200 Standards for new construction.

The standards for new construction are the ((+1989)) 1992 edition, with addenda, of ASME Boiler and Pressure Vessel Code, Sections I, III, IV, VIII, and X, the 1987 edition of ASME/ANSI PVHO-1 (Standard for Pressure Vessels for Human Occupancy). 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. Also, in circumstances such as nuclear systems, the time period for addenda becoming mandatory is defined in the Code of Federal Regulations.

AMENDATORY SECTION (Amending WSR 92-11-070, filed 5/20/92, effective 6/20/92)

WAC 296-104-500 Nonnuclear repairs.

Where a repair, involving welding to a pressure retaining part is performed, a report of welded repair, signed by the certificate holder and an authorized inspector shall be submitted to the ((jurisdiction)) department. Repairs to all boilers, pressure vessels, and their appurtenances shall conform to the rules contained in the ((+1985)) 1992 National Board Inspection Code chapter III((- Furthermore, repairs shall be performed only by those holding an ASME Certificate of Authorization or a National Board "R" Certificate of Authorization)), including supplements 1, 2, 3, 4, and 6, except the following changes/authorizations are made:

(1) Owner-user special inspectors may only accept repairs on unfired pressure vessels operated by their respective companies per RCW 70.79.130.

(2) In addition to repair organizations holding a National Board "R" Certificate of Authorization, organizations holding an ASME Certificate of Authorization may make repairs provided repairs are covered in their Quality Control Manual. In all cases the material and workmanship shall comply with the rules contained in the appropriate sections of the ASME Code.

AMENDATORY SECTION (Amending WSR 92-11-070, filed 5/20/92, effective 6/20/92)

WAC 296-104-501 Nonnuclear alterations.

((Where alterations are accomplished, copies of all alteration reports such as reports of welded or rerated alterations, shall be sent to the department. Alterations to all boilers, pressure vessels, and their appurtenances shall conform to the rules contained in the 1985 National Board Inspection Code chapter III. Physical alterations shall only be performed by those parties with the appropriate ASME authorization.)) Physical alterations may not be performed by those parties with the appropriate ASME authorization. Physical alterations shall only be performed by those parties with the appropriate ASME Certificate of Authorization. Where alterations are accomplished, copies of all alteration reports, such as reports of welded or rerated

alterations, shall be sent to the department. With the exceptions above, alterations to all boilers, pressure vessels, and their appurtenances shall conform to the rules contained in the 1992 National Board Inspection Code chapter III, including supplements 1, 2, 3, 4, and 6.

AMENDATORY SECTION (Amending Order 84-20, filed 10/5/84)

WAC 296-104-700 Inspection fees—Certificate fees—Expenses. The following fees shall be paid by, or on behalf of, the owner or user upon the completion of the inspection. The inspection fees apply to inspections made by inspectors employed by the state.

| | Internal | External |
|---|----------|----------|
| Heating boilers: | | |
| Cast iron—All sizes | 25.00 | 20.00 |
| All other boilers less than 500 sq. ft. | 30.00 | 20.00 |
| 500 sq. ft. to 2500 sq. ft. | 50.00 | 25.00 |
| Each additional 2500 sq. ft. of total heating surface, or any portion thereof | 20.00 | 10.00 |
| Power boilers: | | |
| Less than 100 sq. ft. | 25.00 | 20.00 |
| 100 sq. ft. to less than 500 sq. ft. | 30.00 | 20.00 |
| 500 sq. ft. to 2500 sq. ft. | 50.00 | 25.00 |
| Each additional 2500 sq. ft. of total heating surface, or any portion thereof | 20.00 | 10.00 |
| Pressure vessels: | | |
| Automatic utility hot water supply heaters per RCW 70.79.090 | | 5.00 |
| 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. | 20.00 | 15.00 |
| 15 sq. ft. to less than 50 sq. ft. | 30.00 | 15.00 |
| 50 sq. ft. to 100 sq. ft. | 35.00 | 20.00 |
| For each additional 100 sq. ft. or any portion thereof | 10.00 | 35.00 |
| Certificate of inspection fees: For objects inspected, the certificate of inspection fee is \$15.00 per object. | | |
| Nonnuclear shop inspections, field construction inspections, and special inspection services: | | |
| For each hour or part of an hour up to 8 hours | 30.00 | |
| For each hour or part of an hour in excess of 8 hours | 45.00 | |
| 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 | 45.00 | |
| For each hour or part of an hour in excess of 8 hours | 70.00 | |
| Nonnuclear triennial shop survey and audit: | | |
| When state is authorized inspection agency: | | |
| For each hour or part of an hour up to 8 hours | 30.00 | |
| For each hour or part of an hour in excess of 8 hours | 45.00 | |

| | |
|---|-------|
| When insurance company is authorized inspection agency: | |
| For each hour or part of an hour up to 8 hours | 45.00 |
| For each hour or part of an hour in excess of 8 hours | 70.00 |

Expenses shall include:

Travel time and mileage: The department shall charge for its inspectors' travel time from their offices to the inspection sites and return. The travel time shall be charged for at the same rate as that for the inspection, audit, or survey. The department shall also charge ((20 cents per mile)) 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.

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 \$25.00. 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.

WSR 93-08-074
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)

[Filed April 6, 1993, 1:40 p.m.]

Original Notice.

Title of Rule: Repealing chapter 388-37 WAC; and new chapter 388-235 WAC, General assistance unemployable (GAU).

Purpose: These new rules facilitate on-line (computer) access by eligibility staff in our field offices and makes these policies easier to understand. Policies contained in chapter 388-37 WAC which relate to the general assistance for pregnancy (GAS) program are being recodified under a separate chapter named chapter 388-230 WAC. Chapter 388-235 WAC relates to financial and medical assistance programs.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: This new chapter includes a shift from long narrative paragraphs to an outline format, use of short words and sentences, deletion of redundant policies, deletion of procedural material, reorganization of chapters into a sequence that corresponds with worker process, and use of terms consistently within and between chapters.

Reasons Supporting Proposal: This new chapter is rewritten, reorganized, and recodified relating to financial and medical assistance programs to facilitate on-line (computer) access by eligibility staff in the field offices and makes the policies easier to understand.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jay Emry, Division of Income Assistance, 438-8333.

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

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

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

Proposal Changes the Following Existing Rules: See above.

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

Hearing Location: OB-2 Auditorium, 14th and Franklin, Olympia, Washington, on May 25, 1993, at 10:00 a.m.

If you need sign language or language assistance, please contact the Office of Issuances by May 5, 1993.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Mailstop 5805, Department of Social and Health Services, Olympia, 98504, FAX 664-0118 or SCAN 366-0118, by May 21, 1993.

Date of Intended Adoption: May 26, 1993.

April 6, 1993

Rosemary Carr

Acting Director

Administrative Services

Chapter 388-235 WAC
GENERAL ASSISTANCE UNEMPLOYABLE

NEW SECTION

WAC 388-235-0010 Purpose of program. General assistance unemployable (GAU) is a state-funded program providing for the needs of adults incapacitated from gainful employment.

NEW SECTION

WAC 388-235-0020 Definitions. (1) "Available medical treatment" means medical, surgical, alcoholism, drug, or mental health services, or any combination thereof.

(2) "Basic work activities" means the following activities:

- (i) Sitting;
- (ii) Standing;
- (iii) Walking;
- (iv) Lifting;
- (v) Carrying;
- (vi) Handling;
- (vii) Seeing;
- (viii) Hearing;
- (ix) Communicating; and
- (x) Understanding and following instructions.

(3) "Exertion levels" means the degree of strength required to perform certain job functions. Exertional levels are used at PEP step V and are ranked from "sedentary" to "heavy."

(4) "Incapacitated person" means a person incapable of gainful employment as a result of a physical, emotional, or mental condition expected to continue for ninety days or more from date of application:

(a) A person incapacitated by alcoholism or drug addiction is not included in this definition, but an alcoholic or drug addict incapacitated due to other mental or physical conditions may be eligible for general assistance;

(b) A person's incapacity does not refer to the availability or lack of job opportunities but rather to a person's ability to earn income by employment.

(5) "Institution for mental diseases" means an institution primarily engaged in providing diagnosis, treatment, or care of persons with mental diseases including medical attention, nursing care, and related services.

(6) "Medical impairment" means, for purposes of this chapter, any diagnosable physical, mental, or emotional condition except alcoholism or drug addiction.

(7) "Physical functional capacity" means the degree of strength, agility, flexibility, and mobility a person can apply to work-related activities. This capacity is evaluated at PEP Step V.

(8) "Progressive evaluation process (PEP)" is a seven-step process applied sequentially by the department to decide the existence, severity, and duration of incapacity.

(9) "Public institution" means an institution supported in whole or in part from public funds, and is the responsibility of a governmental unit or over which a governmental unit exercises administrative control.

(10) "Reasonably be expected to render client able to work" means, in the opinion of the department, the required treatment will restore or substantially improve the person's ability to engage in gainful employment.

(11) "Severity of a medical impairment" means the degree to which an impairment restricts a person from performing basic work-related activities.

(12) "Transferrable skills" means those work skills a person acquires through relevant semi-skilled or skilled work, that can be used in a variety of jobs within the same or different occupational areas. The department considers a person to have transferrable skills when the job requirements for work the person is able to do are essentially comparable to the job requirements of relevant work, including:

- (a) Having one or more skills in common; and
- (b) The necessary skill level is the same or lower; and
- (c) Using the same or similar equipment; or
- (d) The same or similar materials, products, processes, or services.

(13) "Vocational factors" means age, education, work experience, and transferrable skills.

NEW SECTION

WAC 388-235-0030 Summary of eligibility conditions. The department shall authorize GAU to a client who:

- (1) Meets categorical requirements as follows:
 - (a) Be incapacitated as provided under WAC 388-235-5000 through 388-235-6000;
 - (b) Meet age limitations as specified under WAC 388-235-0050;
 - (c) Be a resident of the state of Washington as provided under WAC 388-235-0060 through 388-235-0090;
 - (d) Be a citizen or alien as provided under WAC 388-235-0100;

(e) Furnish a social security number as provided under WAC 388-235-0110.

(2) Meets financial eligibility requirements as specified under WAC 388-235-2000 through 388-235-4000;

(3) Under goes a treatment and referral assessment as provided under WAC 388-235-7000 through 388-235-7600;

(4) Assigns interim assistance as provided under WAC 388-235-9200 and 388-235-9300;

(5) Is not eligible for or receiving benefits from other programs as specified under WAC 388-235-9000; and

(6) Meets requirements, if living in an institution, as required under WAC 388-235-1500.

NEW SECTION

WAC 388-235-0040 Assistance unit. The department shall include the following persons in a single GAU assistance unit:

- (1) An incapacitated single adult;
- (2) A married couple if both persons are incapacitated;
- (3) The incapacitated spouse of a married couple when only one person is incapacitated;
- (4) Only the incapacitated person of a married couple or family when:

(a) The spouse or child with whom the person lives is eligible for aid to families with dependent children (AFDC);

(b) The incapacitated person is not eligible for an AFDC grant; and

(c) The incapacitated person is not under an AFDC sanction.

(5) A married couple when the husband is incapacitated and the wife is eligible for general assistance under the pregnant woman provisions in chapter 388-230 WAC.

NEW SECTION

WAC 388-235-0050 Age requirements. For GAU eligibility, a person shall be eighteen years of age or older unless the person is part of a married couple. In a married couple, one or both spouses may be seventeen years of age or younger.

NEW SECTION

WAC 388-235-0060 Residence—Establishing. For GAU eligibility, a person shall be:

- (1) A resident who:
 - (a) Voluntarily lives in the state of Washington; and
 - (b) Intends to maintain a home in the state.
- (2) Living in an identifiable residence within the department's community services office catchment area.

NEW SECTION

WAC 388-235-0070 Residence—Temporary absences. The department shall find that a person is maintaining residence in Washington state when the:

- (1) Person has not left the state since arriving in Washington state except as specified under subsections (2) and (3) of this section;

(2) Person's absences from the state were before GAU application and the absences were:

(a) Enforced or beyond the control of the person; or
 (b) For a temporary purpose less than one month and occurring for specific purposes not involving an intent to change residence and including a plan for return at a future date.

(3) Person's absences of more than one month were for:
 (a) A visit as specified under chapter 388-26 WAC; or
 (b) Reasons other than a visit, and the person provides adequate information to establish a continuing residence in the state:

(4) The department shall determine the adequacy of the information on a person's absence of more than one month. In such cases, the department shall assume the person is no longer a resident unless the person provides evidence to the contrary.

NEW SECTION

WAC 388-235-0080 Residence—Applicant living in another state. The department shall find that a person applying for GAU while living out of the state meets the residence requirement when the person:

(1) Offers acceptable proof of maintaining residence in this state since leaving. A person's acceptable proof shall:
 (a) Be determined by the department; and
 (b) Include return trips to this state, written statements to other persons, maintenance of a home in this state, or other similar actions.

(2) Once lived and acquired residence in this state and:
 (a) Still intends to maintain residence in Washington state;
 (b) Has a plan to return to the state; and
 (c) A person's absence is:
 (i) Enforced and beyond the person's control; or
 (ii) Essential to the person's welfare and due to physical or social needs.

(3) Lives in the United States at the time of GAU application; and

(4) Arranges to have the GAU application taken by a public assistance agency and the agency completes the necessary investigation to process the application in accordance with Washington rules.

NEW SECTION

WAC 388-235-0090 Residence—Applicant receiving assistance from another state. The department shall not authorize GAU until the person's:

(1) Eligibility for assistance from another state ceases; and
 (2) The grant from another state is terminated.

NEW SECTION

WAC 388-235-0100 Citizenship and alien status. For GAU eligibility, a person shall be:
 (1) A United States citizen; or

(2) A Canadian Indian (a North American Indian born in Canada) considered the same as a United States citizen because the Canadian Indian has:

(a) Fifty percent or more Indian blood; or
 (b) Fifty percent or more Indian blood and entered the United States prior to December 24, 1952; and
 (c) Maintained residence since entry.

(3) An alien:
 (a) Lawfully admitted for permanent residence;
 (b) Otherwise permanently residing in the United States under color of law; or
 (c) Granted temporary residency status under the Immigration Reform and Control Act.

NEW SECTION

WAC 388-235-0110 Social security number. (1) For GAU eligibility, a person shall:

(a) Furnish a social security number; or
 (b) Apply for a social security number if it is unknown or has not been issued.

(2) The department shall not deny, delay, or terminate assistance pending issuance of social security numbers if the client provides verification that meets the requirement under subsection (1)(b) of this section.

(3) The department shall exclude from the assistance unit any person failing to comply with the requirement to furnish or apply for a social security number.

(4) The department shall assist an applicant in obtaining a social security number by:

(a) Referring the person to the nearest social security office; and
 (b) Furnishing to the client information available from department records if requested by the social security administration.

(5) The client shall report a new social security number within twenty days of its receipt.

NEW SECTION

WAC 388-235-1500 Persons in institutions. (1) If otherwise eligible for GAU, a person in an institution may be granted general assistance if the person is not:

(a) An inmate of a public institution; or
 (b) A patient of a public institution unless in an institution for mental disease and is:

(i) Sixty-five years of age or over; or
 (ii) Twenty years of age or younger.
 (2) If a person is under the control of a public institution such as a state penitentiary or county jail, but is on a work release program or confined to a place of residence other than the institution, the department shall consider the person an inmate of the public institution.

(3) When determining the amount of grant payment for a person in an institution, the department shall consider the assistance unit to be the person only, and shall not include the needs of any legal dependents in the family home.

NEW SECTION

WAC 388-235-2000 Resources. The department shall treat resources for GAU the same as for AFDC under chapter 388-28 WAC.

NEW SECTION

WAC 388-235-3000 Income. In determining a person's financial eligibility and assistance amount, the department shall:

(1) Follow income, resource, and payment rules applicable to GAU as required under chapters 388-28 WAC and 388-33 WAC; and

(2) Exempt the first eighty-five dollars plus one-half the remainder of the applicant's/recipient's total gross monthly earned income.

NEW SECTION

WAC 388-235-4000 GAU payment and need standards. In determining a person's need and payment amounts, the department shall use the grant standards applicable to the GAU program.

NEW SECTION

WAC 388-235-5000 Incapacity determination summary. The department shall determine a person's incapacity as required under WAC 388-235-5040 through 388-235-6000.

NEW SECTION

WAC 388-235-5040 Waiver of medical documentation and PEP. The department shall consider incapacity established without medical documentation and a PEP when a person is:

(1) Eligible for a financial benefit based on social security administration disability criteria;

(2) Eligible for services from the division of developmental disabilities;

(3) Sixty-five years of age or older; or

(4) Released from inpatient psychiatric treatment and is participating in direct treatment services to meet the client's mental health needs. In such cases:

(a) The department shall establish a person's incapacity for ninety days without a psychiatric/psychological evaluation; or

(b) The department shall not establish a person's incapacity if the client leaves ongoing inpatient psychiatric treatment against medical advice.

NEW SECTION

WAC 388-235-5050 Incapacity determination—Process. (1) The department shall only consider incapacity when determining a person's ability to obtain and continue employment. The department shall exclude from consider-

ation other reasons for unemployment, such as individual employer preferences or other business and economic conditions.

(2) Unless medical documentation requirements are waived under WAC 388-235-5040, the department shall:

(a) Determine the existence, severity, and duration of a person's incapacity for the GAU program using PEP; and

(b) Apply each step of this process sequentially, using as many steps as necessary to reach a decision as to whether incapacity exists.

NEW SECTION

WAC 388-235-5070 Determination of capacity to engage in gainful employment. (1) The department shall determine a person's ability to perform gainful employment when:

(a) Determining eligibility. The department may waive the determination of gainful employment if medical documentation requirements are waived under WAC 388-235-5040;

(b) The person is employed; or

(c) New information is received which may indicate employability.

(2) The department shall consider the ability to perform gainful employment as the capacity to perform, in a regular and predictable manner, an activity usually done for pay or profit. Gainful employment does not include:

(a) Working under special conditions, such as in a department-approved sheltered workshop; or

(b) Working sporadically or part-time if, due to the incapacity, the person is unable to compete with unimpaired workers in the same job.

(3) The department shall deny or terminate general assistance to a person capable of or engaged in gainful employment.

NEW SECTION

WAC 388-235-5080 Medical evidence requirements.

(1) The department shall pay the cost of medical reports obtained from non-DSHS agency providers when needed to determine incapacity.

(2) Except as specified under WAC 388-235-5040, the department shall not be bound by decisions of incapacity or unemployability made by another agency or person.

(3) The department shall consider a person's reported symptoms in determining incapacity only when available objective medical findings support conclusions about:

(a) The symptom's existence and persistence; and

(b) Its effect on the person's functional capabilities.

(4) The department shall consider the health care professional's opinion when determining a person's incapacity. The department shall set forth clear and convincing reasons for rejecting uncontradicted medical opinion in making an incapacity decision.

(5) The department shall only accept a person's medical evidence:

(a) In writing; and

(b) Containing relevant medical history and clear, objective medical documentation sufficient to support and identify:

(i) The diagnosis and prognosis for the incapacitating condition;

(ii) The length of time the incapacitating condition is expected to last; and

(iii) Conclusions on the effect of the incapacitating condition on the person's ability to perform work-related activities.

(6) For a physiological impairment, the department shall only accept as primary evidence reports from the following medical professionals:

(a) A physician;

(b) An advanced registered nurse practitioner (ARNP) in the ARNP's area of certification; or

(c) The chief of medical administration of the Veterans' Administration, or their designee, as authorized in federal law.

(7) The department shall require the documentation of the existence of a mental or emotional disorder by:

(a) Psychosocial and treatment history;

(b) Clinical findings, including special testing results; and

(c) Professionally observed symptoms.

(8) For an emotional or mental impairment, the department shall only accept as primary evidence reports from:

(a) A psychiatrist,

(b) A licensed clinical psychologist,

(c) An advanced registered nurse practitioner when certified in psychiatric nursing,

(d) A mental health professional designated by the local community mental health agency, as defined under RCW 71.05.020; or

(e) A physician treating the impairment at the department's discretion.

(9) For a claimed or apparent developmental disability, the department shall only accept as primary evidence reports from a medical professional skilled in identifying developmental disabilities.

(10) The department shall accept as supplemental medical evidence reports from:

(a) Treating practitioners, such as a chiropractor, nurse, or physician's assistant; or

(b) DSHS institutions and agencies which are providing or have provided services to the person.

NEW SECTION

WAC 388-235-5090 Assigning severity ratings. The department shall assign severity ratings on a scale of one to five including a severity rating of:

(1) "One" when a person's impairment has no effect on the performance of basic work-related activities;

(2) "Two" when a person's impairment has no significant effect on performance of basic work-related activities;

(3) "Three" when a person's impairment significantly limits performance of at least one basic work-related activity;

(4) "Four" when a person's impairment very significantly limits performance of at least one basic work-related activity; and

(5) "Five" when a person's impairment prevents the performance of at least one basic work-related activity.

NEW SECTION

WAC 388-235-5100 PEP step I—Review of medical documentation. (1) The department shall review a person's medical documentation to ensure the following requirements are met:

(a) The medical report contains sufficient information as described under WAC 388-235-5080;

(b) An authorized medical professional wrote the medical report;

(c) The medical report documents the existence of a potentially incapacitating condition; and

(d) The medical report indicates an impairment is expected to last ninety days or more from the application date.

(2) The department may require additional medical information when the information received is insufficient to decide incapacity.

(3) The department shall deny a person's application when:

(a) There is a single impairment with objective findings consistent with a severity rating less than "three"; or

(b) A reported impairment is not expected to last ninety days or more (or twelve weeks) from the date of application.

NEW SECTION

WAC 388-235-5200 PEP step II—Severity of mental impairments. (1) If a mental impairment is claimed, the department shall determine severity of the person's mental or emotional disorder based on:

(a) Psychosocial and treatment history;

(b) Clinical findings;

(c) Results of special tests; and

(d) Professionally observed symptomatology that indicates impairment of the person's ability to perform basis work-related activities.

(2) For a person diagnosed as mentally retarded, the department shall assign a person's severity rating based on:

(a) A full test intelligence quotient (IQ) score. The department shall consider a person's IQ score of:

(i) Eighty five or above within normal limits and is rated "one";

(ii) Seventy to eighty four as borderline intellectual functioning and is rated "three";

(iii) Sixty nine or below as mental retardation and is rated "five"; or

(b) The lowest IQ subscale score, for example, verbal or performance, rated as described under subsection (2)(a) of this section when:

(i) The full IQ test could not be given; and

(ii) At least two subscale scores are provided.

(3) For a person diagnosed as having an organic mental disorder, the department shall assign a severity rating based on the most severe of the following three areas of a person's impairment:

(a) Marked memory defect for recent events;

(b) Impoverished, slowed, perseverative thinking, with confusion or disorientation; or

(c) Labile, shallow, or coarse affect.

(4) The department shall base the severity of a person's functional psychotic or nonpsychotic disorder, excluding alcoholism or drug addiction, on:

(a) Clinical assessment of these twelve symptoms: Depressed mood, suicidal trends, verbal expression of anxiety or fear, expression of anger, social withdrawal, motor agitation, motor retardation, paranoid behavior, hallucinations, thought disorder, hyperactivity, preoccupation with physical complaints; and

(b) An overall assessment of the:

(i) Intensity and pervasiveness of the symptoms as described under subsection (4)(a) of this section; and

(ii) Effect on the client's ability to perform work-related activities.

(c) The department shall assign a minimum severity rating of "three" when one or more of the person's symptoms, as described under subsection (4)(a) of this section is present and one or more of the following conditions are met:

(i) A diagnosis of psychotic disorder has been made;

(ii) The person has been hospitalized for psychiatric reasons two or more times within the preceding two years;

(iii) The person has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months duration within the preceding two years;

(iv) The person is considered at least moderately impaired by at least three of the above-listed symptoms; or

(v) The person is considered as at least moderately impaired in the overall assessment of intensity and pervasiveness of these symptoms.

(d) The department shall assign a minimum rating of "four" when the overall assessment of the intensity and pervasiveness of these symptoms is:

(i) Marked; or

(ii) Moderate and three or more of the above symptoms are present to at least a marked degree.

(e) The department shall assign a rating of "five" when the overall assessment of the intensity and pervasiveness of these symptoms is:

(i) Severe; or

(ii) Marked and three or more of the above symptoms are present to a severe degree.

(5) When a person is diagnosed as being impaired in more than one area, the department shall assign one mental rating based on ratings in each of the three areas:

(a) A person with two or more moderate impairments or one or more moderate and one marked impairment is considered to have an overall mental severity rating of "four";

(b) A person with two or more marked impairments is considered to have an overall mental severity rating of "five".

(6) When the overall functioning level appears consistent with the person's overall mental severity rating, the department shall:

(a) Deny GAU when the person does not have a significant claimed physical impairment and an overall mental severity rating of "one" or "two";

(b) Approve GAU when the person has an overall mental severity rating of "five", regardless of whether a significant claimed physical impairment exists; or

(c) Evaluate the person at the next applicable step, when the person has an overall severity rating of "three" or "four".

NEW SECTION

WAC 388-235-5300 PEP step III—Severity of physical impairments. (1) When a person claims a physical impairment, the department shall determine the severity rating of the person's physical impairment based on current medical evidence that provides an objective description of the impairment.

(2) The department shall assign a severity rating for each diagnosed physical impairment:

(a) The department shall use the examining medical evidence provider's given severity rating when:

(i) The given rating is substantiated by and consistent with the medical evidence provided;

(ii) The medical evidence provider's assessment of functional capacities is consistent with the department's definition of the given severity rating; and

(iii) The medical evidence provider's given severity rating is not contradicted by:

(A) Other evidence from the same evaluation; or

(B) By evidence from a separate, current evaluation of the client.

(b) The department shall assign a severity rating by comparing the medical findings of the client's functional capacities with the severity rating definitions when:

(i) The medical evidence provider fails to assign a severity rating; or

(ii) The rating does not meet the conditions under subsection (2)(a) of this section.

(3) After assigning a severity rating to each physical impairment, the department shall:

(a) Deny GAU when the person does not have a diagnosed mental impairment rated "two" or more and only one physical impairment consistent with a severity rating of "two";

(b) Approve GAU if the person's physical impairment is consistent with a severity rating of "five"; or

(c) Evaluate the person at the next applicable step, when the person has a multiple severity rating of "three" or "four".

NEW SECTION

WAC 388-235-5400 Progressive evaluation process—Step IV—Multiple impairments. (1) When a person has two or more diagnosed impairments and each impairment is consistent with a severity rating of "two" or more but none are consistent with a severity rating of "five", the department shall:

(a) Assign an overall severity rating; and

(b) Classify each diagnosis according to body system based upon the International Classification of Diseases (ICD), 9th revision.

(2) The department shall disregard severity ratings assigned to a person's alcoholism or drug addiction in this process.

(3) When a person's diagnosed impairments are all classified under the same body system, the department shall assign an overall severity rating for the person by:

- (a) Using the highest rating given by the medical evidence provider to an impairment within that system; or
- (b) When all impairments are rated "two", raising the severity rating to "three" when the impairments have the cumulative effect of significantly interfering with one or more basic work-related activity.

(4) When all diagnosed impairments, including mental disorders, are classified under at least two body systems, the department shall assign an overall severity rating by combining the highest rating from each body system. The department shall:

- (a) Assign an overall severity rating of "four" when there are two or more impairments with severity ratings of "three" or one or more impairment has a severity rating of "three" and one impairment has a severity rating of "four";
- (b) Assign an overall severity rating of "five" when there are two or more impairments with severity ratings of "four";

(c) Assign an overall severity rating of "three" only when:

- (i) There are two or more impairments;
- (ii) No impairments are rated higher than "two"; and
- (iii) The impairments have the cumulative effect of significantly interfering with one or more basic work-related activities.

(5) When an overall severity rating is assigned, the department shall:

- (a) Deny GAU if the impairments are consistent with an overall severity rating of "two"; or
- (b) Approve GAU if the impairments have an overall severity rating of "five"; or
- (c) Evaluate the person at the next step.

NEW SECTION

WAC 388-235-5500 Progressive evaluation process—Step V—Functional mental capacity. (1) The department shall evaluate the functional capacity of a person with mental impairments assigned an overall severity rating of "three" or "four" by assessing the person's specific cognitive and social factors.

(2) The department shall evaluate cognitive factors by assessing a person's abilities to:

- (i) Understand, remember, and follow simple, one-or-two step instructions;
- (ii) Understand, remember, and follow complex instructions, with three or more steps;
- (iii) Learn new tasks;
- (iv) Exercise judgment and make decisions; and
- (v) Perform routine tasks without undue supervision.

(3) The department shall approve GAU when the clinical assessment indicates the person:

(a) Is at least moderately impaired in their ability to understand, remember and follow simple, one-or-two step instructions and is at least moderately limited in their ability to:

- (i) Learn new tasks, exercise judgement, and make decisions; and

(ii) Perform routine tasks without undue supervision; or

(b) Can understand, remember, and follow simple instructions, but is:

(i) At least moderately impaired in their ability to understand, remember, and follow complex instructions, with three or more steps; and

(ii) Markedly limited in the ability to learn new tasks, exercise judgement and make decisions, and perform routine tasks without undue supervision.

(4) The department shall evaluate a person's social factors by assessing the person's abilities to:

- (i) Relate appropriately to coworkers and supervisors;
 - (ii) Interact appropriately in public contacts;
 - (iii) Tolerate the pressures of a work setting;
 - (iv) Care for self, including personal hygiene; and
 - (v) Maintain appropriate behavior in a work setting.
- (5) The department shall:

(a) Assess the limitations on the person's social functioning indicated by the medical evidence provider; and

(b) Approve GAU if a combination of significant limitations exists in the area of social functioning that precludes gainful employment.

NEW SECTION

WAC 388-235-5600 Progressive evaluation process—Step V—Functional physical capacity. (1) The department shall consider the effect of a person's physical impairment on the ability to perform work-related activities when a person's physical impairments are assigned an overall severity rating of "three" or "four".

(a) The department shall assess physical functional capacity based on the person's exertional, exertionally-related and nonexertional limitations.

(b) For the department to consider a limitation, the limitation must be substantiated by the medical evidence and directly related to the diagnosed impairment(s).

(2) The department shall assign an exertion level and determine a person's exertionally-related limitations by comparing the objective medical evidence to the definitions of exertional levels, exertionally-related limitations and nonexertional limitations under WAC 388-235-5020 when:

(a) The medical evidence provider does not document that a person's diagnosed impairment causes a limitation on work-related activities; or

(b) A given limitation is not consistent with objective medical evidence.

(3) "Exertion level" means a comparison of a person's capacity to lift, carry, stand and walk with the strength needed to fulfill job duties in the following work categories. For this subsection, occasionally means less than one-third of the time and frequently means one-third to two-thirds of the time:

- (a) "Sedentary" means work requiring:
 - (i) Lifting ten pounds maximum; or
 - (ii) Occasional lifting or carrying of very light articles, such as dockets, ledgers, and small tools; and
 - (iii) Occasional walking and standing.
- (b) "Light" means work requiring:
 - (i) Lifting twenty pounds maximum; and

(ii) Frequent lifting or carrying objects weighing up to ten pounds; or

(iii) Significant walking or standing or operating arm or leg controls.

(c) "Medium" means work requiring:

(i) Lifting fifty pounds maximum; and

(ii) Frequent lifting or carrying objects weighing up to twenty-five pounds.

(d) "Heavy" means work requiring:

(i) Lifting one hundred pounds maximum; and

(ii) Frequent lifting or carrying objects weighing up to fifty pounds.

(4) "Exertionally-related limitations" means a restriction in mobility or flexibility in the following twelve activities: Balancing, bending, climbing, crawling, crouching, handling, kneeling, pulling, pushing, reaching, sitting, and stooping.

(5) "Nonexertional physical limitations" means restrictions on work activities that do not affect strength, mobility, agility, or flexation.

NEW SECTION

WAC 388-235-5700 Evaluating vocational factors for progressive evaluation process—Steps VI and VII. (1) The department shall consider vocational factors of age, education, and work experience only when a person's impairment(s) have been assigned an overall severity rating of an "three" or "four."

(2) The department shall evaluate education in terms of formal schooling or other training which enables a person to meet job requirements. The department shall classify a person's education as:

(a) "Illiterate" when a person is able to sign their name, but cannot read or write a simple communication, such as instructions, or inventory lists;

(b) "Limited education" when a person has completed formal education of the eleventh grade level or less or special education, unless there is evidence of compensatory training; or

(c) "High school education and above" when a person has completed high school or obtained a general education equivalency degree (GED) and is capable of work at a semi-skilled through skilled job level, unless there is evidence to the contrary.

(3) The department shall evaluate a person's work experience to determine if it constitutes relevant past work. Relevant past work is defined as work:

(a) Normally done for pay or profit. Non competitive work, like working in a sheltered workshop, jobs where the impaired worker was given special consideration, or the regular activities of a student or homemaker, is excluded;

(b) Performed in the past five years; and

(c) Done long enough for the person to acquire the skills to continue doing the job, considering the reasons for losing or frequently changing jobs or the specific skills or nature of the job. If the job is not excluded based on such considerations, the department shall consider the person to have the necessary work skills when the following minimum cumulative time periods are met:

(i) Thirty days for unskilled work;

(ii) Three months for semi-skilled work; and

(iii) Six months for skilled work.

(4) The department shall evaluate a person with relevant work experience and determine whether the person has transferrable skills. The department shall compare the person's description of the relevant work with the general work requirements for jobs in the following occupational areas:

(a) Managerial and administrative;

(b) Professional, paraprofessional, and technical;

(c) Sales;

(d) Clerical and administrative support;

(e) Service;

(f) Agriculture, forestry, and fishing; and

(g) Production, construction, maintenance, and material moving.

NEW SECTION

WAC 388-235-5800 Progressive evaluation process—Step VI—Evaluate capacity to perform past work. (1) The department shall evaluate a person's ability to perform relevant past work in relation to current functional capacities before considering the person's age and educational factors.

(2) For each job the department considers part of the person's relevant work experience, the department shall determine:

(a) The exertional or skill requirements of the job; and

(b) Current cognitive, social, or nonexertional factors that significantly limit the person's ability to perform relevant past work.

(3) After evaluating a person's relevant past work experience, the department shall:

(a) Deny GAU when a person has:

(i) The physical or mental ability to perform past relevant work and a significant cognitive, social or nonexertional limitations does not exist; or

(ii) Recently acquired specific work skills through successful completion of vocational training enabling the person to work within current physical or mental capacities;

(b) Approve GAU when the person:

(i) Is fifty-five years of age or older; and

(ii) Has an impairment that is assigned an overall severity rating of "three"; and

(iii) Does not have the physical or mental ability to perform relevant past work or does not have relevant past work; or

(c) Evaluate the person at the next step.

NEW SECTION

WAC 388-235-5900 Progressive evaluation process—Step VII—Evaluating capacity to perform other work.

(1) The department shall assess a person whose:

(a) Overall assigned severity rating is "three" or "four"; and

(b) Incapacity has not yet been determined by Step VI for referral for an administrative review.

(2) The department shall approve GAU for a person who has a significant physical limitation and is limited to:

(a) Sedentary work; or

(b) Light work, and the person is:

- (i) Fifty years of age or older;
- (ii) Thirty-five year of age or older and cannot speak, read, or write English; or
- (iii) Eighteen years of age or older and has a limited education or less and no relevant past work.
- (c) Medium work, and the person is:
 - (i) Fifty years of age or older and has a limited education or less and no relevant past work; or
 - (ii) Fifty-five years of age or older without consideration of educational level or other work limitations.
- (d) Heavy work with only nonexertional limitations and fifty-five years of age or older.

(3) The department shall approve GAU when a person is in the following age ranges and has the described cognitive or social limitations on a functional mental capacity:

- (a) Fifty years of age or older with a:
 - (i) Moderate limitation on the ability to relate appropriately to coworkers and supervisors; and
 - (ii) Marked limitation on the ability to respond appropriately to, and tolerate the pressures and expectations of, a normal work setting.
- (b) Eighteen to fifty-four years of age with a severe limitation on the ability to respond appropriately to, and tolerate the pressures and expectations of, a normal work setting; or

(c) Eighteen to forty-nine years of age and has:

- (i) A severity rating of "four" and one or more of the twelve symptoms identified in WAC 388-235-5200 (4)(a) listed as "severe"; and
- (ii) "Moderate" limitation in the ability to relate appropriately to coworkers and supervisors; and
- (iii) "Marked" limitation in the ability to respond appropriately to, and tolerate the pressures and expectations of, a normal work setting.

(4) The department shall approve GAU when a person has both a significant mental impairment and a significant physical impairment and:

- (a) Either impairment meets the criteria in subsection (2) or (3) of this section; or
- (b) The person meets the criteria subsection (3)(a) of this section when age is disregarded; or
- (c) After disregarding relevant past work experience, a person with limited education or less is:
 - (i) Fifty years of age or older and work activities are restricted to medium exertional level or less; or
 - (ii) Eighteen to forty-nine years of age and their work activities are restricted to light exertional level.

(5) The department shall approve or deny eligibility for GAU by administrative review for any person not eligible for GAU using the criteria in subsection (2), (3), or (4) of this section.

(a) A team of two or more department designees shall conduct the administrative review; and

(b) The administrative review team shall decide incapacity by assessing, independent of the progressive evaluation process, all available medical information and identified vocational factors for effects on the person's ability to do work-related activities.

NEW SECTION

WAC 388-235-6000 Duration of assistance based on incapacity. (1) The department shall determine the duration of a person's incapacity based on the department's evaluation of the medical evidence and other relevant information in the case record.

(2) The department shall establish the duration of assistance based on a person's incapacity. The duration shall not exceed twelve months without a redetermination of the incapacity.

NEW SECTION

WAC 388-235-7000 Purpose of referrals. The purpose of treatment or other agency referrals is to:

- (1) Restore or substantially improve the person's ability to work for pay in a regular and predictable manner;
- (2) Reduce the person's need for general assistance.

NEW SECTION

WAC 388-235-7100 Treatment and referral requirements. (1) For GAU eligibility, an incapacitated person shall accept and follow through on required available medical treatment, which is reasonably expected to render the person able to work, unless there is good cause for failure to do so.

(2) The department shall provide written notification of a person's treatment requirements at the time of initial approval and at each redetermination.

(3) The department shall recommend available medical services, provided under the state-financed medical care services program.

(4) The department shall assess and decide if a person needs to be referred to treatment, referred to other agencies, or other social services. After the initial assessment, the department will assess the person's treatment and social services needs once a year or more often.

(5) When a client fails or refuses treatment, referral to other agencies, or other social services, the department shall make the "good cause" determination based on criteria in WAC 388-235-7500.

(6) Any recipient disagreeing with treatment requirements may request a fair hearing. Once a person's request is initiated, the department shall take no adverse action as a result of a person's failure to comply with the treatment at issue pending a decision.

NEW SECTION

WAC 388-235-7200 Other agency referral requirements. (1) The department shall screen each person to determine appropriateness of referral to other agencies which can reasonably be expected to reduce the need for assistance.

(2) For GAU eligibility, an incapacitated person shall accept and follow through on required referrals to other agencies, unless there is good cause for failure to do so as provided under WAC 388-235-7500.

NEW SECTION

WAC 388-235-7300 ADATSA referral requirements.

(1) The department shall refer a person claiming incapacity based primarily on alcoholism or drug dependency for evaluation under the alcoholism and drug addiction treatment and support act (ADATSA).

(2) The department shall evaluate a person for general assistance who appears to have significant mental or physical impairments resulting from, or in addition to, alcoholism or drug addiction when the person:

(a) Indicates upon application that other physical or mental impairments may be incapacitating in themselves; or

(b) The person is rejected for the alcoholism and drug addiction treatment and support program, and/or medical evidence obtained by assessment for that program indicates other significant medical impairments may exist.

(3) Any general assistance applicant or recipient shall be required to undergo an alcohol/drug assessment when the:

(a) Person claims an alcohol or drug problem; or

(b) Department obtains medical or clinical evidence indicating that within the last eighteen months, such a problem appears to exist; or

(c) Department receives information that the person has been arrested for an alcohol or drug related offense within the last ninety days; or

(d) Person meets one or more of the criteria in subsections (3)(a) through (c) of this section and the need for a protective payee must be established.

(4) Applicants whose mental, emotional, and/or physical condition is caused or exacerbated by alcoholism or drug addiction must have eligibility for general assistance based solely on the mental, emotional, and/or physical condition.

(a) The effects of the alcoholism or drug addiction must be differentiated from the other condition in order to determine incapacity.

(b) Unless it can be reasonably established that the other condition would remain incapacitating for at least sixty days of abstinence from alcohol or drugs, the person is not eligible for general assistance.

(5) When the effects of alcoholism or drug addiction in the applicant's mental, emotional, and/or physical condition cannot be clearly differentiated, the department shall refer the person to ADATSA for evaluation and/or treatment.

(6) The provisions under subsections (4) and (5) of this section apply to recipients as well, except that a person whose alcohol/drug addiction cannot be clearly differentiated from any physical/mental impairments and eligibility established under the ADATSA or GAU program will remain on GAU subject to WAC 388-235-8130 provisions.

(7) The department may require a person to undergo a period of alcohol or drug treatment before re-evaluating the person's eligibility for general assistance.

(8) The department shall determine program eligibility for a person impaired by chemical dependency, who also has mental or physical impairments, as follows:

(a) A person qualifying for both general assistance and ADATSA shelter program may choose either program;

(b) A persons qualifying for both general assistance and ADATSA treatment shall participate in ADATSA treatment when it can reasonably be expected to enable the person to

work or reduce the need for assistance, unless the person has good cause to refuse; or

(c) An alcohol and drug addict qualifying for general assistance who has good cause to refuse or who does not qualify for ADATSA treatment, shall be required to cooperate with an alternative alcohol or drug treatment plan which can reasonably be expected to enable the person to work or to reduce the need for assistance, unless there is good cause to refuse.

(9) A person qualifying for general assistance and also determined by the assessment center to be actively addicted shall have a general assistance grant issued by protective payment.

NEW SECTION

WAC 388-235-7500 Good cause for refusing medical treatment or other agency referrals. The department shall find that a client has good cause for refusing required medical treatment when such client's refusal is based on any of the following conditions:

(1) The client is genuinely fearful of undergoing required treatment. Such fear may appear to be unrealistic or irrational; however, fear exists in such a degree that treatment would be adversely affected;

(2) The client could lose a faculty, or the remaining use of faculty, and refuses to accept the risk;

(3) Because of the client's definitely stated religious scruples, the client will not accept required medical treatment;

(4) The client is temporarily unable to participate in required medical treatment, due to an intervening incapacity. The temporary inability to participate must be documented by medical evidence. The requirement to participate is again imposed as soon as the client is able to participate;

(5) The client was not properly notified of the treatment required and/or the consequences for failure to comply with these requirements; or

(6) The client's treatment required by previous written notification is subsequently determined by the department to have been inappropriate or unavailable. The department shall consider treatment unavailable when the treatment includes copayments or service charges not covered by the department, and the client is denied access to the treatment due to an inability to pay.

NEW SECTION

WAC 388-235-7600 Sanction for refusing medical treatment or other agency referrals. The department shall terminate GAU to a person who has been referred to, but refuses to accept a referral to or pursue available required medical treatment or available services or benefits from other agencies without good cause until the person:

(1) Agrees to accept and/or pursue such treatment or service; and

(2) Is subject to the following maximum periods of ineligibility after reapplication:

(a) First refusal - one week;

(b) Second refusal within six months - one month; and

(c) Third and subsequent refusals within one year - two months.

NEW SECTION

WAC 388-235-8000 Redetermination of financial eligibility. The department shall redetermine financial eligibility for a GAU client every six months or more often of continuous receipt of assistance.

NEW SECTION

WAC 388-235-8100 Redetermination of incapacity. (1) The department shall redetermine incapacity for a GAU recipient every twelve months or more often, but may redetermine a recipient's incapacity at any time based on new information.

(2) The department shall redetermine a recipient's eligibility due to incapacity based on current medical evidence and other available relevant medical information. If a recipient's incapacity is not substantiated and the conditions in WAC 388-235-8130 are met, then the department shall:

- (a) Deny continued eligibility; and
- (b) Not authorize assistance following the termination date until continuing incapacity has been redetermined by the department.

NEW SECTION

WAC 388-235-8130 Determine a recipient is not incapacitated—Termination proviso. The department shall demonstrate one or more of the following conditions exist before determining a client is not incapacitated:

(1) Clear improvement in the recipient's overall medical condition based on new medical evidence. "Clear improvement" means, since incapacity was established:

- (a) The physical or mental impairment, on which incapacity was based, has decreased in severity to the point where the recipient is capable of gainful employment; or
- (b) The effect of that impairment on work-related activities has been significantly diminished through therapy, medication, or rehabilitation to the point where the recipient is capable of gainful employment; or

(c) The department establishes there was a previous error in the eligibility decision. "Previous error" means a client's incapacity was previously established based on:

- (i) Faulty or insufficient information; or
- (ii) An erroneous procedure based on the rule in effect at the time.

(2) The department shall not apply the clear improvement or previous error criteria under subsection (1) of this section when:

- (a) A person has a break in assistance of over thirty days and the person does not meet the criteria for retroactive reinstatement as required under WAC 388-235-8200;
- (b) The department determines the recipient is engaged in or capable of gainful employment;
- (c) The department determines a recipient receiving services through the division of vocation rehabilitation

(DVR) is not incapacitated, but assistance has been extended through the completion of the training program by an exception to policy; or

(d) The recipient does not meet the categorical eligibility requirements for the GAU program.

NEW SECTION

WAC 388-235-8140 Redetermination of eligibility based on mental retardation. The department shall consider a person's incapacity established without medical documentation at the time of review when the person is currently receiving GAU based on mental retardation if the client:

(1) Has submitted current medical evidence documenting a diagnosis of mental retardation with a full scale score on the Wechsler Adult Intelligence Scale (WAIS) of 70 or lower; or

(2) Has submitted current medical evidence documenting a diagnosis of mental retardation or borderline intellectual functioning with a full scale score on the WAIS of 71 to 75 and meets the following criteria:

(a) Has submitted current medical evidence which documents another mental or physical impairment of marked severity; and

(b) The current medical evidence documents that medical treatment for the other mental or physical impairment is not likely to restore or substantially improve the person's ability to work.

(3) Cooperates with required referral to the division of developmental disabilities (DDD) and an application for SSI.

NEW SECTION

WAC 388-235-8150 Redetermination for a recipient appearing to meet federal disability criteria for SSI. The department may extend the incapacity period up to one year from the latest date of incapacity determination, without further medical documentation, when the department determines the client appears to meet federal disability criteria to receive SSI.

(1) At the end of the one-year period, the department shall redetermine the client's GAU eligibility based on current medical evidence.

(2) If the client is denied SSI after application and any administrative appeal before the end of the incapacity certification period, the department shall adjust the client's incapacity period to be the greater of:

- (a) The end of the previously established incapacity period based on current medical evidence; or
- (b) Sixty days after the SSI denial date.

NEW SECTION

WAC 388-235-8200 Reinstating eligibility after termination due to lack of medical evidence. The department shall reinstate a client's eligibility the day following the date of termination if assistance was terminated due to lack or insufficiency of medical evidence to establish incapacity if:

(a) The lack or insufficiency of medical evidence is not due to the client's failure to cooperate in gathering said evidence; and

(b) The client provides the additional medical evidence subsequent to the termination, which establishes that the client has been, and continues to be, incapacitated since the date of termination; and

(c) The additional medical evidence substantiates incapacity.

NEW SECTION

WAC 388-235-9000 Benefits from other programs.

The department shall deny requests for, or terminate, GAU to a person:

- (1) Eligible for or receiving aid to families with dependent children (AFDC);
- (2) Eligible for or whose needs are met by SSI, except as provided under WAC 388-235-9300;
- (3) Under sanction for failure to comply with AFDC or supplemental security income (SSI) requirements;
- (4) Failing or refusing to cooperate without good cause in obtaining AFDC or SSI;
- (5) Unemployable due to alcohol or drug addiction. Such person shall be referred to the alcoholism and drug addiction treatment and support program.

NEW SECTION

WAC 388-235-9100 GAU pending SSI eligibility.

The department shall authorize GAU to a client, who in the department's opinion, may become eligible for or is seeking SSI. Such assistance shall be authorized through the end of the month recurring SSI payments begin if the client:

- (1) Applies for SSI and follows through with the application; and
- (2) Assigns the initial or reinstated SSI payment to DSHS as provided under WAC 388-235-9200; and
- (3) Is otherwise eligible.

NEW SECTION

WAC 388-235-9200 Assignment and recovery of interim assistance. (1) "Interim assistance" means the state funds the department provides to, or on behalf of, the client to meet basic needs during the:

- (a) Interim period the client's initial application for SSI is pending and subsequently approved; or
 - (b) Period the client's SSI payments were suspended or terminated, and subsequently reinstated for that period; and
 - (c) The month recurring SSI payments begin.
- (2) The department shall require a client, who in the department's opinion may become eligible for or is seeking SSI, to assign the initial or reinstated SSI payment to the department. The assignment shall be up to the amount of the interim assistance the department provides to the client.

(3) The department shall recover interim assistance from the client's initial or reinstated SSI payment when provided totally out of state funds.

(4) The department shall provide twenty-five percent of the interim assistance reimbursement on a case to the attorney who has successfully represented that client in the client's effort to receive SSI.

NEW SECTION

WAC 388-235-9300 GAU to an SSI recipient whose SSI check is lost, stolen, or missent. (1) The department may grant GAU to an SSI client whose SSI check has been lost, stolen, missent, or otherwise delayed when the client:

- (a) Agrees, in writing, to repay the amount of the GAU issued; and
 - (b) Meets all other GAU eligibility requirements.
- (2) When the client's SSI check is lost in the mail, the department shall:
- (a) Delay the issuance of GAU for ten working days from the first of the month in which the SSI check was issued; or
 - (b) Waive the delay and issue the check immediately if the department determines the SSI client has an emergent need.

NEW SECTION

WAC 388-235-9500 GAU community work experience. (1) The purpose of the GAU community work experience project (CWEP) is to provide:

- (a) Opportunities for highly supervised noncompetitive employment and to develop the ability to perform gainful employment consistent with the vocational assessment; and may include methods for removing barriers to employment; and
 - (b) Information on the characteristics of the long term GAU population.
- (2) The department shall operate GAU CWEP as a pilot project in King, Pierce, and Spokane counties for a period of twelve months. The pilots shall run from July 1, 1992, through June 30, 1993.

NEW SECTION

WAC 388-235-9520 GAU CWEP—Definitions. (1) "Placement agency" means the public or nonprofit private hosting agency where the work experience is performed.

(2) "Referral agency" means the agency designated by the department that develops the work sites, facilitates referrals, and places the client in a work experience setting at the placement agency. The department may act as the referral agency or may contract with other agencies to act as the referral agency.

NEW SECTION

WAC 388-235-9530 GAU CWEP—Participation requirement. (1) Effective with the implementation of this project, the department shall require general assistance unemployable clients residing in King, Pierce, or Spokane counties to participate in GAU CWEP unless the client:

- (a) Has good cause for refusal or failure to participate;
or
(b) Is exempt.

(2) Failure of a nonexempt client to participate in CWEP activities without good cause shall subject the client to the sanction process in WAC 388-235-9600.

(3) The department shall advise the client of GAU CWEP requirements and of the client's rights and responsibilities under the project.

NEW SECTION

WAC 388-235-9540 GAU CWEP—Exemptions. (1) The department shall exempt the following GAU clients from participation in GAU CWEP:

- (a) Clients expected to meet federal disability standards for the supplemental security income program;
(b) Persons not currently receiving GAU;
(c) Clients who transfer out of the project CSO catchment areas.

(2) Following the client interview/assessment, the department shall exempt the following from further GAU CWEP participation:

- (a) Clients whom the department judges are physically and/or mentally unable to perform or benefit from highly supervised, non-competitive work;
(b) Clients who are currently employed in sheltered or trial employment;
(c) Clients who are actively participating in a division of vocational rehabilitation (DVR) or other CSO approved rehabilitation plan;
(d) Clients who are participating in a required treatment plan that precludes participation in CWEP;
(e) Clients with a medical condition at a severity level 5; and
(f) Clients whose incapacity is clearly expected to end prior to the completion of the work experience activity.

NEW SECTION

WAC 388-235-9550 GAU CWEP—Placements. (1) The department's first priority for placements shall be clients who have received general assistance for twelve months or longer. The department may choose other GAU clients to participate:

- (a) After the first priority group has been substantially served; and
(b) If the assessment of the client's ability indicates the client will likely benefit from CWEP.
(2) Before placing a client, the referral agency shall:
(a) Conduct an assessment of the client abilities and determine any work-related limitation caused by the client's incapacity; and
(b) Develop an individualized employability plan with the recipient.
(3) The referral agencies shall refer clients for placement only when the work experience is:
(a) Within the client's capabilities in light of their incapacity and not detrimental to their health or wellbeing;

(b) Performed under the auspices of a public or nonprofit private hosting agency deemed appropriate based on the client's assessment; and

(c) Provided in a highly supervised noncompetitive situation.

(4) The referral agency shall ensure that the maximum hours of client participation shall not exceed eighty hours per month and that total participation shall not be for more than six months.

(5) The referral agency shall advise the placement agency of any work-related limitation caused by the client's incapacity.

(6) Before placement in a work experience setting, clients shall be enrolled in labor and industries coverage or the equivalent.

(7) The referral agency shall report such information as may be required by the department.

NEW SECTION

WAC 388-235-9560 GAU CWEP—Placement agencies. (1) The placement agency shall be responsible for orienting, training, and supervising the client.

(2) If the placement agency determines that the general assistance client is incapable of performing the assigned community work experience, the placement agency shall so notify the referral agency. In such cases, the client shall be evaluated for their fitness to continue in the program before being reassigned to another placement.

(3) The placement agency shall report such information as may be required by the department.

NEW SECTION

WAC 388-235-9570 GAU CWEP—Scope of services. (1) Clients determined appropriate for GAU CWEP shall qualify for:

- (a) Extended incapacity review period when in a work experience activity, unless the incapacity is clearly expected to end prior to the completion of the work experience activity;
(b) Assistance from the referral agency in identifying and removing immediate barriers to work experience participation;
(c) Subject to departmental approval, support services to overcome immediate short-term employment-related barriers preventing successful participation in or completion of the work experience to a maximum of five hundred dollars per client;
(d) Reimbursements for travel expenses and meals, not to exceed ten dollars per full day of participation in work experience activities; and
(e) Ongoing case management and social services support from the referral agency, designed to maintain coordinated services delivery and satisfactory client participation in the project.
(2) The department shall treat payments made under this section as exempt when determining need or payment amounts for general assistance.

NEW SECTION

WAC 388-235-9580 GAU CWEP—Good cause for refusal or failure to participate. (1) The department shall be responsible for determining good cause for refusal or failure to participate in CWEP activities.

(2) In determining good cause, the department shall:

(a) Determine if the person is exempt from GAU CWEP participation;

(b) Determine if the person intentionally refused or failed to participate in CWEP;

(c) Document efforts to resolve the issues before a fair hearing; and

(d) Review the case record to determine:

(i) Potential causes for refusal or failure to meet program requirements; and

(ii) Whether the person may have had good cause for nonparticipation.

(3) Good cause shall include, but not be limited to:

(a) Nonreceipt of participation requirements or a notice of appointment with program staff;

(b) The persons's physical, mental, or emotional inability to perform the required activity;

(c) The nature of the required activity or placement is hazardous to the participant;

(d) A person's refusal to accept major medical treatment, for example major surgery, needed for employability as required under WAC 388-235-7100;

(e) Work involves conditions in violation of applicable health or safety standards;

(f) A breakdown in transportation arrangements, with no readily accessible alternate transportation;

(g) Inclement weather preventing a person, and others similarly situated, from traveling to or participating in the prescribed activity or placement;

(h) The employer is discriminating in terms of age, sex, race, color, religion, national or ethnic origin, physical, or mental handicap, political affiliation, or marital status;

(i) Work experience hours or nature of work experience interfere with the participant's religious observances, convictions, or beliefs as a member of a bona fide religious organization; or

(j) The person's court-ordered appearance or temporary incarceration.

(2) If good cause is established and/or if the problem causing the noncompliance has been resolved, the person shall be so notified in writing and when appropriate that the person can resume participation without further action.

NEW SECTION

WAC 388-235-9600 GAU CWEP—Sanctions for refusal or failure to participate. (1) When client required to participate in CWEP refuses or fails to participate without good cause, the department shall terminate assistance until the person agrees to participate subject to the maximum periods of ineligibility after reapplication:

(a) First refusal - one week;

(b) Second refusal within six months - one month;

(c) Third and subsequent refusals within one year - two months.

(2) Failure to participate may be a consistent pattern of noncooperation in CWEP and includes, but is not limited to:

(a) Failure to meet the requirements for orientation, assessment, and employability development planning;

(b) Not appearing for appointments with CWEP staff, the referral agency, or the placement agency;

(c) Not appearing for appointments with other than CWEP staff when referred for employment-related activity, including social services; or

(d) Not accepting or continuing any required CWEP activity or placement.

(3) During the sanction period, the department shall not take into account the person's needs in determining need for an incapacitated spouse and the amount of the assistance payment.

(4) If a sanction is applied to one incapacitated spouse, the department may continue to make payments to the other incapacitated spouse.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

388-37 General assistance—Eligibility—Standards of assistance—Payment.

**WSR 93-08-075
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Filed April 6, 1993, 1:43 p.m.]

Original Notice.

Title of Rule: Repealing chapter 388-62 WAC, Repatriated United States citizens—Assistance; and new chapter 388-280 WAC, United States (U.S.) repatriate program.

Purpose: New sections facilitate on-line (computer) access by eligibility staff in field offices and make the policies easier to understand. Rewriting, reorganizing, and recodifying the WAC policies relating to financial and medical assistance programs.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: New sections include a shift from long narrative paragraphs to an outline format, use of short words and sentences, deletion of redundant policies, deletion of procedural material, reorganization of chapters into a sequence that corresponds with worker process, and use of terms consistently within and between chapters.

Reasons Supporting Proposal: The Department of Social and Health Services is currently rewriting, reorganizing, and recodifying the WAC policies relating to financial and medical assistance programs. The amendments facilitate on-line (computer) access by eligibility staff in field offices and makes policies easier to understand.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jay Emry, Division of Income Assistance, 438-8333.

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

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

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

Proposal Changes the Following Existing Rules: See above.

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

Hearing Location: OB-2 Auditorium, 14th and Franklin, Olympia, Washington, on May 25, 1993, at 10:00 a.m.

If you need sign language or language assistance, please contact the Office of Issuances by May 5, 1993.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Mailstop 5805, Department of Social and Health Services, Olympia, 98504, FAX 664-0118 or SCAN 366-0118, by May 21, 1993.

Date of Intended Adoption: May 26, 1993.

April 6, 1993

Rosemary Carr

Acting Director

Administrative Services

Chapter 388-280 WAC

UNITED STATES (U.S.) REPATRIATE PROGRAM

NEW SECTION

WAC 388-280-1010 Purpose. (1) The purpose of the program is to assist repatriates, returned or brought to the U.S. from foreign countries, to resettle in the U.S. by providing assistance for one year or less until other resources become available.

(2) Repatriation assistance is a loan which is to be repaid by the repatriate. Repayment is according to the repatriate's ability.

NEW SECTION

WAC 388-280-1020 Definition. (1) "Dependent of U.S. citizen" means:

- (a) An adult repatriated U.S. citizen's:
 - (i) Spouse;
 - (ii) Unmarried minor children, including adopted and stepchildren;
 - (iii) Unmarried adult children with disabilities when dependency is based on the disability; or
 - (iv) Parents.
- (b) A minor repatriated U.S. citizen's:
 - (i) Spouse;
 - (ii) Parents or grandparents; or
 - (iii) Minor siblings.
- (c) A U.S. citizen's repatriated spouse's:
 - (i) Parents; or
 - (ii) Minor siblings.

(2) "Extended repatriation assistance" means repatriation assistance provided for up to nine months after eligibility for the ninety-day temporary assistance period ends.

(3) "Repatriate" means a U.S. citizen or a dependent of a U.S. citizen who is without available resources and is

returned or brought back from a foreign country to the U.S. because of:

- (a) Destitution of the U.S. citizen; or
 - (b) Illness of the U.S. citizen or the dependent of a U.S. citizen; or
 - (c) War, threat of war, invasion, or similar crisis.
- (4) "Temporary assistance" means repatriation assistance provided during the first ninety days a repatriate is back in this country.

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

NEW SECTION

WAC 388-280-1030 Application. (1) The department shall consider a referral of a person by the U.S. State Department as a request for assistance.

(2) For client requests, where a person contacts the department directly, the department shall:

- (a) Notify the U.S. State Department of such request;
 - (b) Consider the U.S. State Department's reply, designating the person as a repatriate, as a request for assistance.
- (3) The department shall apply to the U.S. Department of Health and Human Services (HHS) for extended repatriation assistance when he repatriate is:

- (a) Unable to attain self-support or self-care for reasons such as age, disability, or lack of vocational preparation; or
 - (b) Ineligible for assistance through any other program.
- (4) When extended repatriation assistance is appropriate, the department shall apply for such assistance before the expiration of the initial ninety-day period of eligibility.

NEW SECTION

WAC 388-280-1040 Repaying repatriation assistance. (1) The department shall:

- (a) Explain to the repatriate that assistance received under the U.S. repatriate program is a loan the repatriate is expected to repay;
- (b) Obtain a signed statement that the repatriate:
 - (i) Understands the repayment requirement; and
 - (ii) Agrees to make repayment;
- (c) Assess the repatriate's ability to repay and make a recommendation to the U.S. Department HHS regarding the repatriate's financial ability to make repayment; and
- (d) Document reasons why the repatriate is unable to make repayment.

(2) The department shall consider a repatriate able to repay assistance when income or resources in excess of continuing needs will become available within one year after the repatriate's resettlement.

NEW SECTION

WAC 388-280-1050 Safeguarding information. (1) The department shall use information obtained about a repatriate only as necessary for program administration.

(2) Except as noted under subsection (3) of this section, the department shall not disclose:

- (a) The name or address of a repatriate, including lists or passenger manifests; or

(b) Personal information identifying a repatriate, the circumstances or physical or mental health as furnished on applications, reports of investigations, medical reports, or any other department records.

(3) The department may release personal information to another agency from whom the repatriate has requested services when:

(a) A repatriate receives a request for the release of relevant information from the other agency which specifies the other agency will not disclose the information.

NEW SECTION

WAC 388-280-1060 Referral to other agencies. The department shall refer a repatriate to the Social Security Administration to apply for Supplemental Security Income (SSI) benefits if the repatriate is:

- (1) Sixty-five years of age or older;
- (2) Blind; or
- (3) Disabled.

NEW SECTION

WAC 388-280-1070 Income and resources. (1) The department may deny or terminate repatriate assistance when the client has nonexempt:

(a) Income, according to aid o families with dependent needs; and/or

(b) Resources, according to AFDC rules, that are immediately available to meet their repatriation needs.

(2) The department shall consider resources immediately available when the:

- (a) Resource value can be determined;
- (b) Resource is under the control of the repatriate; and
- (c) Repatriate can draw upon the resource for maintenance.

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

NEW SECTION

WAC 388-280-1080 Eligibility. Provided a household is otherwise eligible, the department shall grant:

(1) Temporary repatriation assistance to needy persons who are repatriates as designated by the U.S. State Department.

(2) Extended repatriation assistance to needy repatriates upon approval of the U.S. Department of Health and Human Services.

NEW SECTION

WAC 388-280-1090 Client responsibilities. An applicant for or recipient of repatriation assistance shall:

(1) Provide evidence the U.S. State Department needs to establish the applicant's status as a repatriate;

(2) Assist in determining the willingness and ability of a relative to assist the repatriate;

(3) Report other resources potentially available or self support; and

(4) Immediately report change in income or resources.

NEW SECTION

WAC 388-280-1100 Department of responsibilities as the port of entry state. The department shall:

(1) Meet the repatriate at the port of entry and determine what services are needed;

(2) Explain the program and provide a repatriate with informational handouts as provided by the U.S. Department of HHS;

(3) Explain the repayment provisions for the program and secure a signed repayment agreement;

(4) Provide appropriate assistance including onward transportation to the final destination;

(5) Coordinate with the final destination state regarding reception and care at the final destination;

(6) For mentally ill repatriates, provide related hospitalization and other medical assistance, including involuntary treatment in a mental health hospital, as necessary.

NEW SECTION

WAC 388-280-1110 Department responsibilities as the final destination state. The department shall:

(1) Develop a plan to carry out arrangements for care, treatment, and assistance or reception, assistance, and resettlement;

(2) Determine the need for continuing assistance;

(3) Explain the program;

(4) Explain the repayment provisions and secure a signed repayment agreement; and

(5) Provide necessary services.

NEW SECTION

WAC 388-280-1120 Unattended minors. The department shall provide services for the care and protection of unattended repatriate minors. The department shall:

(1) Provide social services or arrange for placement of the repatriate minor in a facility that supplement or substitute for parental care and supervision, as needed, through the child welfare services program;

(2) Ensure such services and assistance conform to the department's standards for foster home, receiving home, or institutional care; and

(3) Observe recognized child welfare practices in protecting an unaccompanied repatriate minor.

NEW SECTION

WAC 388-280-1130 Scope of services. The department shall provide a repatriate the following necessary services:

(1) Transportation to the repatriate's place of residence, the home of relatives, or the place the repatriate will be resettled:

(a) Only one domestic trip is allowable;

(b) The lowest cost and most direct means of transportation unless effective service to a repatriate calls for other accommodations;

(c) Transportation expenses, including travel incidentals, such as meal and lodging enroute and assistance with

luggage, checking, storage, or transportation of personal effects.

(2) Transportation, overnight accommodations, and per diem for an escort to accompany and assist a physically ill or mentally ill or disabled repatriate from the port of entry to the final destination, and the escort's expenses when returning to the port of entry;

(3) Food items to meet the cost of a physician-recommended special diet;

(4) Restaurant meals as required;

(5) Temporary shelter;

(6) Essential clothing;

(7) Medical and hospital care a physician considers necessary because of the repatriate's health. The department shall limit care provided by the port of entry state to acute illnesses which prevent the repatriate from traveling to the final destination state;

(8) Necessary social services;

(9) Subsistence and resettlement expenses;

(10) Communication by phone or telegraph to contact relatives, friends, or former employers to obtain access to resources for self-support;

(11) Housing arrangements to provide adequate accommodations, including housing or utility deposits;

(12) Sufficient funds for maintenance until the agency at the final destination can begin to assist the repatriate, if the person requires resettlement at the final destination; and

(13) Counseling and referral in regard to employment, and retaining.

NEW SECTION

WAC 388-280-1140 Time limits on benefits. (1) Except as provided under subsection (2) of this section, the department shall limit repatriate assistance to ninety days beginning with the date of arrival in the U.S.

(2) The department shall provide a repatriate extended repatriation assistance for up to an additional nine months upon prior approval by the U.S. Department of Health and Human Services.

(3) The department shall immediately terminate a repatriate's assistance upon the repatriate's receipt of financial benefits under either the AFDC or SSI programs.

NEW SECTION

WAC 388-280-1150 Payment limits. (1) The department shall limit payments for repatriation assistance to:

(a) The department's payment standards for the AFDC program as appropriate for the number of eligible repatriates for ongoing assistance;

(b) A maximum of five hundred and sixty dollars per person for resettlement or assistance for initial one-time services such as rental deposits. The department shall limit use of this maximum to not more than one month and only during the temporary assistance period;

(2) The department's payment for other services shall be as provided under section 1130, "Scope of services" in this chapter.

NEW SECTION

WAC 388-280-1160 Assistance payment—Types of payments. (1) The department shall grant a repatriate assistance in cash, voucher, or warrant. Payment shall be made either to the repatriate or in the repatriate's behalf.

(2) The department's method of payment shall be at the department's option.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

388-62 Repatriated United States citizens—Assistance.

WSR 93-08-077
PROPOSED RULES
BUILDING CODE COUNCIL
[Filed April 6, 1993, 3:20 p.m.]

Original Notice.

Title of Rule: Washington State Energy Code.

Purpose: To adopt or amend and adopt revised standards for energy efficiency for new or altered nonresidential buildings.

Statutory Authority for Adoption: Chapter 19.27A RCW and chapter 122, Laws of 1991.

Statute Being Implemented: Chapter 122, Laws of 1991.

Summary: The purpose of the rule is to adopt changes to the Washington State Energy Code in accordance with chapter 19.27A RCW and chapter 122, Laws of 1991.

Reasons Supporting Proposal: The council received petitions from several groups including the NW Power Planning Council, Washington State Energy Office, Puget Sound Chapter of ASHRAE, and the Natural Resources Defense Council to upgrade the Washington State Energy Code regulations for new nonresidential buildings.

Name of Agency Personnel Responsible for Drafting and Implementation: Judith Darst, P.O. Box 48300, Olympia, WA 98504-8300, (206) 586-2251; and Enforcement: Local governments.

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 especially seeks comments on the following issues and options that are proposed in the rule:

GENERAL

1. New Format - Envelope/Mechanical/Lighting Chapters: The proposed document is organized to reflect how the construction industry deals with buildings. It is common in commercial building design to have separate professionals responsible for the envelope materials and configuration, mechanical system selection and design and the lighting design and fixture type. The new format allows users to focus on their specialties. The existing code is structured by the compliance methods defined within the code rather than to accommodate standard industry practices.

The existing method therefore requires that a user learn the entire code before compliance can be determined.

2. Move Systems Analysis Compliance Method to a Reference Standard: (RS-29) It is important to have this computer simulation compliance method as an available option. There are some building designs that couldn't comply with the energy code any other way (e.g. The Museum of Flight). However this method is not utilized very frequently. By moving the Systems Analysis method to a Reference Standard, it will remain part of the code but the average user will not be burdened with the inherent complexity.

3. Replace the term "Other than Group R Occupancy" with "Commercial": The term "Commercial" is simpler. However, "Other than Group R Occupancy" is more inclusive, so "Commercial" has been defined within the code to include public assembly, educational, business, mercantile, institutional, storage and industrial occupancies.

4. New Numbering System: The new numbering system is modeled after the most current ASHRAE 90.1 system. It is much simpler than the existing energy code numbering system and it does not conflict with the residential portion of the code.

ENVELOPE

5. Section 1310.2 Semi-Heated Spaces: New class of semi-heated buildings and the new requirements.

6. Section 1323 Glazing and Doors: The area of glazing and doors is combined and used as a percentage of gross exterior wall area to demonstrate compliance through either the prescriptive or component performance method.

MECHANICAL

7. Tables 14-1, 14-2 and 14-3 Equipment Efficiencies: Elimination of equipment sizing requirement, substituting minimum part load equipment efficiencies.

LIGHTING

8. Section 1520 Prescriptive Lighting Option: New prescriptive interior lighting requirements.

OPTIONS FOR PUBLIC COMMENT:

The council seeks comment on which options listed below are most appropriate for adoption. The alternative language will be discussed during the code change cycle and one option for each issue will be chosen for inclusion in the final code by the council. These options do NOT represent different code compliance options.

9a. Chapters 2 and 12: Definitions; Chapters 7 and 17: Standards; and Chapters 10 and 20: Defaults: Should separate chapters (residential and commercial) be maintained for the supplementary information chapters listed above, or should they be combined into one chapter?

OPTION 1: The draft document presents the information with the separate chapters (option 1 format). The repetitive information has been deleted from the commercial chapters and has been replaced with a reference to the residential chapters. Residential occupancies need only check Chapter 2 for a complete list of definitions. Commercial occupancies would need to check both Chapters 2 and 12 for definitions.

OPTION 2: Place the additional commercial information in the already established locations in the residential section (definitions-chapter 2, standards-chapter 7 and defaults-chapter 10). Some of the new references apply to residential as well as commercial. As proposed, these changes are editorial in nature and will not increase the

energy efficiency of the residential occupancies. If conflicts between residential and commercial arise, the information can be clearly identified and labeled residential or commercial.

MECHANICAL

9b. Section 1412.6 Combustion Heating Equipment:

OPTION 1: Requires combustion heating equipment with a capacity over 150,000 Btu/h to have modulating or staged combustion control.

OPTION 2: No modulating or staged combustion control requirements for combustion heating equipment over 150,000 Btu/h are adopted.

9c. Section 1438 Variable Frequency Drive/Variable Flow Systems:

OPTION 1: Requires a variable frequency drive for fan and pump motors greater than 10 horsepower where the use necessitates variable output.

OPTION 2: Allows either a variable frequency drive or a variable flow device for fan and pump motors.

9d. Sections 1423 and 1433 Economizers:

OPTION 1: Limits the total capacity of all units without economizers per building. This requires additional enforcement.

OPTION 2: Would not impose a per building limit.

LIGHTING

9e. Table 15-1 Lighting Power Allowance Levels:

The following options are proposed lighting power allowance for offices and schools.

OPTION 1: School = 1.35 w/sf Office = 1.2 w/sf

OPTION 2 Office: Office = 1.0 w/sf

OPTION 2 School: School = 1.2 w/sf

OPTION 4 School: School = 1.0 w/sf

10. Changes from the Technical Advisory Groups original Nonresidential Energy Code (NREC) proposal

A. Semi-heated spaces requirements: The requirements for semi-heated spaces were moved from the existing code location (a footnote in the envelope table) into the text defining the envelope compliance requirements and methods.

B. Eliminate "10,000 sf or less" Category (Sections 1502.2, 1502.3, 1602.1 through 1602.6, 1602.8 and Equations 1 and 2): The square footage threshold was an obscure benchmark. The envelope requirements differ to compensate for more efficient or less efficient uses of energy for space heating and cooling. Thus the envelope compliance requirements are now categorized by the proposed Heating Ventilating and Air Conditioning (HVAC) system type.

C. Eliminate Six Percent Exception for Skylights (Section 1502.3.1.1 exception 3): This complex exception was eliminated for simplicity. It listed seven mandatory conditions to allow skylights to be excluded from the requirements and energy efficiency calculations of the roof assembly. Enforcement of this requirement would be difficult. It would require tracking it through the permit process and cross checking between lighting and envelope compliance.

D. Eliminate multiple Economizer exceptions (Section 1503.7 exceptions 3, 4, 5 and 7): The design conditions defined in these exceptions are not typical and are more appropriately handled in the Systems Analysis method.

11. Numerous additional clarifying and editorial amendments that have also been proposed to enhance simplicity and ease of use of the NREC.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule separates the State Energy Code requirements into two distinct parts. Part One (chap 1-10) applies only to new or altered residential buildings. Part Two (chap 11-20) applies to new or altered nonresidential buildings. These changes are intended to improve the usability of the code document. Proposed changes to part one are editorial in nature and necessary in order to clarify and separate the requirements. Proposed changes to part two are substantive in nature and will increase the level of energy efficiency in new and altered commercial buildings.

Proposal Changes the Following Existing Rules: The following substantive changes are proposed to the existing nonresidential energy code requirements:

Chapter 11 Administration: More detailed documentation is required to be submitted with plans to demonstrate compliance with the Energy Code. Exemptions from the code for various components of buildings are now placed within the sections dealing with those components.

Chapter 12 Definitions: Unused definitions have been removed and new terms and concepts added as required. Definitions which apply to both residential and commercial buildings were deleted in chapter 12 and replaced with a reference to chapter 2. Residential occupancies need only check Chapter 2 for complete information. Commercial occupancies would need to check both Chapters 2 and 12. The draft document presents the information in the separate chapters. (Please see (f) 9a. Options for Public Comment for more information.)

Chapter 13 Envelope: Basic envelope heat loss standards are revised to conform to ASHRAE Standard 90.1-1989 for walls. These levels approximate current requirements, but will generally result in the use of tinted glass in most cooled buildings. More compliance options not requiring calculations are offered. Use of ASHRAE based levels allows the use of a computer assisted component compliance tool developed by ASHRAE. This program provides more custom design flexibility with minimal calculation. Floor and roof assembly insulation standards are adjusted to reflect current economic experience. A new class of semi-heated buildings (such as distribution warehouses) is created for which only roof insulation is required, provided that installed heating capacity is within established limits. Greenhouses are exempt from the code's building envelope requirements. New Tables 13-1 and 13-2 contain the new envelope requirements.

Chapter 14 Mechanical:

Limits on maximum equipment sizing are eliminated and minimum part load equipment efficiencies are substituted. Limits on simultaneous heating and cooling are tightened, with new requirements for temperature reset and heat recovery in high percentage outside air systems. Minimum equipment efficiency standards are revised to follow ASHRAE standards to allow conformance to national markets. Electric motors, except in package equipment, that are over 1 hp must meet NEMA high efficiency standards. Energy used for fans and pumps is more strictly limited. Consensus was not reached in the NREC TAG for combustion heating equipment, variable frequency drives/flow devices, and economizers total building capacity. Therefore,

options for comment are provided. Economy cooling with outside air is now required on all 7 1/2 ton units and 5 ton rooftop units. Consensus was not reached on the need and size of an overall limit for small units without economy cooling within a building. Automatic 7 day control of building system operation is required. Duct and pipe insulation requirements have been revised. Efficiency requirements have been placed on all hot water generation and storage equipment. Covers are required on swimming pools and electric resistance heat is prohibited for larger pools. Water flow limits on plumbing fixtures have been eliminated from the nonresidential part of the Energy Code in favor of their being added to the Washington State Plumbing Code. All mechanical designs are intended to comply with the new Washington Ventilation and Indoor Air Quality Code. New Tables 14-1 through 14-3 contain revised equipment efficiency requirements. New Table 14-4 lists minimum motor efficiency standards. Revised Tables 14-5 and 14-6 provide duct and pipe insulation requirements.

Chapter 15 Lighting: Allowed lighting power levels have been substantially reduced. Office lighting levels are lowered. Consensus was not reached with options proposed for both 1.2 and 1.0 watts/sf. Retail lighting is controlled at 1.0 to 1.5 watts/sf with most display lighting exempted. School lighting levels were another nonconsensus item with options for regulation at 1.35 and 1.2 watts/sf. Warehouse areas are regulated at 0.5 watts/sf with credit for rack storage areas and above average building height. Lighting area use categories have been expanded to provide more clarity. Current Code credits for controls in the calculation of building lighting power allowance are eliminated. No tradeoff is allowed between the interior lighting allowance and the exterior power allowance. Automatic (sweep) controls are required to turn off lights in larger building spaces when unoccupied. New Table 15-1 gives Unit Lighting Power Allowances.

Chapter 16: No chapter.

Chapter 17 Standards: In addition to the Standards and Agencies listed in chapter 7, chapter 17 lists the current editions of Standard references and additional Agencies. (Please see (f) 9a. Options for Public Comment for more information.)

Chapter 18: No chapter. Suggested Software information was moved to RS-29: Commercial Building Design by Systems Analysis.

Chapter 19: No chapter. Systems Compliance Assumptions information was moved to RS-29: Commercial Building Design by Systems Analysis.

Chapter 20 Default Heat Loss Coefficients: In addition to the Default values listed in chapter 10, chapter 20 lists coefficients for metal stud frame construction, heated slabs, and compressed batt insulation. Values for masonry wall construction have also been included. (Please see (f) 9a. Options for Public Comment for more information.)

Reference Standard 29 (Chapter 51-11-99901 through 99904)

Commercial Design by Systems Analysis: A much more structured approach is now required in order to document compliance using this path. The approach still requires demonstration of energy use equivalence between a standard and proposed design. This document details the assumptions that must be used when simulating building

energy consumption in the systems analysis compliance path. The guidance will produce more uniform and accurate comparisons. New Tables 3-1 through 3-3 give new standard simulation assumptions. There was only a minimal change to the design conditions. The design cooling temperature was lowered to 75 degrees F. to more accurately reflect actual practice.

Small Business Economic Impact Statement

I. INTRODUCTION

The 1991 legislature (ESSB 5770) gave the Washington State Building Code Council the authority to consider and adopt revisions to the nonresidential energy code (NREC) that increase its stringency. The proposed changes must be both cost-effective to building owners and tenants and technically feasible and commercially available.

This impact statement identifies the economic impact of the proposed amendments on small businesses affected by the proposed code, specifically estimates the potential economic savings from the amendments, and provides information as required by the Regulatory Fairness Act.

II. DESCRIPTION OF THE PROPOSED RULEMAKING

The proposed code increases the level of energy efficiency in newly constructed and remodeled nonresidential buildings. The code is designed to provide flexibility in achieving these greater energy savings in new buildings. The major areas of increased energy efficiency are:

Building Shell: Energy saving glass and insulation requirements are strengthened.

Mechanical Systems: National standards for equipment efficiency are added, and economy cooling (use of outside air in lieu of air conditioning where feasible) requirements are clarified and are applied to smaller units where cost-effective. The selection of efficient electric motors is required.

Lighting: Maximum lighting power use is reduced to reflect currently available efficient technologies and the lighting levels typically required by modern buildings. Automatic lighting controls are required in larger buildings.

To a great extent, the proposed NREC is based upon the 1991 Commercial Model Conservation Standards (MCS) promulgated by the Northwest Power Planning Council (NWPPC). While some individual measures are more expensive, the average cost of the measures included in the code revision is less than \$.02/kwh (1991\$) based on the analysis by the NWPPC in the 1991 Pacific Northwest Conservation and Electric Power Plan. The additional cost of new construction of nonresidential buildings will, in nearly all cases, be more than offset by energy bill savings. Therefore, we anticipate the net impacts on small business will be positive.

III. SMALL BUSINESS ECONOMIC IMPACTS OF THE PROPOSAL

There is no existing data on the small business economic impact related to cost per employee, cost per hour of labor, or cost per one hundred dollars of sales. The small business economic impacts are therefore analyzed based on costs of construction and value of energy savings.

Impacts will occur to three separate groups of small business. First, small businesses which are owners and/or tenants of new commercial buildings will save money, since the proposed standards provide energy savings at costs significantly lower than the average retail electric and gas

rates paid by small businesses. Second, the proposed standards will generate additional work and income for small businesses involved in the construction trades. Finally, the proposed standards will help to reduce utility requirements for new energy resources, which will tend to moderate expected rate increases for utilities which serve all citizens in the state, including small businesses which may be otherwise unaffected by the proposed code.

A. Impact on Owners and Tenants of New Commercial Buildings

In most cases, it is expected that the proposed code will increase the initial construction cost for new nonresidential buildings. However, in nearly all cases, these increased construction costs will be offset by reduced energy bills. Therefore, the net impact on such owners and tenants will be positive.

In some cases, the standards will result in lower construction costs. For example, the use of more efficient lighting fixtures means that less waste heat is generated inside the building. This means that air conditioning systems can be smaller, reducing both construction costs and operating costs.

For example, a small business using 10,000 kwh/month at the average retail rate of \$.05/kwh currently pays \$500 per month for electricity. Assuming the proposed standards reduce this by 20%, small businesses occupying new buildings will use 8,000 kwh/month and pay only \$400/month. The savings will come with an approximate cost of an additional \$40/month on the mortgage or lease payments for the business. Thus, after paying the increased initial costs of the recommended measures, a significant savings will remain with the business. This analysis is based upon the use of typically available technology to meet the requirements of the proposed code in the least costly manner.

The proposed code does not have uniform leveled costs across all building types. The NWPPC has developed cost estimates for various types of buildings occupied by small businesses as shown below:

**Expected Costs and Savings
Northwest Power Planning Council Model Conservation
Standards
Building Types Occupied by Small Business**

| Building Type | Additional Construction Cost \$/ft ² | O&M Cost Savings \$/ft ² /yr | Energy Cost of Savings kwh/ft ² /yr | Savings \$/kwh |
|---------------|---|---|--|----------------|
| Small Office | \$.49 (\$.65) | \$.003 | 1.36(2.25) | \$.038 |
| Large Office | \$.34 | \$.003 | 1.69 | \$.02 |
| Small Retail | \$.29(\$1.99) | \$.106 | .61(5.55) | <\$.01 |
| Warehouse | \$.11 | \$.017 | .97 | <\$.01 |
| Grocery | \$.00 | \$.000 | 0.0 | \$.00 |
| Fast food | \$1.17 | \$.037 | 3.25 | \$.016 |

Note: Costs and saving in (parentheses) are from Puget Power commercial conservation program experience, and support the conclusion that the proposed measures are cost-effective to building owners and tenants.

Where the costs are shown as less than \$.01, this generally indicates that the operating cost savings (apart from energy costs) fully offset the higher initial costs. This impact will vary depending upon what electric utility serves the building. Listed below are some typical average electric

rates for commercial customers receiving power at secondary voltage for Washington utilities.

Typical Commercial Electric Rates And Costs of Proposed Energy-Saving Measures

| Utility | Commercial Rate; \$/kwh |
|------------------------|-------------------------|
| Statewide Average: | \$.045 |
| Pacific Power | \$.06 |
| Washington Water Power | \$.06 |
| Puget Power | \$.05 |
| Seattle City Light | \$.04 |
| Snohomish County PUD | \$.04 |
| Clark County PUD | \$.04 |
| Tacoma City Light | \$.035 |

Average Cost of NREC Conservation Savings: \$.02

Where the cost/kwh paid by small businesses for electricity exceeds the levelized cost of the energy conservation measures required by the proposed code, the affected business is afforded a benefit by the proposed code; where the cost/kwh for electricity is lower than the levelized cost of the energy conservation measures, the affected customer is worse off with the code.

The large utilities listed above serve some 80% of the state population, and over 90% of expected new nonresidential construction is forecast to occur within their service territories. A few utilities, notable Grant, Chelan, Douglas, and Pend Oreille County Public Utility Districts have nonresidential electric rates which are below \$.03/kwh. A very small percentage of new construction is expected in these areas relative to that forecast for the portions of the state served by the utilities listed above. In these areas, the affected building owners and tenants will receive bill savings which approximately equal the incremental costs they will incur to comply with the proposed code, so that there will be no net costs or savings.

In addition, for some specific building applications with unusual design and/or construction characteristics, the generalized cost assumptions for most buildings may not apply, the cost of complying with the code may be higher, and the economic benefits may be lower. The benefits to small businesses described in the subsequent sections, however, will apply equally in these lowcost utility service territories. Conversely, as technology evolves and builders become more familiar with the requirements of the new code, experience with residential energy codes suggests that the cost of compliance may be reduced, and therefore the economic benefits will increase.

Energy costs are typically a very small proportion of total operating costs for small businesses, seldom rising above 3% of total expense. Labor costs, taxes, inventory carrying costs, and other costs categories are typically much larger. The proposed NREC will result in a significant percentage reduction in energy costs, but even a 30% reduction of a cost item accounting for 3% of total costs will produce less than a 1% change in total costs. While net cost savings to small business are expected, these will generally not be large in the context of total costs of doing business.

B. Impact on Small Businesses Involved in the Construction Trades

Many small businesses are involved in the design and construction of new nonresidential buildings. These include architects, engineers, general and specialty contractors, building commissioning and energy system service specialists, and others. Because the proposed code increases the amount of engineering, design, and construction work in new nonresidential buildings (the costs of which are offset by lower energy bills), the proposed NREC will provide increased work for these firms, and thereby benefit small business involved in the construction trades.

New commercial building construction in the Northwest is expected to total 500 million to 1.1 billion square feet over the period 1994-2003. Slightly more than half of this regional total is forecast to occur in the state of Washington. The average cost per square foot of the incremental measures required by the code is about \$.50 per square foot of newly constructed space. Therefore, the proposed code should be expected to provide between \$150 million and \$300 million in gross income to businesses involved in the construction of nonresidential buildings.

The portion of this benefit which will accrue to small businesses is unknown, but many general contractors and nearly all architectural and engineering firms, electrical, mechanical, plumbing and other subcontractors fall within the definition of a small business (fifty employees or less).

There will also be some costs for these small businesses related to education and training on the new code revisions. A portion of these costs will be offset by funding provided by the Bonneville Power Administration and utilities to support these programs.

C. Energy Cost Impact on Small Businesses which May Be Otherwise Unaffected by the Proposed Code.

Most small businesses neither occupy newly constructed space nor are engaged in the construction trades. Nonetheless, the energy savings resulting from the proposed NREC will positively impact these businesses by forestalling electric rate increases which they would otherwise face.

The alternative to the proposed NREC would be construction of new electric power generating resources and acquisition of new natural gas resources. Both are considerably more expensive than the resources made available by the proposed NREC. The bulk of the available resources identified by the NWPPC are two to three times as expensive as the resources conserved for alternative use by the proposed NREC. Acquisition of the resources contained in the NREC will reduce the need for utilities to acquire more expensive resources, and therefore hold down utility rates.

Furthermore, many of the resources in the NREC are currently being subsidized by utilities seeking to avoid higher cost resources; by shifting these costs from electric consumers at large to the building owners, rate impacts on nonparticipating ratepayers are reduced, while the benefits of the savings are secured for the participants and nonparticipants alike. Presently, voluntary utility assistance programs are achieving only partial penetration of the market in achieving these energy savings, and the costs are borne by all electric power consumers. The proposed code would affect all new construction. Thus, compared with the conservation subsidy programs operated by some utilities, the proposed NREC is far more beneficial to the vast majority of small businesses who neither occupy new building space nor are involved in the construction trades, because greater

energy savings are achieved, and the costs are borne by the direct beneficiaries (the owners and tenants of the new buildings) rather than by energy consumers generally.

The estimated savings from implementation of the proposed code will be to conserve 15 - 50 billion kwh over the expected 50 year life of the buildings to be constructed over the next ten years. Since the average cost of alternative resources is approximately \$.02/kwh more expensive than the resources included in the proposed code, the proposed code should be expected to provide total cost savings of \$300 million - \$1 billion to electric ratepayers. Similar savings, although of a smaller scale, will accrue to natural gas utilities and their ratepayers. Only a portion of these savings will be retained within the state of Washington, and only a portion of those will accrue to nonparticipating small business ratepayers. However, the energy savings resulting from implementation of the proposed code will benefit all nonparticipating regional small business energy consumers.

IV. MITIGATION REQUIRED UNDER THE REGULATORY FAIRNESS ACT

The Regulatory Fairness Act requires that an agency adopting rules reduce the economic impact of the proposed rules on small businesses.

The proposed rule clarifies, consolidates, and simplifies the existing rule as required by RCW 19.85.020 (1)(b) by establishing prescriptive, component performance, and building performance alternatives for complying with the code requirements. Generally, the prescriptive requirements are considered to be less burdensome for small business. The proposed rule also greatly simplifies the existing code, and reformats the code for ease of use by each discipline involved in building design and construction.

All businesses engaged in the design and construction of nonresidential buildings are presently required to submit requested documentation to the Building Official when seeking construction permits. This requirement is clarified (Section 11.04) by requiring that the plans and specifications for the building include certain information relating to the energy components of the building. This may create increased record-keeping responsibilities for design professionals, although it may be more than offset by more expeditious handling of permit applications than would be the case if this code were to be enforced by Building Officials without the benefit of a defined requirement for documentation.

The proposed code also requires that certain maintenance information be posted on major building components. This may create a small record-keeping burden for businesses engaged in the design and construction of nonresidential buildings, which will be offset by reduced maintenance burdens (including locating this information) for the small businesses which are owners and tenants of nonresidential buildings.

The prescriptive alternatives for building design included in the code should minimize the need for professional services in building design and engineering. Component performance and system analysis options provide increased flexibility to building owners, but may require additional professional design and engineering services. This is not a change procedurally from the current code applied to nonresidential buildings; only the stringency of the code is being materially changed. Because it is expected that the

proposed rules will cause greater initial cost of new nonresidential buildings coupled with smaller energy bills, it is assumed that on balance, the amount devoted to professional services (and construction services) will be increased by the proposed rules. Professional services typically amount to a relatively small percentage of the total cost of new nonresidential buildings, any increase would also be expected to be relatively small compared to the cost of construction.

V. SUMMARY

The proposed nonresidential energy code will increase the initial cost of new buildings used by small businesses, but these increased initial costs will be more than offset in nearly all cases by significant savings in long-term building operating costs for these buildings. In almost all parts of the state, and almost all types of new buildings, the savings will exceed the additional annual costs of building ownership and/or tenancy.

Hearing Location: Spokane City Hall, West 808 Spokane Falls Boulevard, Spokane, WA, on May 14, 1993, at 9 a.m.; and in the Auburn City Hall, 25 West Main, Auburn, WA, on June 11, 1993, at 9 a.m.

Submit Written Comments to: State Building Code Council, ATTN: Gene Colin, P.O. Box 48300, Olympia, WA 98504-8300, by June 18, 1993.

Date of Intended Adoption: July 9, 1993.

March 12, 1993

G. J. Colin
Chair

AMENDATORY SECTION (Amending WSR 91-01-112, filed 12/19/90, effective 7/1/91)

WAC 51-11-0101 Section 101. Scope and general requirements.

101.1 Title: Chapters 1 through 10 of this Code shall be known as the "Washington State Residential Energy Code" and may be cited as such; and will be referred to herein as "this Code."

101.2 Purpose and Intent: The purpose of this Code is to provide minimum standards for new or altered buildings and structures or portions thereof to achieve efficient use and conservation of energy.

The purpose of this Code is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefitted by the terms of this Code.

It is intended that these provisions provide flexibility to permit the use of innovative approaches and techniques to achieve efficient use and conservation of energy. These provisions are structured to permit compliance with the intent of this Code by any one of the following three paths of design:

1. A systems analysis approach for the entire building and its energy-using sub-systems which may utilize renewable energy sources, Chapter 4.
2. A component performance approach for various building elements and mechanical systems and components, Chapter 5.
3. A prescriptive requirements approach, Chapter 6.

Compliance with any one of these approaches meets the intent of this Code. This Code is not intended to abridge any safety or health requirements required under any other applicable codes or ordinances.

The provisions of this Code do not consider the efficiency of various energy forms as they are delivered to the building envelope. A determination of delivered energy efficiencies in conjunction with this Code will provide the most efficient use of available energy in new building construction.

101.3 Scope: This Code sets forth minimum requirements for the design of new buildings and structures that provide facilities or shelter for ~~((public assembly, educational, business, mercantile, institutional, storage and))~~ residential occupancies ~~((, as well as those portions of factory and industrial occupancies designed primarily for human occupancy))~~ by regulating their exterior envelopes and the selection of their HVAC, service water heating, electrical distribution and illuminating systems and equipment for efficient use and conservation of energy.

Buildings shall be designed to comply with the requirements of either Chapter 4, 5, or 6 of this Code.

101.3.1 Exempt Buildings: Buildings and structures or portions thereof meeting any of the following criteria shall be exempt from the building envelope requirements of sections 502 and sections 602 and 605, but shall comply with all other requirements for building mechanical systems, service water heating and lighting systems.

101.3.1.1: Buildings and structures or portions thereof whose peak design rate of energy usage is less than three and four tenths (3.4) Btu/h per square foot or one point zero (1.0) watt per square foot of floor area for space conditioning requirements.

101.3.1.2: Buildings and structures or portions thereof which are neither heated according to the definition of heated space in Chapter 2, nor cooled by a non-renewable energy source, provided that the non-renewable energy use for space conditioning complies with requirements of section 101.3.1.1.

101.3.1.3: Greenhouses isolated from any conditioned space and not intended for occupancy.

101.3.2 Application to Existing Buildings: Additions, historic buildings, changes of occupancy or use, and alterations or repairs shall comply with the requirements in the subsections below.

EXCEPTION: The building official may approve designs of alterations or repairs which do not fully conform with all of the requirements of this Code where in the opinion of the building official full compliance is physically impossible and/or economically impractical and:

1. The alteration or repair improves the energy efficiency of the building; or
2. The alteration or repair is energy efficient and is necessary for the health, safety, and welfare of the general public.

In no case, shall building envelope requirements or mechanical system requirements be less than those require-

ments in effect at the time of the initial construction of the building.

101.3.2.1 Additions to Existing Buildings: Additions to existing buildings or structures may be made to such buildings or structures without making the entire building or structure comply, provided that the new additions shall conform to the provisions of this Code.

EXCEPTION: New additions which do not fully comply with the requirements of this Code and which have a floor area which is less than seven hundred fifty square feet shall be approved provided that improvements are made to the existing occupancy to compensate for any deficiencies in the new addition. Compliance shall be demonstrated by either systems analysis or component performance calculations. The nonconforming addition and upgraded, existing occupancy shall have an energy budget or heat loss which is less than or equal to the unimproved existing building, with the addition designed to comply with this Code.

101.3.2.2 Historic Buildings: The building official may modify the specific requirements of this Code for historic buildings and require in lieu thereof alternate requirements which will result in a reasonable degree of energy efficiency. This modification may be allowed for those buildings which have been specifically designated as historically significant by the state or local governing body, or listed in The National Register of Historic Places or which have been determined to be eligible for listing.

101.3.2.3 Change of Occupancy or Use:

~~((1. Any Other than Group R Occupancy which is presently unconditioned where the occupancy or use is changed to require conditioning shall be required to be brought into full compliance with this Code.~~

~~2. The use or occupancy of any Other than Group R Occupancies which are presently conditioned may be changed without complying with this code, provided additional heat or cooling is not added.~~

~~3.)) Any Other than Group R Occupancy which is converted to Group R Occupancy shall be brought into full compliance with this Code.~~

~~((4. Any Group R Occupancy which is converted to Other than Group R Occupancy shall be required to comply with all of the provisions of this code if either new or increased heating or cooling is provided.~~

~~5. All Occupancies, which are converted from a Group R Occupancy or an Other than Group R Occupancy or use, to a new Other than Group R Occupancy or use shall comply with the lighting standards set forth in this code unless the existing lighting is not altered.))~~

101.3.2.4 Alterations and Repairs: All alterations and repairs to buildings or portions thereof originally constructed subject to the requirements of this Code shall conform to the provisions of this Code without exception. For all other existing buildings, initial tenant alterations shall comply with the new construction requirements of this Code. Other alterations and repairs may be made to existing buildings and moved buildings without making the entire building comply with all of the requirements of this Code for new buildings, provided the following requirements are met:

101.3.2.5 Building Envelope: The result of the alterations or repairs both:

1. Improves the energy efficiency of the building, and
2. Complies with the overall average thermal transmittance values of the elements of the exterior building envelope in Table 5-1 (~~(or 5-2)~~) of Chapter 5 or the nominal R-values and glazing requirements of the reference case in Tables 6-1 to 6-6 (~~(or 6-7)~~).

EXCEPTIONS:

1. Untested storm windows may be installed over existing glazing for an assumed U-value of 0.90, however, where glass and sash are being replaced in Group R Occupancy, glazing with a maximum area weighted average U-value of 0.40 shall be installed where there is an electric resistance space heating system and glazing with a maximum U-value of 0.65 (Climate Zone I) and 0.60 (Climate Zone II) shall be installed where there is any other space heating system.

2. Where the structural elements of the altered portions of roof/ceiling, wall or floor are not being replaced, these elements shall be deemed to comply with this Code if all existing framing cavities which are exposed during construction are filled to the full depth with batt insulation or insulation having an equivalent nominal R-value while, for roof/ceilings, maintaining the required space for ventilation. Existing walls and floors without framing cavities need not be insulated. Existing roofs shall be insulated to the requirements of this Code if

a. The roof is uninsulated or insulation is removed to the level of the sheathing, or

b. All insulation in the roof/ceiling was previously installed exterior to the sheathing or nonexistent.

101.3.2.6 Building Mechanical Systems: Those parts of systems which are altered or replaced shall comply with section 503 of this Code.

101.3.2.7 Service Water Heating: Those parts of systems which are altered or replaced shall comply with section 504.

~~101.3.2.8 (Lighting: Those parts of systems which are altered or replaced in buildings initially constructed subject to the requirements of this Code shall comply with section 505. Other remodels or replacements of lighting systems which are part of a substantial remodel shall comply with sections 505. In addition, remodeling of any size area with or without putting a new ceiling grid or suspension system when reusing existing fixtures and/or adding new ones shall not require compliance with the lighting power budget as long as the installed wattage is maintained or reduced. Remodeling of an entire floor or an entire tenant space that includes a new lighting system with or without a new ceiling grid or suspension system shall require compliance of a lighting power budget of section 505. Compliance with switching requirements of section 505.2 is only required when new wiring is being run related to adding fixtures and/or fixtures are being relocated to a new circuit.) Reserved.~~

101.3.3 Mixed Occupancy: When a building houses more than one occupancy, each portion of the building shall conform to the requirements for the occupancy housed therein. Where approved by the building official, where minor accessory uses do not occupy more than ten percent of the area of any floor of a building, the major use may be considered the building occupancy.

101.4 Amendments by Local Government: Except as provided in RCW 19.27A.020(7), this Code shall be the

maximum and minimum energy code for Group R Occupancy in each town, city and county, no later than July 1, 1991. ~~((This Code shall be the minimum energy code for all other than Group R Occupancies in each town, city and county.))~~

AMENDATORY SECTION (Amending WSR 91-01-112, filed 12/19/90, effective 7/1/91)

WAC 51-11-0200 Chapter 2—Definitions.

(OPTION 1) - Separate residential and commercial definitions chapters.

(OPTION 2) - Integrate the commercial definitions into chapter 2.

AMENDATORY SECTION (Amending WSR 91-01-112, filed 12/19/90, effective 7/1/91)

WAC 51-11-0201 General definitions.

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.

AAMA: American Architectural Manufacturers Association

~~((Accepted analysis methods: Heating/cooling and lighting load calculations performed in accordance with the most current procedures developed by a nationally recognized professional organization and approved by the Building Official.))~~

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.)

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.

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.

~~((Air transport factor: The ratio of the rate of useful sensible heat removal from the conditioned space to the energy input to the supply and return fan motor(s), expressed in consistent units and under the designated operating conditions.))~~

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**.)

~~((**Basement Wall:** The opaque portion of a wall which encloses a basement and is partially or totally below grade.))~~

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: 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.

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.

~~((**Clerestory:** A window placed in a wall projecting from a roof plane at sixty degrees or more from the horizontal to admit daylight into the interior of a building. (See **Skylight**.)))~~

Comfort Envelope: The area on a psychrometric chart enclosing all those conditions described in Standard RS-4, Figure No. 1, as being comfortable.

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).

~~((**Continuous air barrier:** A system of materials installed during construction that is designed to effectively minimize the transfer of air to or from the conditioned space through [through] unintentional openings in the building envelope.))~~

Cooled space: Space within a building which is provided with a positive cooling supply.

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.)

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.

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.

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**.)

Floor over unconditioned space: A floor which separates a conditioned space from an unconditioned space which is buffered from exterior ambient conditions including vented crawlspaces 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-Value: The perimeter heat loss factor expressed in Btu/hr•ft•°F.

Glazing: All areas, including the frames, in the shell of a conditioned space that let in natural light including windows, clerestories, skylights, sliding or swinging glass doors and glass block walls.

Glazing area: Total area of the glazing measured using the rough opening, and including the glazing, sash, and frame. For doors where the daylight opening area is less than fifty percent of the door area, the glazing area is the daylight opening 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; includes opaque wall, window 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 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.

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.

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: 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.)

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. 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 modifying 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.

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.

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.)

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 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.

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: Air taken from the outdoors and, therefore, not previously circulated through the system.

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.

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: A slab on grade containing heated pipes, ducts, or electric heating cables that constitute a radiant slab 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.

~~(**Room air conditioner:** A packaged assembly designed as a unit primarily for mounting in a window or through a wall, or as a console, and designed to provide free delivery of conditioned air to an enclosed space, room or zone. It includes a prime source of refrigeration for cooling and dehumidification and means for circulating and cleaning air, and may also include means for ventilating and heating.)~~

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.

~~(**Service water heating demand:** The maximum design rate of energy withdrawal from a service water heating system in a designated period of time (usually an hour or a day).)~~

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.

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.

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.

Solar energy source: Source of natural daylighting and of thermal, chemical or electrical energy derived directly from conversion of incident solar radiation.

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.)

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.

~~(**Substantially remodeled or rehabilitated:** Any alteration or restoration of a building or structure within any twelve month period, the cost of which exceeds sixty percent of the current replacement value of the particular building or structure.)~~

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.

~~((Terminal element: The means by which the transformed energy from a system is finally delivered, i.e. registers, diffusers, lighting fixtures, faucets and similar elements.))~~

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-value applies to the fractional combinations of different materials used in series along the heat flow path.

Thermal transmittance, overall (U⁰): The overall (average) heat transmission of a gross area of the exterior building envelope (Btu/hr•ft²•°F). The U⁰-value applies to the combined effect of the time rate of heat flows through the various parallel paths, such as windows, 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-Value: See thermal transmittance.

Uniform Building Code: The Washington State Uniform Building Code as modified by the Washington State Building Code Council.

Uniform Mechanical Code: The Washington State Uniform Mechanical Code as modified by the Washington State Building Code Council.

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.

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.

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.

~~((Water-chilling package of absorption: A factory-designed and prefabricated assembly (not necessarily shipped as a single package) of one or more condensers, evaporators (water coolers), absorbers and generators with interconnections and accessories used for chilling water.~~

~~Water-chilling package, centrifugal or rotary: A factory-designed and prefabricated assembly (not necessarily shipped as one package) or one or more centrifugal or rotary compressors, condensers and water coolers (evaporators) with interconnections and accessories used for chilling water.~~

~~Water-chilling package, reciprocating: A factory-designed and prefabricated assembly, self-contained or condenserless, of one or more reciprocating compressors, condenser (self-contained only), water coolers (evaporator) and interconnections and accessories used for chilling water. The condenser may be air, evaporatively or water cooled.))~~

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.

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 91-01-112, filed 12/19/90, effective 7/1/91)

WAC 51-11-0401 Scope.

401.1 General: This chapter establishes design criteria in terms of total energy use by a building, including all of its systems. Analysis of design for all Group R Occupancy shall comply with section 402.1 to 402.6. ~~((Analysis of design for other buildings shall comply with sections 402.2 to 402.6.))~~

AMENDATORY SECTION (Amending WSR 92-01-140, filed 12/19/91, effective 7/1/92)

WAC 51-11-0502 Building envelope requirements.

502.1 General:

502.1.1: The stated U- or F-value 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-value 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-values specified in this Section.

The U-values 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 19-27 in RS-1 listed in Chapter 7, using the framing factors listed in Chapter 10 where applicable.

For envelope assemblies containing metal framing, the U-value 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 22 of RS-1, listed in Chapter 7.
4. Effective framing/cavity R-values as provided from the following table for metal stud walls:

| WALL FRAMING | CAVITY | INSULATION |
|------------------|--------|------------|
| | R-11 | R-19 |
| 2 x 4 @ 16" o.c. | 5.50 | - |
| 2 x 4 @ 24" o.c. | 6.60 | - |
| 2 x 6 @ 16" o.c. | - | 7.60 |
| 2 x 6 @ 24" o.c. | - | 8.55 |

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 1712 and/or 1713 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. To the maximum extent possible, insulation shall extend over the full component area to the intended R-value.

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 twenty-five and a smoke density not to exceed four hundred fifty when tested in accordance with UBC Standard 42-1.

EXCEPTIONS:

1. Foam plastic insulation shall comply with section 1712 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 1713 of the Uniform Building Code.

502.1.4.3 Clearances: Where required, insulation shall be installed with clearances according to manufacturers 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 three feet in twelve and there is at least thirty 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 3205(c) 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 six inches vertically above the height of noncompressed insulation, and twelve 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 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 twenty-four 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 1008 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 thirty degrees 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 twenty-four inches or downward and then horizontally beneath the slab for a minimum combined distance of twenty-four inches. Insulation installed outside the foundation shall extend downward to a minimum of twenty-four 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:

a. 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.

b. 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-Values: For Group R Occupancy, glazing and door U-values shall be determined in accordance with section 502.1.5.1. (~~For other occupancies, glazing and door U-values shall be determined in accordance with either section 502.1.5.1 or 502.1.5.2.~~)

502.1.5.1 Standard Procedure for Determination of Glazing and Door U-Values: U-values for glazing and doors, including all fire doors, shall be the tested U-values for thermal transmittance due to conduction resulting from either the AAMA 1503.1-88 test procedure or the ASTM C236-87 or C976-82 test procedures, provided that testing shall be conducted under established winter horizontal heat flow test conditions using fifteen mile per hour wind speed directed perpendicular to the exterior surface of the glazing as specified under AAMA 1503.1-88.

AAMA 1503.1-88 testing, shall be conducted by a laboratory accredited by AAMA to perform that test. ASTM

C236-87 or C976-82 testing shall be conducted by an independent laboratory accredited by a nationally recognized accreditation program, independent of that laboratory. All tested U-values reported for listing by the state building code council after January 1, 1991, shall include certification by the manufacturer of gas content in the sealed insulated glass unit used for testing and in the production unit.

Product samples tested shall be production line units or representative of units as purchased by the consumer or contractor. Product sample sizes tested shall be in accordance with AAMA 1503.1-88, except that skylights shall be tested with a nominal two foot by four foot size, or a nominal four foot by four foot size. The installation of the test sample shall be in accordance with AAMA 1503.1-88, section 8.4. All testing performed after January 1, 1991, shall not include screens. All glazing and doors shall be identified with a label that states an overall product U-value that is no less than the actual tested U-value. The labeled U-value 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 level A.

EXCEPTIONS:

1. The exterior frame dimensions of the product sample size tested shall not deviate by more than three inches from the height and width specified, except that skylights are allowed to be tested in the closest production line size to that specified above.
2. Passive air inlets are not required to be part of the tested assembly.
3. Products tested prior to December 31, 1990, to AAMA 1503.1-80, ASTM C236-80 or C976-82 which are not in compliance with the test size requirement above, and which are in compliance with the product sample sizes in AAMA 1503.1-80, shall be acceptable until December 31, 1994.
4. Untested glazing and doors shall be assigned the default U-values listed in Chapter 10. The default values for the opaque portions of doors shall be those listed in Chapter 10, provided that the U-value listed for a door with a thermal break shall only be allowed if both the door and the frame have a thermal break.
5. The U-value of an insulated glazing product which has a 'grille pattern' installed between the glazing layers shall be deemed equal to the U-value of an insulated glazing product which is tested without a 'grille pattern' in between glazing layers, provided a minimum one-eighth inch air space exists between the 'grille pattern' and both glass lites.
6. For a glazing product which is manufactured with an alternative 'low-e coating' than the 'low-e coating' of the tested glazing product, the U-value shall be deemed equal provided that the alternative 'low-e coating' material has an equal or lower rated emissivity.
7. U-factors, either tested or simulated, labeled and certified in accordance with the National Fenestration Rating Council's (NFRC) procedure 100-91 are acceptable if based on model size AA.

~~502.1.5.2 ((Alternate Glazing and Door U-Values for Other Than Group R Occupancy: Glazing U-values for other than Group R Occupancy are also allowed to be taken from Table 13 of Chapter 27 of RS-1 listed in Chapter 7 or calculated in accordance with the procedures of Chapter 27 of RS-1 listed in Chapter 7 and door U-values are also allowed to be taken from Table 6 in Chapter 22 of RS-1 listed in Chapter 7.)) Reserved.~~

502.1.6 Moisture Control:

502.1.6.1: 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 one-third 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. polyethylene or kraft faced material).

502.1.6.3: 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. Faced batt insulation where used as a vapor retarder shall be face stapled. Single rafter joist vaulted ceiling cavities [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 twelve 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 Wall Insulation: 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 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.

502.2 Thermal Criteria for Group R Occupancy:

502.2.1: 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 figures in Table 5-1, and all the glazing shall be located in the wall area. The opaque door area shall be the same in the target UA and the proposed UA.

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 per dwelling unit, or; 2) One watt per square foot 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 ((Thermal Performance Criteria For Other Than Group R Occupancies:

~~502.3.1: The overall thermal transmittance value (U^*) of the gross area of elements of the exterior building envelope of all buildings other than low rise residential buildings shall not exceed the values given in Tables 5-2. Equations 2, 4 and 5 shall be used to determine acceptable combinations of building components and thermal properties to meet this requirement for heating. U^* and U^* are specified in units of:~~

$$\frac{\text{Btu}}{\text{hr} \cdot \text{ft}^2 \cdot \text{F}}$$

~~502.3.2 Slab on Grade Floors:~~ For slab on grade floors the thermal resistance of the insulation around the perimeter of the floor shall not be less than the value given in Table 5-2.

~~502.3.3 Alternative Wall Allowance for Other Than Group R Occupancies:~~ For other than Group R Occupancies, three stories or less, the maximum allowed value for average thermal transmittance (U_w) of the exterior walls may be increased to the values given in Table 5-2 BUILDINGS OVER THREE CONDITIONED STORIES provided that at least one of the following criteria is also met:

1. Mechanical supply of outside air and mechanical exhaust of building air shall be automatically shut off and the duct closed for at least eight hours per day during hours of nonoccupancy, or

2. The primary source of heating for the building shall be one or more heat pumps meeting the provisions of section 503.4.2 or gas or oil combustion heating equipment with a minimum combustion efficiency of eighty five percent for central heating plants and eighty percent for room and space heaters. This efficiency shall be determined in accordance with the provisions of section 503.4.3.

Provided further: That if both criteria are met, the maximum allowed value for thermal transmittance (U^*) of the exterior walls used in Table 5-2 may be increased by 0.05 in determining compliance with the provisions of the Code.

For walls with a wall weight of at least thirty lbs. per ft² (provided that walls constructed of hollow masonry units have cores filled with either grout, concrete, or with an insulating material with resistance per inch (R) of at least 2.25 ft²/hr. °F/Btu) the calculated thermal resistance of the wall sections measured face to face on wall units which are exposed to inside air temperatures, not including the thermal resistance of air films or additional exterior wall elements may be increased by twenty five percent in determining compliance with the provisions of the code provided that:

Heating and cooling set point temperatures in the conditioned spaces or zones of the building shall be separated by at least five degrees F. The temperature control shall be designed to prevent new energy from being used to heat the space above the heating set point temperature or cool the space below the cooling set point temperature.)) Reserved.

502.4 Air Leakage ((for All Occupancies)):

502.4.1: 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: 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:

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.

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 one-half 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 seventy-five Pascals or 1.57 lbs/ft² pressure difference and have a label attached, showing compliance.

AMENDATORY SECTION (Amending WSR 92-01-140, filed 12/19/91, effective 7/1/92)

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.

EXCEPTION: 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 one hundred fifty percent 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 may exceed the one hundred fifty 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.

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: Each temperature control zone shall include thermostatic controls installed and operated to sequence the use of heating and cooling energy to satisfy the thermal and/or humidity requirement of the zone. Controls shall prevent reheating (heating air that is cooler than system mixed air), recooling (cooling air that is warmer than the system mixed air), mixing or simultaneous supply of warm air (warmer than system return air mixed air) and cold air (cooler than system mixed air), or other simultaneous operation of heating and cooling systems to one zone. For the purposes of this section, system mixed air is defined as system return air mixed with the minimum ventilation air requirement by section 303.

EXCEPTIONS:

1. Variable air volume systems designed to reduce the air supply to each zone during periods of occupancy to the larger of the following:

a. Thirty percent or less of the peak supply volume.

b. The minimum allowed to meet ventilation requirements of section 303.

c. 0.5 cfm/ft² of zone conditioned area before reheating, recooling or mixing takes place. Consideration shall be given to supply air temperature reset control.

2. The energy for reheating, or providing warm air in mixing systems, is provided entirely from recovered energy that would otherwise be wasted, or from renewable energy sources. In addition, the system shall comply with section 503.7 without exception.

3. Areas where specific humidity levels are required to satisfy process needs.

4. Where special pressurization relationships or cross-contamination requirements are such that variable air volume systems are impractical, supply air temperatures shall be reset by representative building load or outside air temperature.

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 equipment 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). ~~((For all Other Occupancies, all gas and oil fired central heating plants shall have a minimum combustion efficiency of not less than that shown in Table 5-2.))~~

* 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.

EXCEPTION: These requirements do not apply to equipment used for refrigerated food or florists' and nurseries' coolers.

~~503.4.5 ((Applied HVAC System Components, Electrically Operated, Cooling Mode: HVAC System components, as listed in Table 5-9, whose energy input is entirely electric, shall have an energy efficiency ratio (EER) or a Coefficient of Performance (COP) cooling not less than the values in Table 5-9.))~~ Reserved.

~~503.4.6 ((HVAC System Equipment - Heat Operated, Cooling Mode, Efficiency Limitation, Equipment: Heat-operated cooling equipment shall have a COP cooling not less than the values in Table 5-10.))~~ Reserved.

~~503.5 ((Transport Energy:~~

~~503.5.1 All air Systems: The air transport factor for each all air system shall be not less than 5.5. The factor shall be based on design system air flow for constant volume systems. The factor for variable air volume systems may be based on average conditions of operation. Energy for transfer of air through heat recovery devices shall not be included in determining the factor; however, such energy shall be included in the evaluation of the effectiveness of the heat recovery system.~~

$$\text{Air Transport Factor} = \frac{\text{Space Sensible Heat Removal}^*}{\text{Supply + Return Fan(s) Power Input}^*}$$

*Expressed in Btu/h or watts

~~503.5.2 Other Systems: Air and water, all water and unitary systems employing chilled, hot, dual temperature or condenser water transport systems to space terminals shall not require greater transport energy (including central and terminal fan power and pump power) than an equivalent all air system providing the same space sensible heat removal and having an air transport factor not less than 5.5.))~~ Reserved.

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 one hundred percent 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 three thousand five hundred cfm or total cooling capacity is less than ninety thousand 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 one hundred percent 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 one hundred percent 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.

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 occupancies 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 ((Other Types of Buildings or Occupancies: At least one thermostat for regulation of space temperature shall be provided for:~~

~~1. Each separate system.~~

~~2. Each separate zone as defined in Chapter 2. As a minimum, each floor of a building shall be considered as a separate zone. In a multistory building where the perimeter system offsets only the transmission losses of the exterior wall, an entire side of uniform exposure may be zoned separately. A readily accessible manual or automatic means shall be provided to partially restrict or shut off the heating and/or cooling input to each floor.)) Reserved.~~

503.8.3.4 Control Setback and Shut-off:

1. 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.

~~2. ((Other Buildings and Occupancies. Each HVAC system shall be equipped with a readily accessible, automatic means of shutting off or reducing the energy used for HVAC during periods of non-use or alternate uses of the building spaces or zones served by the system. The following are examples that meet this requirement:~~

~~a. Manually adjustable automatic timing devices.~~

~~b. Automatic control systems.)) Reserved.~~

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: 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: 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.

503.10.3: Requirements for Automatic or manual dampers are found in the Washington State Ventilation and Indoor Air Quality Code.

503.11 Piping 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 non-recirculating 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 within unitary HVAC equipment.

503.11.1 Other Insulation Thickness: Insulation thickness in Table 5-12 is based on insulation having thermal resistance in the range of 4.0 to 4.6 per inch of thickness on a flat surface at a mean temperature of seventy-five degrees F. Minimum insulation thickness shall be increased for materials having R-values less than 4.0 per inch, or may be reduced for materials having R-values greater than 4.6 per inch.

a. For materials with thermal resistance greater than R = 4.6 per inch, the minimum insulation thickness may be reduced as follows:

$$\frac{4.6 \times (\text{Table 5-12 Thickness})}{\text{Actual Resistance}} = \text{New Minimum Thickness}$$

b. For materials with thermal resistance less than R = 4.0 per inch, the minimum insulation thickness shall be increased as follows:

$$\frac{4.0 \times (\text{Table 5-10 Thickness})}{\text{Actual Resistance}} = \text{New Minimum Thickness}$$

c. Additional insulation with vapor barriers shall be provided to prevent condensation where required by the building official.

AMENDATORY SECTION (Amending WSR 92-01-140, filed 12/19/91, effective 7/1/92)

WAC 51-11-0505 ((Electrical power and lighting) Reserved.

~~((505.1 General: Electrical distribution and lighting systems shall be designed for efficient distribution and use~~

~~of electrical energy from the service entrance to and at the points of use as provided herein.~~

~~505.2 Lighting Switching: Switching for building lighting systems shall be designed and installed to permit efficient use of energy and to permit maximum flexibility in the use of the installed lighting. The following mandatory requirements represent the minimum lighting controls to be installed in any building. Additional controls should be provided where deemed appropriate and where the installation of such controls can significantly reduce energy consumption.~~

~~a. All lighting controls, except automatic controls or those for special purpose applications which require trained operators or those which would pose a safety problem or a security hazard, shall be installed so as to be readily accessible to personnel occupying or using the lighting space.~~

~~b. The maximum lighting power that may be controlled from a single switch or automatic control shall not exceed that provided by a twenty ampere circuit loaded to no more than eighty percent. A master control may be installed provided the individual switches retain their capability to function independently.~~

~~c. All lighted spaces enclosed by walls or ceiling height partitions and with floor area less than four hundred square feet shall be provided an individual lighting control or an occupant sensing automatic control.~~

~~d. All lighted spaces with floor area greater than four hundred square feet shall be provided with controls to permit reducing the lighting by not more than one half or occupant sensing automatic controls.~~

~~e. All building areas greater than two hundred square feet where natural lighting is available shall be provided with individual controls or daylight or occupant sensing automatic controls which permit control of lights independent of general area lighting. Either individual controls shall be provided for each row of luminaires parallel to a window wall or controls shall be provided to reduce the lighting in at least two steps to not more than one half and to completely off in the natural lighting area. For office and school occupancies, at a minimum, lighting serving a zone within twelve feet of a window wall or the zone between an interior wall and the window wall of less than twelve feet shall comply with this provision. For retail occupancies, at least the row of luminaires nearest the window shall comply with this provision.~~

~~f. All display, exhibition, or specialty lighting shall be controlled independently of general area lighting.~~

~~g. All exterior building lighting including facade lighting, parking lots, driveways, walkways shall be furnished with automatic controls to reduce or turn off all lights during periods of non use or daylight hours, except those required for safety and security. Sign lights shall be exempt from this provision.~~

~~505.3 Lighting Power Budget: A lighting power budget is the upper limit of the power to be available to provide the lighting needs in accordance with the criteria and calculation procedure specified herein.~~

The lighting power budget for a building shall be the sum of the power limits computed for all lighted interior and exterior spaces and shall be determined in accordance with the procedures specified in this section.

~~EXCEPTION: One and two family detached dwellings and the dwelling portion of multifamily buildings are exempt from the requirements of section 505.3.~~

~~505.3.1 Budget Development: The installed lighting wattage for the building project shall not exceed the budget level calculated in this section. The budget wattage level shall be the sum of the interior budget calculated and the exterior budget. Lighting wattage includes lamp and ballast wattage.~~

~~505.3.2 Building Interiors: The interior lighting budget shall be calculated by multiplying the gross conditioned floor area, in square feet, by the appropriate unit power budget, in watts per square foot, specified in Table 5-13.~~

~~For special conditions when approved by the building official, calculation based on Illuminating Engineering Society Unit Power Density or similar nationally recognized standards may be used.~~

~~The lighting power budget shall be based on the primary occupancy for which the space within the building is intended. If multiple occupancies are intended, the lighting power budget for each type of occupancy shall be separately calculated and summed to obtain the lighting budget for the interior spaces of the building. If a common circulation area serves multiple occupancies or multiple retail spaces, the lighting power budget for the common circulation area shall be the weighted average of the lighting power budgets for all other areas on that floor. In cases where a lighting plan for only a portion of a building is submitted, the interior lighting budget shall be based on the gross floor area covered by the plan.~~

~~EXCEPTIONS:~~

~~1. Where the following automatic lighting controls are installed, for calculations used to determine code compliance, the installed lighting wattage may be reduced by the following percentages:~~

~~a. For occupant sensing devices, energy savings of thirty percent shall be allowed for any single space up to four hundred ft² and enclosed by ceiling height partitions; classrooms, conference rooms, computer rooms, storage areas, corridors, or waiting rooms.~~

~~b. For daylighting controls, energy savings of thirty percent for continuous dimming and twenty percent for stepped controls shall be allowed for any daylit space.~~

~~c. For lumen maintenance controls, energy savings of ten percent shall be allowed for any space.~~

~~d. For daylighting controls with occupant sensing devices, energy savings of forty four percent shall be allowed for any single space up to four hundred ft² within daylit spaces, and enclosed by ceiling height partitions.~~

~~e. For occupant sensing devices with lumen maintenance controls, energy savings of thirty seven percent shall be allowed for any single space up to four hundred ft² and enclosed by ceiling height partitions.~~

~~505.3.2.1: Lighting for the following applications shall be exempted from inclusion in the calculation of lighting power budgets:~~

~~A. Stage lighting, entertainment, or audiovisual presentations where the lighting is an essential technical element for the function performed.~~

~~B. Lighting for medical and dental tasks.~~

~~C. Lighting in areas specifically designed for visually handicapped people.~~

~~D. For restaurant occupancies, lighting for kitchens and food preparation areas.~~

~~505.3.4 Building Exteriors: The exterior lighting budget shall be calculated by multiplying the building perimeter in feet by 7.5 watts per foot. Lighting for parking structures shall be calculated at 0.3 watts per gross square foot of parking area. An allowance for outdoor surface parking and circulation lighting may be added at 0.05 watts per ft² of area. Lighting for signs that are not an integral part of the building shall be exempted from inclusion in these calculations.)~~

AMENDATORY SECTION (Amending WSR 92-01-140, filed 12/19/91, effective 7/1/92)

WAC 51-11-0528 Equation 4—(~~Other than Group R Occupancy~~) Reserved.

~~TARGET U_0~~

$$U_0 = \frac{U_W A_W + U_F A_F + U_C A_C + F_S P_S}{A_W + A_F + A_C + P_S}$$

Where:

U_0 = ~~the target combined thermal transmittance of the gross exterior wall, floor, and roof/ceiling assembly area.~~

U_W = ~~the thermal transmittance value of the opaque above grade wall area found in Table 5-2.~~

A_W = ~~opaque above grade wall area.~~

U_F = ~~the thermal transmittance value of the floor area found in Table 5-2.~~

A_F = ~~floor area over unconditioned space.~~

U_C = ~~the thermal transmittance value of the ceiling area found in Table 5-2.~~

A_C = ~~ceiling area.~~

F_S = ~~concrete slab component F-value found in Table 5-2.~~

P_S = ~~lineal ft. of concrete slab perimeter~~

AMENDATORY SECTION (Amending WSR 92-01-140, filed 12/19/91, effective 7/1/92)

WAC 51-11-0529 Equation 5—(~~Other than Group R Occupancy~~) Reserved.

PROPOSED U_o

$$\frac{U_w A_w + U_{BGW} A_{BGW} + U_G A_G + U_F A_F + U_{RC} A_{RC} + U_{CC} A_{CC} + U_D A_D + F_s P_s}{U_o} =$$

$$P_s \frac{A_w + A_{BGW} + A_G + A_F + A_{RC} + A_{CC} + A_D +$$

Where:

~~U_o = the combined thermal transmittance of the gross exterior wall, floor, and roof/ceiling assembly area.~~

~~U_w = the thermal transmittance of the opaque wall area.~~

~~U_{BGW} = the thermal transmittance value of the below grade opaque wall area.~~

~~A_{BGW} = opaque below grade wall area.~~

~~A_w = opaque wall area.~~

~~U_G = the thermal transmittance of the glazing (window or skylight) area.~~

~~A_G = glazing area, including windows in exterior doors.~~

~~U_F = the thermal transmittance of the floor area.~~

~~A_F = floor area over unconditioned space.~~

~~U_{RC} = the thermal transmittance of the roof/ceiling area.~~

~~A_{RC} = roof/ceiling area.~~

~~U_{CC} = the thermal transmittance of the cathedral ceiling area.~~

~~A_{CC} = cathedral ceiling area.~~

~~U_D = thermal transmittance value of opaque door area.~~

~~A_D = opaque door area.~~

~~F_S = concrete slab component F-factor.~~

~~P_S = lineal ft. of concrete slab perimeter.~~

~~**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:~~

~~$$U_{W1}A_{W1} + U_{W2}A_{W2} + U_{W3}A_{W3} + \dots \text{etc.}$$~~

AMENDATORY SECTION (Amending WSR 92-01-140, filed 12/19/91, effective 7/1/92)

WAC 51-11-0531 Table 5-2—Reserved.

~~COMPONENT REQUIREMENTS FOR OTHER THAN GROUP R OCCUPANCIES~~

~~BUILDINGS OF THREE CONDITIONED STORIES OR LESS~~

| Zone | Ceilings | Walls (Includes Glazing) | Floors | Slab on Grade¹ | |
|-----------------|--------------------------|---|--|--|--------------------|
| | U_o | U_o | Installed U_o | Installed R-Value | F-Value |
| I. | 0.035 | 0.25 | 0.05 | 7 | 0.56 |
| II. | 0.035 | 0.20 | 0.05 | 10 | 0.54 |

~~¹Insulation shall be water resistant material manufactured for this use.~~

~~BUILDINGS OVER THREE CONDITIONED STORIES~~

| Zone | Ceilings | Walls (Includes Glazing) | Floors | Slab on Grade¹ | |
|-----------------|--------------------------|---|--|--|--------------------|
| | U_o | U_o | Installed U_o | Installed R-Value | F-Value |
| I. | 0.08 | 0.30 | 0.08 | 7 | 0.56 |
| II. | 0.06 | 0.25 | 0.08 | 10 | 0.54 |

~~¹Insulation shall be water resistant material manufactured for this use.~~

AMENDATORY SECTION (Amending WSR 92-01-140, filed 12/19/91, effective 7/1/92)

WAC 51-11-0532 Table 5-3—Reserved.

~~OTHER THAN GROUP R OCCUPANCY HVAC SYSTEM
HEATING EQUIPMENT GAS AND OIL FIRED
MINIMUM STEADY STATE COMBUSTION EFFICIENCY~~

~~Furnaces of Capacity of — All Other
225,000 Btu/h and less — Commercial/
Boilers of Capacities of — Industrial Furnace
300,000 Btu/h and less — and Boilers~~

~~Types of Equipment — Percent¹ — Percent²~~

~~Forced-air furnaces and
low-pressure steam or
hot-water boilers — 74 — 75~~

~~Gravity
central furnaces — 69 —~~

~~All other vented
heating equipment — 69 —~~

~~¹—Combustion efficiency for furnaces of capacities of 225,000 Btu/h and less and boilers of capacities of 300,000 Btu/h and less shall be tested in accordance with the applicable U.S. Department of Energy furnace test procedures.~~

~~²—Combustion efficiency of commercial/industrial furnaces and boilers is defined as 100 percent minus stack losses in percent of heat input.~~

~~Stack losses are:~~

- ~~Loss due to sensible heat in dry flue gas.~~
- ~~Loss due to incomplete combustion.~~
- ~~Loss due to sensible and latent heat in moisture formed by — combustion of hydrogen in the fuel.~~

AMENDATORY SECTION (Amending WSR 92-01-140, filed 12/19/91, effective 7/1/92)

WAC 51-11-0538 Table 5-9—Reserved.

~~MINIMUM EFFICIENCY FOR ELECTRIC HVAC COMPONENTS^{1,2}~~

~~WATER CHILLING PACKAGES~~

~~CONDENSING MEANS~~

| TYPE OF COMPONENT | COMPRESSOR TYPE | AIR | | WATER | | EVAPORATIVE | |
|--|-----------------------|------|------|-------|------|-------------|------|
| | | EER | COP | EER | COP | EER | COP |
| Condenser Included | Centrifugal or rotary | 8.00 | 2.34 | 13.80 | 4.04 | | |
| | Reciprocating | 8.40 | 2.36 | 12.00 | 3.51 | | |
| Condenserless Reciproc. | | 9.90 | 2.90 | 12.00 | 3.51 | | |
| Compressor and condenser units | | | | | | | |
| 65,000 Btu/hr (19,000 watts) Positive and over ² displacement | | | | | | | |
| | | 9.50 | 2.78 | 12.50 | 3.66 | 12.50 | 3.66 |

~~HYDRONIC HEAT PUMPS~~

| | | | | | | | |
|---------------------------------------|-----------------------|--|--|------|--|------|--|
| Water source under | | | | | | | |
| 65,000 Btu/hr (19,000 watts) | | | | | | | |
| | Centrifugal or rotary | | | 9.00 | | 2.64 | |
| Water source | | | | | | | |
| 65,000 Btu/hr (19,000 watts) and over | | | | | | | |
| | Centrifugal or rotary | | | 9.40 | | 2.75 | |

¹—When tested at the standard rating conditions specified in Table 5-6.

²—Ratings in accordance with Standard RS-14 as applicable.

AMENDATORY SECTION (Amending WSR 92-01-140, filed 12/19/91, effective 7/1/92)

WAC 51-11-0539 Table 5-10—Reserved.

~~—HVAC SYSTEM HEAT OPERATED COOLING EQUIPMENT~~

| HEAT SOURCE | MINIMUM COP |
|--|---|
| Direct Fired (gas, oil) | 0.48 |
| Indirect Fired (steam, hot water) | 0.68 |
| Minimum COP = | Net Cooling Output |
| | Total heat input¹ |

¹~~electrical auxiliary inputs excluded~~

AMENDATORY SECTION (Amending WSR 92-01-140, filed 12/19/91, effective 7/1/92)

WAC 51-11-0540 Table 5-11.

INSULATION OF DUCTS

| DUCT LOCATION | CLIMATE —ZONE | INSULATION- —TYPES MECHANICALLY COOLED | INSULATION- —TYPES HEATING ONLY | GROUP R- —OCCUPANCY HEATING OR COOLING DUCTS |
|--|------------------|---|---------------------------------------|---|
| On roof or on exterior of building | I | C, V ² and W | C and W | E and W |
| | H | D, V ² and W | D and W | D and W |
| Attic, garage, crawlspace, in walls ¹ , in floor/ceiling ¹ | I | B and V ² | B | E |
| | H | C and V ² | C | E |
| Within the conditioned space or in heated basements | | None Required | None Required | None Required |
| In cement slab or in ground | | A | B | B |

~~Note: Where ducts are used for both heating and cooling, the minimum insulation shall be as required for the most restrictive condition.~~

~~¹ Insulation may be omitted on that portion of a duct which is located within a wall or floor-ceiling space where both sides of this space are exposed to conditioned air and where this space is not ventilated or otherwise exposed to unconditioned air.~~

~~² Vapor barriers shall be installed on conditioned air supply ducts in geographic areas where the average of the July, August, and September mean dewpoint temperature exceeds 60°F.~~

~~INSULATION TYPES: Minimum densities and out-of-package thickness:~~

- ~~A. 0.5 inch 1.5 to 2 lb/cu. ft. duct liner, mineral or glass fiber blanket or equivalent to provide an installed total thermal resistance of at least R-2.~~
- ~~B. 2 inch 0.60 lb/cu. ft. mineral or glass fiber blanket 1.5 inch 1.5 to 2 lb/cu. ft. duct liner, mineral or glass fiber blanket. 1.5 inch 3 to 7 lb/cu. ft. mineral or glass fiber board or equivalent to provide an installed total thermal resistance of at least R-5.~~
- ~~C. 3 inch 0.60 lb/cu. ft. mineral or glass fiber blanket 2 inch 1.5 to 2 lb/cu. ft. duct liner, mineral or glass fiber blanket. 2 inch 3 to 7 lb/cu. ft. mineral or glass fiber board or equivalent to provide an installed total thermal resistance of at least R-7.~~
- ~~D. 4 inch 0.60 lb/cu. ft. mineral or glass fiber blanket 3 inch 1.5 to 2 lb/cu. ft. duct liner, mineral or glass fiber blanket. 3 inch 3 to 7 lb/cu. ft. mineral or glass fiber board or equivalent to provide an installed total thermal resistance of at least R-10.~~
- ~~E. 3.5 inch 0.60 lb/cu. ft. mineral or glass fiber blanket, 2.5 inch 1.5 to 2 lb/cu. ft. duct liner, mineral or glass fiber board or equivalent to provide an installed total thermal resistance of at least R-8.~~
- ~~V. Vapor barrier, with perm rating not greater than 0.5 perm, all joints sealed.~~
- ~~W. Approved weatherproof barrier.~~

**TABLE 5-11
INSULATION OF DUCTS**

| <u>DUCT LOCATION</u> | <u>CLIMATE ZONE</u> | <u>GROUP R OCCUPANCY HEATING OR COOLING DUCTS</u> |
|---|-----------------------|---|
| <u>On roof or on exterior of building</u> | <u>I</u> <u>II</u> | <u>E and W</u> <u>D and W</u> |
| <u>Attic, garage, crawl space, in walls¹, in floor/ceiling¹</u> | <u>I</u> <u>II</u> | <u>E</u> <u>E</u> |
| <u>Within the conditioned space or in heated basement</u> | | <u>None Required</u> |
| <u>In cement slab or in ground</u> | | <u>B</u> |

Note: Where ducts are used for both heating and cooling, the minimum insulation shall be as required for the most restrictive condition.

¹ Insulation may be omitted on that portion of a duct which is located within a wall or floor-ceiling space where both sides of this space are exposed to conditioned air and where this space is not ventilated or otherwise exposed to unconditioned air.

² Vapor barriers shall be installed on conditioned air supply ducts in geographic areas where the average of the July, August, and September mean dewpoint temperature exceeds 60°F.

INSULATION TYPES: Minimum densities and out-of-package thickness.

- A. 0.5-inch 1.5 to 2 lb/cu. ft. duct liner, mineral or glass fiber blanket or equivalent to provide an installed total thermal resistance of at least R-2.
- B. 2-inch 0.60 lb/cu. ft. mineral or glass fiber blanket 1.5-inch 1.5 to 2 lb/cu. ft. duct liner, mineral or glass fiber blanket. 1.5-inch 3 to 7 lb/cu. ft. mineral or glass fiber board or equivalent to provide an installed total thermal resistance of at least R-5.
- C. 3-inch 0.60 lb/cu. ft. mineral or glass fiber blanket 2-inch 1.5 to 2 lb/cu. ft. duct liner, mineral or glass fiber blanket. 2-inch 3 to 7 lb/cu. ft. mineral or glass fiber board or equivalent to provide an installed total thermal resistance of at least R-7.
- D. 4-inch 0.60 lb/cu. ft. mineral or glass fiber blanket 3-inch 1.5 to 2 lb/cu. ft. duct liner, mineral or glass fiber blanket. 3-inch 3 to 7 lb/cu. ft. mineral or glass fiber board or equivalent to provide an installed total thermal resistance of at least R-10.
- E. 3.5 inch 0.60 lb/cu.ft. mineral or glass fiber blanket, 2.5 inch 1.5 to 2 lb/cu. ft. duct liner, mineral or glass fiber board or equivalent to provide an installed total thermal resistance of at least R-8.
- V. Vapor barrier, with perm rating not greater than 0.5 perm, all joints sealed.
- W. Approved weatherproof barrier.

PROPOSED

AMENDATORY SECTION (Amending WSR 92-01-140, filed 12/19/91, effective 7/1/92)

WAC 51-11-0542 Table 5-13—Reserved.

~~LIGHTING POWER BUDGET¹~~

| <u>GROUP</u> <u>OCCUPANCY</u> | <u>DESCRIPTION</u> | <u>LIGHTING</u> <u>POWER BUDGET³</u> <u>(Watts/ft²)</u> |
|---------------------------------------|--|---|
| A | Assembly w/stage | 1.1 |
| | Stage lighting | Exempt |
| | Assembly w/o stage; other than B and E | 1.1 |
| B | Gasoline service station | 1.7 |
| | Storage garages | 0.3 |
| | Office buildings | 1.7 |
| | Wholesale stores | 2.0 |
| | Police and fire stations | 1.7 |
| | Retail stores: | |
| | less than 6000 ft ² | 4.0 |
| | 6000 to 20,000 ft ² | 3.0 |
| | over 20,000 ft ² | 2.0 |
| | Drinking and dining establishments | 1.85 |
| | Food preparation task light | Exempt |
| | Aircraft hangars—storage | 0.7 |
| | Process plants ⁴ | 1.0 |
| Factories and work shops ⁴ | 1.7 | |
| Storage structures | 0.7 | |
| E | Schools and daycare centers | 1.7 |
| | Audio-visual presentation lighting | Exempt |
| H | Storage structures | 0.7 |
| | Handling areas | 1.7 |
| | Paint shops | 2.5 |
| | Auto repair shops | 1.7 |
| | Aircraft repair hangars | 1.7 |

| | | |
|---|--|--------|
| I | Institutions | 1.7 |
| | Administrative support areas | 1.7 |
| | Diagnostic, treatment, food service task lighting | Exempt |
| R | Dwelling units | Exempt |
| | Food preparation task lighting | Exempt |

- ~~¹ Watts/ft² of room may be increased by two percent per foot of height above 20 feet.~~
- ~~² Emergency exit lighting is exempt from interior lighting budget.~~
- ~~³ Lighting that is part of machines or equipment is exempt from this budget.~~

AMENDATORY SECTION (Amending WSR 91-01-112, filed 12/19/90, effective 7/1/91)

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 Occupancies. Occupancies shall comply with all the requirements of Chapter 5 except for the modifications herein specified.

The building envelope requirements of this chapter may be met by installing one of the prescriptive packages in Tables 6-1 to 6-6 for Group R Occupancy(~~or Table 6-7 for Other Occupancies~~). 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.

AMENDATORY SECTION (Amending WSR 91-01-112, filed 12/19/90, effective 7/1/91)

WAC 51-11-0605 ((Building envelope requirements for other than Group R occupancies)) Reserved.

~~((605.1 Opaque Envelope Criteria: Roof/ceilings, exterior walls, floors over unconditioned space, below grade walls, and slab on grade floors enclosing heated spaces shall be insulated to not less than the nominal R-value specified for roof/ceilings, exterior walls, floors over unconditioned space, below grade walls, and slab on grade floors, respectively, in Table 6-7. Roof/ceilings enclosing mechanically cooled spaces shall be insulated to not less than the nominal R-value specified for roof/ceilings in Table 6-7.~~

~~605.2 Glazing Criteria: All glazing shall be, at a minimum, double glazing. Insulating glass with at least one-half inch air space or approved storm sash will be considered as complying. The total glazing area shall not exceed the percentage of gross exterior wall area specified in Table 6-7.~~

~~EXCEPTION: Single glazing in doors may be installed provided that the glazing area is doubled for the purpose of demonstrating compliance with the glazing area requirements.~~

~~605.3 Air Leakage: All buildings shall comply with the air leakage requirement of section 502.4.)~~

AMENDATORY SECTION (Amending WSR 91-01-112, filed 12/19/90, effective 7/1/91)

WAC 51-11-0606 ((Building mechanical systems requirements for other than Group R occupancies)) Reserved. ((All building mechanical systems shall comply with the requirements of section 503.))

AMENDATORY SECTION (Amending WSR 91-01-112, filed 12/19/90, effective 7/1/91)

WAC 51-11-0607 ((Service water heating requirement for other than Group R occupancies)) Reserved. ((All service water heating systems shall comply with the requirements of section 504.))

AMENDATORY SECTION (Amending WSR 92-01-140, filed 12/19/91, effective 7/1/92)

WAC 51-11-0608 ((Electrical power and lighting requirements for other than Group R occupancies)) Reserved. ((All electrical power and lighting systems shall comply with the requirements of section 505.))

AMENDATORY SECTION (Amending WSR 92-01-140, filed 12/19/91, effective 7/1/92)

WAC 51-11-0631 Table 6-7—Reserved.

~~TABLE 6-7 OTHER THAN GROUP R OCCUPANCIES PRESCRIPTIVE REQUIREMENTS~~

| COMPONENT | ZONE I | ZONE II |
|---|-------------------------------|-------------------------------|
| SPACE CONDITIONING SYSTEM TYPE | ANY | ANY |
| ROOF/CEILINGS | R 30 | R 30 |
| EXTERIOR WALLS | R 11 | R 11 |
| FLOORS OVER UNCONDITIONED SPACE | R 11 | R 11 |
| BELOW GRADE WALLS | R 4 | R 5 |
| SLAB ON GRADE FLOORS¹ | R 7 | R 10 |
| GLAZING TYPE | Double² | Double² |
| MAXIMUM TOTAL GLAZING AREA (% of Gross Exterior Wall Area) | 32% | 22% |

¹ ~~Insulation shall be a water resistant material, manufactured for its intended use, and installed to manufacturer's specifications.~~

² ~~'Double' denotes a minimum air space between glazings of 1/2 inch.~~

**CHAPTER 11
ADMINISTRATION AND ENFORCEMENT**

AMENDATORY SECTION (Amending WSR 91-01-112, filed 12/19/90, effective 7/1/91)

WAC 51-11-0700 Chapter 7—Standards.

(OPTION 1) - Separate residential and commercial standards chapters.

(OPTION 2) - Integrate the commercial standards into chapter 7.

AMENDATORY SECTION (Amending WSR 92-01-140, filed 12/19/91, effective 7/1/92)

WAC 51-11-1000 Chapter 10.

(OPTION 1) - Separate residential and commercial default chapters.

(OPTION 2) - Integrate the commercial default values into chapter 10.

Section 1000 Default heat-loss coefficients.

NEW SECTION

WAC 51-11-1100 Title. Chapters 11 through 20 of this Code shall be known as the "Washington State Nonresidential Energy Code" and may be cited as such; and will be referred to hereafter as "this Code."

NEW SECTION

WAC 51-11-1110 Purpose and intent. The purpose of this Code is to provide minimum standards for new or altered buildings and structures or portions thereof to achieve efficient use and conservation of energy. It is intended that these provisions provide flexibility to permit the use of innovative approaches and techniques to achieve efficient use and conservation of energy.

The purpose of this Code is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefitted by the terms of this Code. This Code is not

intended to abridge any safety or health requirements required under any other applicable codes or ordinances.

The provisions of this Code do not consider the efficiency of various energy forms as they are delivered to the building envelope.

NEW SECTION

WAC 51-11-1120 Scope. This Code sets forth minimum requirements for the design of new or altered buildings and structures or portions thereof that provide facilities or shelter for public assembly, educational, business, mercantile, institutional, storage, factory, and industrial occupancies by regulating their exterior envelopes and the selection of their HVAC, service water heating, electrical distribution and illuminating systems and equipment for efficient use and conservation of energy.

NEW SECTION

WAC 51-11-1130 Application to existing buildings. Additions, alterations or repairs, changes of occupancy or use, and historic buildings that do not comply with the requirements for new buildings, shall comply with the requirements in Sections 1130 through 1134.

Exception: The building official may approve designs of alterations or repairs which do not fully conform with all of the requirements of Sections 1130 through 1134 where in the opinion of the building official full compliance is physically impossible and/or economically impractical and the alteration or repair improves the energy efficiency of the building.

In no case shall building envelope requirements or mechanical system requirements be less than those requirements in effect at the time of the initial construction of the building.

NEW SECTION

WAC 51-11-1131 Additions to existing buildings. Additions to existing buildings or structures may be constructed without making the entire building or structure comply, provided that the new additions shall conform to the provisions of this Code.

Exception: New additions which do not fully comply with the requirements of this Code and which have a floor area which is less than seven hundred fifty square feet may be approved provided that improvements are made to the existing occupancy to compensate for any deficiencies in the new addition. Compliance shall be demonstrated by either systems analysis per Section 1141.4 or component performance calculations per Sections 1330 through 1334. The nonconforming addition and upgraded, existing occupancy shall have an energy budget or heat loss which is less than or equal to the unimproved existing building, with the addition designed to comply with this Code.

NEW SECTION

WAC 51-11-1132 Alterations and repairs. Alterations and repairs to buildings or portions thereof originally constructed subject to the requirements of this Code shall conform to the provisions of this Code without the use of the exception in Section 1130. Initial tenant alterations shall comply with the new construction requirements of this Code. Other alterations and repairs may be made to existing

buildings and moved buildings without making the entire building comply with all of the requirements of this Code for new buildings, provided the following requirements are met:

1132.1 Building Envelope: Alterations or repairs shall comply with nominal R-values and glazing requirements in Table 13-1 or 13-2.

Exceptions:

1. Storm windows installed over existing glazing.
2. Glass replaced in existing sash and frame provided that glazing is of equal or better U-factor.
3. For shading coefficient compliance, glazing with a shading coefficient equal to or lower than that of the other existing glazing.
4. Existing roof/ceiling, wall or floor cavities exposed during construction are insulated to full depth with insulation having a minimum nominal value of R-3.0 per inch installed per Sections 1311 and 1313.
5. Existing walls and floors without framing cavities.
6. Where the roof membrane is being replaced and
 - a. The roof sheathing or roof insulation is not exposed; or
 - b. If there is existing roof insulation below the deck.

In no case shall the energy efficiency of the building be decreased.

1132.2 Building Mechanical Systems: Those parts of systems which are altered or replaced shall comply with Chapter 14 of this Code.

1132.3 Service Water Heating and Heated Pools: Those parts of systems which are altered or replaced shall comply with Sections 1440 through 1442 and 1450 through 1454.

1132.4 Lighting: Alterations or repairs where 60 percent or more of the fixtures are new or replaced shall comply with Sections 1531 and 1532. Where less than 60 percent of the fixtures are new or replaced, the installed lighting wattage shall be maintained or reduced. Where 60 percent or more of the lighting fixtures in a suspended ceiling are replaced, and the existing insulation is on the suspended ceiling, the roof/ceiling assembly shall be insulated according to the provisions of Chapter 13.

Where new wiring is being run related to adding fixtures and/or fixtures are being relocated to a new circuit, controls shall comply with Section 1513.

NEW SECTION

WAC 51-11-1133 Change of occupancy or use. Changes of occupancy or use shall comply with the following requirements:

- a. Any occupancy, other than Group R occupancy, which is presently unconditioned where the occupancy or use is changed to require conditioning shall be required to be brought into full compliance with this Code.
- b. Any Group R occupancy which is converted to other than a Group R occupancy shall be required to comply with all of the provisions of this Code if either new or increased heating or cooling is provided.
- c. Any space, regardless of occupancy, which is changed to a different use category listed in Table 15-1 shall comply with Chapter 15 unless the existing lighting is not altered.

NEW SECTION

WAC 51-11-1134 Historic buildings. The building official may modify the specific requirements of this Code for historic buildings and require in lieu thereof alternate requirements which will result in a reasonable degree of energy efficiency. This modification may be allowed for those buildings which have been specifically designated as historically significant by the state or local governing body, or listed in The National Register of Historic Places or which have been determined to be eligible for listing.

NEW SECTION

WAC 51-11-1140 Enforcement. The building official shall have the power to render interpretations of this code and to adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformance with the intent and purpose of this Code. Fees may be assessed for enforcement of this Code and shall be as set forth in the fee schedule adopted by the jurisdictions.

NEW SECTION**WAC 51-11-1141 Plans and specifications.**

1141.1 General: If required by the building official, plans and specifications shall be submitted in support of an application for a building permit. If required by the building official, plans and specifications shall be stamped and authenticated by a registered design professional currently licensed in the state of Washington. All plans and specifications, together with supporting data, shall be submitted to the building official prior to issuance of a building permit.

1141.2 Details: The plans and specifications shall show in sufficient detail all pertinent data and features of the building and the equipment and systems as herein governed including, but not limited to: Design criteria; exterior envelope component materials, U-factors of the envelope systems, R-values of insulating materials; U-factors and shading coefficients of glazing; area weighted U-factor calculations; efficiency, size and type of apparatus and equipment; fan system horsepower; equipment and systems controls; lighting fixture schedule with wattages and controls narrative; and other pertinent data to indicate compliance with the requirements of this Code.

1141.3 Alternate Materials and Method of Construction: The provisions of this Code are not intended to prevent the use of any material, method of construction, design or insulating system not specifically prescribed herein, provided that such construction, design or insulating system has been approved by the building official as meeting the intent of this Code. The building official may approve any such alternate provided he finds the proposed alternate meets or exceeds the provisions of this Code and that the material, method, design or work offered is for the purpose intended, at least the equivalent of that prescribed in this Code, in quality, strength, effectiveness, fire-resistance, durability, safety, and energy efficiency. The building official may require that sufficient evidence of proof be submitted to substantiate any claims that may be made regarding performance capabilities.

1141.4 Systems Analysis Approach for the Entire Building: In lieu of using Chapters 12 through 20, compliance may be demonstrated using the systems analysis option in RS-29. When using systems analysis, the proposed building shall provide equal or better conservation of energy than the standard design as defined in RS-29. If required by the building official, all energy comparison calculations submitted under the provisions of RS-29 shall be stamped and authenticated by an engineer or architect licensed to practice by the state of Washington.

NEW SECTION**WAC 51-11-1142 Materials and equipment.**

1142.1 Identification: All materials and equipment shall be identified in order to show compliance with this Code.

1142.2 Maintenance Information: Maintenance instructions shall be furnished for any equipment which requires preventive maintenance for efficient operation. Required regular maintenance actions shall be clearly stated and incorporated on a readily accessible label. Such label may be limited to identifying, by title or publication number, the operation and maintenance manual for that particular model and type of product.

NEW SECTION**WAC 51-11-1143 Inspections.**

1143.1 General: All construction or work for which a permit is required shall be subject to inspection by the building official and all such construction or work shall remain accessible and exposed for inspection purposes until approved by the building official. No work shall be done on any part of the building or structure beyond the point indicated in each successive inspection without first obtaining the approval of the building official.

1143.2 Required Inspections: The building official, upon notification, shall make the inspection required in this Section, in addition to or as part of those inspections required in Section 305(e) of the Uniform Building Code. Where applicable, inspections shall include at least:

1143.2.1 Envelope

a. **Wall Insulation Inspection:** To be made after all wall insulation and air vapor retarder sheet or film materials are in place, but before any wall covering is placed.

b. **Glazing Inspection:** To be made after glazing materials are installed in the building.

c. **Exterior Roofing Insulation:** To be made after the installation of the roof insulation, but before concealment.

1143.2.2 Mechanical

a. **Mechanical Equipment Efficiency and Economizer:** To be made after all equipment and controls required by this Code are installed and prior to the concealment of such equipment or controls.

b. **Mechanical Pipe and Duct Insulation:** To be made after all pipe and duct insulation is in place, but before concealment.

1143.2.3 Lighting

a. **Lighting Equipment and Controls:** To be made after the installation of all lighting equipment and controls required by this Code, but before concealment of the lighting equipment.

1143.3 **Reinspection:** The building official may require a structure to be reinspected. A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.

NEW SECTION

WAC 51-11-1144 Violations. It shall be a violation of this Code for any person, firm, or corporation to erect or construct any building, or remodel or rehabilitate any existing building or structure in the state, or allow the same to be done, contrary to any of the provisions of this Code.

NEW SECTION

WAC 51-11-1150 Conflicts with other codes. In case of conflicts among Codes enumerated in RCW 19.27.031 (1), (2), (3) and (4) and this Code, the first named Code shall govern. The duct insulation requirements in this Code or a local jurisdiction's energy code, whichever is more stringent, supersede the requirements in the Uniform Mechanical Code.

Where, in any specific case, different sections of this Code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

NEW SECTION

WAC 51-11-1160 Severability and liability.

1161 **Severability:** If any provision of this Code or its application to any person or circumstance is held invalid, the remainder of this Code or the application of the provision to other persons or circumstances is not affected.

1162 **Liability:** Nothing contained in this Code is intended to be nor shall be construed to create or form the basis for any liability on the part of any city or county or its officers, employees or agents for any injury or damage resulting from the failure of a building to conform to the provisions of this Code.

OPTION 1 - Separate Residential and Commercial DEFINITIONS Chapters

**CHAPTER 12
DEFINITIONS**

NEW SECTION

WAC 51-11-1201 Scope. In addition to the definitions in Chapter 2, the following definitions will apply to Chapters 11 through 20 (Commercial Occupancies). Where conflicts occur, definitions in Chapter 12 will apply to Chapters 11 through 20 (Commercial Occupancies).

NEW SECTION

WAC 51-11-1210 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.

ARI: Air Conditioning and Refrigeration Institute.

CONDITIONED FLOOR AREA: (See Gross Conditioned Floor Area)

CONDITIONED SPACE: A cooled space, heated space (fully heated), heated space (semi-heated), or indirectly conditioned space.

COMMERCIAL: All buildings and spaces in the Uniform Building Code (UBC) occupancies other than Group R.

COOLED SPACE: 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 degrees F or less at design cooling conditions.

DAYLIGHTED ZONE:

- a. Under skylights: The area under each skylight whose horizontal dimension, in each direction, is equal to the skylight dimension in that direction plus either the floor to ceiling height or the dimension to an opaque partition, or one-half the distance to an adjacent skylight 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 an adjacent skylight 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.

DESIGN COOLING CONDITIONS: The cooling outdoor design temperature from the 0.5 percent 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 percent column for winter from the Puget Sound Chapter of ASHRAE publication "Recommended Outdoor Design Temperatures, Washington State, ASHRAE."

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.

FACADE AREA: Vertical projected area including non-horizontal roof area, overhangs, cornices, etc. measured in elevation in a vertical plane parallel to the plane of the building face.

F-FACTOR: The perimeter heat loss factor expressed in Btu/hr-ft.°F.

F-VALUE: (See F-Factor)

GROSS ROOF/CEILING AREA: 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 skylights.

HEATED SPACE (FULLY HEATED): An enclosed space within a building, including adjacent connected spaces separated by an un-insulated component (e.g., basements, utility rooms, garages, corridors), which is heated by a heating system whose output capacity is capable of maintaining a space dry-bulb temperature of at least 45 degrees F, at design heating conditions.

HEATED SPACE (SEMI-HEATED): An enclosed space within a building, including adjacent connected spaces separated by an un-insulated component (e.g., basements, utility rooms, garages, corridors), which is heated by a heating system whose output capacity does not exceed 8 Btu/(h-ft²) in Climate Zone 1 and 12 Btu/(h-ft²) in Climate Zone 2 but cannot maintain a space dry-bulb temperature of more than 44 degrees F at design heating conditions.

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.)

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 ARI and CTI procedures.

NFPA: National Fire Protection Association.

NFRC: National Fenestration Rating Council.

NONRESIDENTIAL: All buildings and spaces in the Uniform Building Code (UBC) occupancies other than Group R.

OCCUPANCY SENSOR: A device that detects the presence or absence of occupants within an area, causing any combination of lighting, equipment or appliances to be turned on or shut off.

PROCESS ENERGY: Energy consumed in support of a manufacturing, industrial, or commercial process other than the maintenance of building comfort or amenities for building occupants.

RADIANT FLOOR: A floor assembly, on grade or below, containing heated pipes, ducts, or electric heating cables that constitute a floor or portion thereof for complete or partial heating of the structure.

ROOF/CEILING ASSEMBLY: (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.)

SHADING COEFFICIENT: The ratio of solar heat gain occurring through glazing, with or without integral shading devices, to the solar heat gain occurring through unshaded, 1/8-inch thick, clear, double-strength glass.

$$SC = \frac{\text{Solar Heat Gain through glazing}}{\text{Solar Heat Gain}}$$

Note: Heat gains to be compared under the same conditions. See Chapter 26 of Standard RS-27, listed in Chapter 17 of this Code.

SPLIT SYSTEM: Any heat pump or air conditioning unit which is provided in more than one assembly requiring refrigeration piping installed in the field.

U-FACTOR: (See Thermal Transmittance in Chapter 2.)

U-VALUE: (See U-Factor)

UNCONDITIONED SPACE: Space within a building that is not a conditioned space (See Conditioned Space).

UNIFORM PLUMBING CODE (UPC): The Washington State Uniform Plumbing Code as modified by the Washington State Building Code Council.

OPTION 2 - Integrate the above definitions into Chapter 2 Rationale: Definitions are utilized by both Residential and Commercial Occupancies. This would not increase Residential energy efficiency. Where conflicts occur, the Commercial definitions will state, "For commercial occupancies only."

**CHAPTER 13
BUILDING ENVELOPE**

NEW SECTION

WAC 51-11-1301 Scope. Commercial buildings or portions thereof, which are heated or cooled, shall be constructed to provide the required thermal performance of the various components according to the requirements of this chapter. Unless otherwise approved by the Building Official, all spaces shall be assumed to be at least semi-heated.

Exception:

1. Greenhouses isolated from any conditioned space and not intended for occupancy.
2. As approved by the building official, spaces not assumed to be at least semi-heated.

NEW SECTION

WAC 51-11-1302 Space heat type. For the purpose of determining building envelope requirements, the following two categories comprise all space heating types:

Electric Resistance: Space heating systems which use electric resistance elements as the primary heating systems including baseboard, radiant, and forced air units where the total electric resistance heat capacity exceeds one watt per square foot of the gross conditioned floor area.

Exception: Heat pumps and variable air volume distribution systems.

Other: All other space heating systems including gas, solid fuel, oil, and propane space heating systems and those systems listed in the exception to electric resistance.

NEW SECTION

WAC 51-11-1303 Climate zones. All buildings shall comply with the requirements of the appropriate climate zone as defined herein.

ZONE 1: Climate Zone 1 shall include all counties not included in Climate Zone 2.

ZONE 2: Climate Zone 2 shall include: Adams, Chelan, Douglas, Ferry, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, and Whitman counties.

NEW SECTION

WAC 51-11-1310 General requirements. The building envelope of commercial buildings shall comply with Sections 1311 through 1315.

1310.1 Conditioned Spaces: The building envelope for conditioned spaces shall also comply with one of the following paths:

- a. Prescriptive Building Envelope Option Sections 1320 through 1323
- b. Component Performance Building Envelope Option Sections 1330 through 1334.
- c. Systems Analysis. See Section 1141.4.

1310.2 Semi-Heated Spaces: All spaces shall be considered conditioned spaces, unless they meet the following conditions for semi-heated spaces. In Climate Zone 1, not more than 8 Btus/sq. ft. and in Climate Zone 2, not more than 12 Btus/sq. ft. of input heating capacity shall be installed and heating shall be controlled by a thermostat mounted not lower than the heating unit and capable of preventing heating above 45 degrees space temperature. For semi-heated spaces, the only prescriptive, component performance, or systems analysis building envelope requirement shall be that:

Climate Zone 1

- a. U=0.10 maximum for the roof assembly, or
- b. continuous R-9 insulation installed entirely outside of the roof structure, or
- c. R-11 insulation installed inside or within a wood roof structure, or
- d. R-19 insulation installed inside or within a metal roof structure.

Climate Zone 2

- a. U=0.07 maximum for the roof assembly, or
- b. continuous R-14 insulation be installed entirely outside of the roof structure, or
- c. R-19 insulation installed inside or within a wood roof structure, or
- d. R-25 insulation installed inside or within a metal roof structure.

FIGURE 13A
Building Envelope Compliance Options

| Section Number | Subject | Prescriptive Option | Component Performance Option | Systems Analysis Option |
|----------------|--|---------------------|------------------------------|-------------------------|
| 1310 | General Requirements | X | X | X |
| 1311 | Insulation | X | X | X |
| 1312 | Glazing and Doors | X | X | X |
| 1313 | Moisture Control | X | X | X |
| 1314 | Air Leakage | X | X | X |
| 1320 | Prescriptive Building Envelope Option | X | | |
| 1321 | General | X | | |
| 1322 | Opaque Envelope | X | | |
| 1323 | Glazing and Doors | X | | |
| 1330 | Component Performance Building Envelope Option | | X | |
| 1331 | General | | X | |
| 1332 | Component U-Factors | | X | |
| 1333 | UA Calculations | | X | |
| 1334 | Target Shading Coefficient | | X | |
| RS-29 | Systems Analysis | | | X |

NEW SECTION

WAC 51-11-1311 Insulation.

1311.1 Installation Requirements: All insulation materials shall be installed according to the manufacturer's instructions to achieve proper densities, maintain clearances, and maintain uniform R-values. To the maximum extent possible, insulation shall extend over the full component area to the intended R-value.

1311.2 Access Hatches and Doors: Access doors and hatches from conditioned spaces to unconditioned spaces (e.g., attics and mechanical spaces) shall be weatherstripped and insulated to a level equivalent to the insulation on the surrounding surfaces. Access to equipment shall be provided which prevents damaging or compressing the insulation. A permanent baffle or retainer must be provided when loose fill insulation is installed.

1311.3 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 three feet in twelve and there is at least thirty 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.

Where lighting fixtures are recessed into a suspended or exposed grid ceiling, the roof/ceiling assembly shall be insulated in a location other than directly on the suspended ceiling.

Exception: Type IC rated recessed lighting fixtures.

Where installed in wood framing, faced batt insulation shall be face stapled.

1311.4 Wall Insulation: Exterior wall cavities isolated during framing shall be fully insulated to the levels of the surrounding walls. When installed in wood framing, faced batt insulation shall be face stapled.

Insulation installed on the exterior of the concrete/masonry walls shall extend from the top of the footing to the top of the wall. Above grade insulation shall be protected.

1311.5 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 not more than twenty-four inches on center. Installed insulation shall not block the airflow through foundation vents.

1311.6 Slab-On-Grade Floor: Slab-on-grade insulation installed inside the foundation wall, shall extend downward from the top of the slab a minimum distance of twenty-four inches or downward to the top of the footing, whichever is less. Insulation installed outside the foundation shall extend downward to a minimum of twenty-four inches or to the

frostline, whichever is greater. 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.

1311.7 Radiant Floors (on or below grade): The entire area of a radiant floor shall be thermally isolated from the soil, with a minimum of R-10 insulation. Where a soil gas control system is provided below the radiant floor, which results in increased convective flow below the radiant floor, the radiant floor shall be thermally isolated from the sub-floor gravel layer.

NEW SECTION

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, including all fire doors, shall be determined, certified and labeled in accordance with the National Fenestration Rating Council (NFRC) Standard 100-91 by a certified independent agency licensed by the NFRC. Compliance shall be based on Model Size AA. 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.

1312.2 Shading Coefficient: Shading coefficients for glazing shall be taken from Chapter 27 of RS-27 or from the manufacturer's test data. Solar Heat Gain Coefficient (SHGC), if determined, certified and labeled in accordance with the National Fenestration Rating Council (NFRC) Standard by a certified, independent agency, licensed by the NFRC, shall be an acceptable alternate for compliance with shading coefficient requirements. For calculation purposes, opaque portions of doors shall have a shading coefficient of zero.

NEW SECTION

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 Floors: Floors separating conditioned space from unconditioned space shall have a vapor retarder installed.

1313.3 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. Roof/ceiling assemblies without a vented airspace, 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.

1313.4 Walls: Walls 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.

NEW SECTION

WAC 51-11-1314 Air leakage.

1314.1 Building Envelope: The requirements of this section shall apply to building elements separating conditioned from unconditioned spaces. 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 shall be sealed, caulked, gasketed, or weatherstripped to limit air leakage.

1314.2 Glazing and Doors: Doors and operable glazing separating conditioned from unconditioned space shall be weatherstripped. Fixed windows shall be tight fitting with glass retained by stops with sealant or caulking all around.

Exception: Openings that are required to be fire resistant.

1314.3 Building Assemblies Used as Ducts or Plenums: Building assemblies used as ducts or plenums shall be sealed, caulked, and gasketed to limit air leakage.

NEW SECTION

WAC 51-11-1320 Prescriptive building envelope option.

NEW SECTION

WAC 51-11-1321 General. This section establishes building envelope design criteria in terms of prescribed requirements for building construction.

NEW SECTION

WAC 51-11-1322 Opaque envelope. Roof/ceilings, exterior walls, floors over unconditioned space, below grade walls, and slab on grade 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.

If the perimeter edge of an above grade floor slab penetrates the exterior wall, the wall insulation shall be increased by R-2 above that required in Tables 13-1 and 13-2.

NEW SECTION

WAC 51-11-1323 Glazing and doors. Glazing and Doors shall comply with Section 1312 and Tables 13-1 or 13-2.

Exceptions:

1. Vertical glazing located on the street level story of a retail occupancy provided the glazing is double-glazed with a minimum 1/2 inch airspace and does not exceed 75 percent of the gross exterior wall area of the street level story which does not exceed 20 feet in height. 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 have its area doubled and shall be included in the percentage of the total glazing area as allowed for the Tables 13-1 or 13-2. The maximum area (before doubling) allowed for the total of all single glazing is one percent of the gross conditioned floor area.

1323.1 Area: The percentage of total window and door area relative to the gross exterior wall area shall be less than or equal to the appropriate value from Tables 13-1 or 13-2 for the glazing U-factor and shading coefficient selected.

1323.2 U-Factor: The area-weighted average U-factor of all glazing and doors shall not exceed that specified in Tables 13-1 or 13-2. U-factors for glazing and doors shall be determined in accordance with Section 1312.

1323.3 Shading Coefficient: All glazing shall have an area-weighted shading coefficient not to exceed that specified in Tables 13-1 or 13-2 for the appropriate area and U-factor. Opaque doors shall not be included in area-weighted shading coefficient calculations.

NEW SECTION

WAC 51-11-1330 Component performance building envelope option.

NEW SECTION

WAC 51-11-1331 General. Buildings or structures whose design heat loss rate (UA_p) and shading coefficient (SC_p) are less than or equal to the target heat loss rate (UA_t) and shading coefficient (SC_t) shall be considered in compliance with this section. The stated U-factor or F-factor of any component assembly, listed in Tables 13-1 or 13-2, such as roof/ceiling, opaque wall, opaque door, glazing, slab on grade floor, radiant floors 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.

NEW SECTION

WAC 51-11-1332 Component U-factors. The U-factors for typical construction assemblies are included in Chapters 10 and 20. These values shall be used for all calculations. Where proposed construction assemblies are not represented in Chapters 10 or 20, values shall be calculated in accordance with Chapters 19-27 in RS-27 listed in Chapter 17, using the framing factors listed in Chapters

10 and 20. For envelope assemblies containing metal framing, the U-factor shall be determined by one of the following methods:

1. Results of laboratory 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 22 of RS-27, listed in Chapter 17.
4. Effective framing/cavity R-values as provided in Table 20-5.

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.

NEW SECTION

WAC 51-11-1333 UA Calculations. The target UA_t and the proposed UA_p shall be calculated using Equations 1 and 2 and the corresponding areas and U-factors from Table 13-1 or 13-2. All the glazing shall be located in the wall area.

Exception: For the gross exterior wall area only, compliance may also be shown using the ENVSTD diskette version 2.1 or 2.2 of ASHRAE/IES Standard 90.1 - 1989.

NEW SECTION

WAC 51-11-1334 Target shading coefficient. The shading coefficient shall not exceed that specified in Tables 13-1 or 13-2 for the appropriate glazing range as a percent of the gross exterior wall area.

EQUATION 1 — COMMERCIAL BUILDINGS

Target UA_t

$$UA_t = U_c A_c + U_w A_w + U_g A_g + U_f A_f + F_s P_s + U_{bgw} A_{bgw}$$

Where:

- UA_t = The target combined specific heat transfer of the gross exterior wall, floor, and roof/ceiling assembly area.
- U_c = The thermal transmittance value of the ceiling area found in Tables 13-1 or 13-2.
- A_c = Gross roof/ceiling area.
- U_w = The thermal transmittance value of the opaque above grade wall area found in Tables 13-1 or 13-2.
- A_w = Opaque above grade wall area, including opaque doors.
- U_g = The thermal transmittance for the glazing found in Tables 13-1 or 13-2 corresponds to the glazing area below.
- A_g = The lesser of: the proposed glazing area, or the maximum glazing area listed in

- Tables 13-1 or 13-2 for the appropriate use.
- U_f = The thermal transmittance value of the floor area found in Tables 13-1 or 13-2.
- A_f = Floor area over unconditioned space.
- F_s = Concrete slab component F-factor found in Tables 13-1 or 13-2.
- P_s = Lineal ft. of concrete slab perimeter
- U_{bgw} = The thermal transmittance value of the below grade opaque wall area.
- A_{bgw} = Opaque 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 2 — COMMERCIAL BUILDINGS

PROPOSED UA_p

$$UA_p = \frac{U_{rc}A_{rc} + U_{cc}A_{cc} + U_wA_w + U_gA_g + U_dA_d + U_fA_f + F_sP_s + U_{bgw}A_{bgw}}$$

Where:

- UA_p = The combined proposed specific heat transfer of the gross exterior wall, floor, and roof/ceiling assembly area.
- U_{rc} = The thermal transmittance of the roof/ceiling area.
- A_{rc} = Opaque roof/ceiling area.
- U_{cc} = The thermal transmittance of the cathedral (single rafter or joist-vaulted) ceiling area.
- A_{cc} = Cathedral (single rafter or joist-vaulted) ceiling area.
- U_w = The thermal transmittance of the opaque wall area.
- A_w = Opaque wall area (not including opaque doors).
- U_g = The thermal transmittance of the glazing (window or skylight) area.
- A_g = Glazing area, including skylights and windows in exterior doors.
- U_d = Thermal transmittance value of opaque door area.
- A_d = Opaque door area.
- U_f = The thermal transmittance of the floor area.
- A_f = Floor area over unconditioned space.
- F_s = Concrete slab component F-factor.
- P_s = Lineal ft. of concrete slab perimeter.
- U_{bgw} = The thermal transmittance value of the below grade opaque wall area.
- A_{bgw} = Opaque below grade wall area as defined in Tables 13-1 or 13-2.

**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} | Floor Over Uncond Space | Slab On Grade |
| 1. Electric resistance heat | R-38 or U=0.031 | R-30 or U=0.034 | R-19 or U=0.062 ³ | 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 | R-19 or U=0.056 | R-10 or F=0.54 |

**MAXIMUM GLAZING AREAS U-FACTORS AND SHADING
COEFFICIENTS FOR ZONE 1**

GLAZING

| Maximum Glazing Area as % of Wall | 0 % to 20% | | > 20% to 30 % | | > 30% to 40% | | > 40% to 50% | | > 50% to 70% | |
|--|----------------------|--------------------|---------------|--------------------|---------------|--------------------|---------------|--------------------|---------------|--------------------|
| | Max. U-Factor | Max. Shad'g Coeff. | Max. U-Factor | Max. Shad'g Coeff. | Max. U-Factor | Max. Shad'g Coeff. | Max. U-Factor | Max. Shad'g Coeff. | Max. U-Factor | Max. Shad'g Coeff. |
| 1. Electric resistance heat | U = 0.40 SC = 1.0 | | | | | | | | | |
| 2. All others including heat pumps and VAV | 0.75 | 1.0 | 0.60 | 0.65 | 0.50 | 0.45 | 0.40 | 0.40 | 0.30 | 0.30 |

Footnotes:

- Below Grade Walls:** Below grade walls shall be insulated either on the interior or the exterior. Below grade walls insulated on the exterior shall use a minimum of R-12 insulation. Below grade walls insulated on the interior shall use opaque wall values. No insulation is required for those portions of below grade walls that are more than ten feet below grade. Below grade walls, however, shall not be included in the gross exterior wall area unless insulated to the levels given above.
- Concrete Masonry Walls:** If the heat capacity of the concrete/masonry wall is a minimum of 9.0 BTU/sq. ft.-deg. F, then the maximum opaque U-factor required shall be 0.19 for interior insulation and 0.25 for integral and exterior insulation; glazing shall comply with the following:

| | Electric Resistance Heat | All Others Including Heat Pumps and VAV | | |
|----------------------------------|--------------------------|---|--------------|--------------|
| Max. Glazing Area as % of Wall | All Areas | 0 to 15 % | >15% to 20 % | >20% to 25 % |
| Max. Glazing U-factor | 0.40 | 0.75 | 0.65 | 0.60 |
| Max. Glazing Shading Coefficient | 1.0 | 1.0 | 0.80 | 0.65 |

- Metal Stud Walls:** For metal stud construction U=0.11.

TABLE 13-2
BUILDING ENVELOPE REQUIREMENTS
 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} | 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 | 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 | R-21 or U=0.047 | R-10 or F=0.54 |

**Maximum Glazing Areas U-Factors and Shading
 Coefficients for Zone 2**

Glazing

| Maximum Glazing Area as % of Wall | 0 to 20 % | | > 20% to 25 % | | >25% to 30 % | | > 30% to 40 % | | > 40% to 50 % | |
|--|------------------------|--------------------|---------------|--------------------|---------------|--------------------|---------------|--------------------|---------------|--------------------|
| | Max. U-Factor | Max. Shad'g Coeff. | Max. U-Factor | Max. Shad'g Coeff. | Max. U-Factor | Max. Shad'g Coeff. | Max. U-Factor | Max. Shad'g Coeff. | Max. U-Factor | Max. Shad'g Coeff. |
| 1. Electric resistance heat | U = 0.40 SC = 1.0 | | | | | | | | | |
| 2. All others including heat pumps and VAV | 0.75 | 0.65 ⁴ | 0.60 | 0.60 | 0.50 | 0.50 | 0.40 | 0.40 | 0.30 | 0.40 |

Footnotes:

- Below Grade Walls:** Below grade walls shall be insulated either on the interior or the exterior. Below grade walls insulated on the exterior shall use a minimum of R-12 insulation. Below grade walls insulated on the interior shall use opaque wall values. No insulation is required for those portions of below grade walls that are more than ten feet below grade. Below grade walls, however, shall not be included in the gross exterior wall area unless insulated to the levels given above.
- Concrete Masonry Walls:** If the heat capacity of the concrete/masonry wall is a minimum of 9.0 BTU/sq. ft.-deg. F, then the maximum opaque U-factor required shall be 0.19 for interior insulation and 0.25 for integral and exterior insulation; glazing shall comply with the following:

| Max. Glazing Area as % of Wall | Electric Resistance Heat | All Others Including Heat Pumps and VAV | | |
|----------------------------------|--------------------------|---|------------|-------------|
| | All Areas | 0 to 5 % | >5% to 7 % | >7% to 10 % |
| Max. Glazing U-factor | 0.40 | 0.75 | 0.60 | 0.50 |
| Max. Glazing Shading Coefficient | 1.0 | 0.85 | 0.70 | 0.45 |

- Metal Stud Walls:** For metal stud construction U=0.10.
- Clear Glass:** Clear glass (glass with a shading coefficient of 1.0) may be used, provided maximum fenestration area does not exceed 15% and maximum value for U-Factor does not exceed 0.75.

CHAPTER 14
BUILDING MECHANICAL SYSTEMS

NEW SECTION

WAC 51-11-1401 Scope. This section covers the determination of design requirements, system and component performance, control requirements, insulating systems and duct construction.

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 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.

NEW SECTION

WAC 51-11-1402 Mechanical ventilation. For all Occupancies, the minimum requirements for ventilation shall comply with the Washington State Ventilation and Indoor Air Quality Code (chapter 51-13 WAC).

NEW SECTION

WAC 51-11-1410 General requirements. The building mechanical system of commercial buildings shall comply with Sections 1411 through 1416, Sections 1440 and 1450, and with one of the following paths:

- a. Simple Systems (Packaged Unitary Equipment)
Sections 1420 through 1424
- b. Complex Systems Sections 1430 through 1437
- 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 | Economizers | X | X | X |
| 1414 | Ducting Systems | X | X | X |
| 1415 | Piping Systems | 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 | |
| 1435 | Simultaneous Heating and Cooling | | X | |
| 1436 | Heat Recovery | | X | |
| 1437 | Electric Motors | | 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 |

NEW SECTION

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.

1411.2 Rating Conditions: Cooling equipment shall be rated at ARI test conditions and procedures when available. Where no applicable procedures exist, data furnished by the equipment manufacturer shall be accepted.

1411.3 Combination Space and Service Water Heating: Equipment whose listed principal function is service water heating and which is used to provide additional functions (e.g., space heating) as part of a combination system, shall comply with minimum performance requirements for the principal function category.

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.

NEW SECTION**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 dead band 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 dead band 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/hr) or less may be controlled by readily accessible manual off-hour controls.

1412.4.1 Dampers: Outside air intakes, exhaust outlets and relief outlets shall be equipped with dampers which close automatically when the system is off or upon power failure. Stair shaft and elevator shaft smoke relief openings shall be equipped with normally open dampers. These dampers shall remain closed in normal operation until activated by the fire alarm system or other approved smoke detection system.

Exceptions:

1. Systems serving areas which require continuous operation.
2. Combustion air intakes.

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).

Option 1 Adopt the Following Section

1412.6 Combustion Heating Equipment Controls: Combustion heating equipment with a capacity over 150,000 Btu/h shall have modulating or staged combustion control.

Exception: Boilers.

Option 2 Do Not Adopt Section 1412.6

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.

NEW SECTION

WAC 51-11-1413 Economizers. Economizers required by either Section 1423 or 1433 shall comply with the requirements of this section.

1413.1 Cooling With Outside Air: Economizers shall be designed and capable of being controlled to take advantage of favorable weather conditions in order to reduce mechanical cooling requirements.

The system shall include a temperature or enthalpy air economizer system, which is capable of automatically modulating outside air, and return air dampers to provide 100 percent of the design supply air quantity as outside air for cooling.

1413.2 Partial Cooling: Economizer systems shall be capable of providing partial cooling even when additional mechanical cooling is required to meet the remainder of the cooling load. Controls shall not preclude the economizer operation when mechanical cooling is required simultaneously.

Exception: Direct expansion systems may include controls to prevent coil frosting at the lowest step of the compressor unloading.

1413.3 Building Heating Energy: System design and economizer controls shall be such that economizer operation does not increase the building heating energy use during normal operation.

Exception: At least 75 percent of the energy for heating is provided from a site-recovery or site-solar energy source.

NEW SECTION**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 at all transverse joints, longitudinal seams and duct wall penetrations. Duct tape is not an approved sealant.

Exception: Manufactured spiral wound duct seams.

1414.2 Insulation: Ducts, plenums and air transport enclosures shall be thermally insulated per Table 14-5.

Exceptions:

1. Within the HVAC equipment.
2. Exhaust air ducts.

NEW SECTION**WAC 51-11-1415 Piping systems.**

1415.1 Insulation: Piping shall be thermally insulated in accordance with Table 14-6.

Exceptions: Piping installed within unitary HVAC equipment.

Water pipes outside the conditioned space shall be insulated in accordance with Washington State Plumbing Code (chapter 51-26 WAC)

NEW SECTION

WAC 51-11-1420 Simple systems (packaged unitary equipment).

NEW SECTION

WAC 51-11-1421 System type. To qualify as a simple system, systems which provide heating, cooling, or both shall be one of the following:

- a. Air cooled packaged equipment requiring only external connection to duct work and energy services.
- b. Air cooled split systems with cooling capacity of 54,000 Btu/h or less.
- c. Heating only systems which have a capacity of less than 5,000 cfm or which have a minimum outside air supply of less than 70 percent of the total air circulation.

All other systems shall comply with Section 1430.

NEW SECTION

WAC 51-11-1422 Controls. In addition to the control requirements in Section 1412, where separate heating and cooling equipment serve the same space, thermostats shall be interlocked to prevent simultaneous heating and cooling.

NEW SECTION

WAC 51-11-1423 Economizers. Economizers meeting the requirements of Section 1413 shall be installed on packaged roof top fan-cooling units having a supply capacity of greater than 1,900 cfm or a total cooling capacity greater than 54,000 Btu/h shall install an economizer.

(OPTION 1)

The total capacity of all units without economizers shall not exceed 240,000 Btu/h per building.

(OPTION 2)

(No total capacity language).

NEW SECTION

WAC 51-11-1424 Separate air distribution systems. Zones with special process temperature requirements and/or humidity requirements shall be served by separate air distribution systems from those serving zones requiring only comfort conditions.

NEW SECTION

WAC 51-11-1430 Complex systems.

NEW SECTION

WAC 51-11-1431 System type. All systems not complying with Section 1420 (Simple Systems), including field fabricated and constructed of system components, shall comply with Section 1430.

1431.1 Field-Assembled Equipment and Components: Field assembled equipment and components from more than one manufacturer shall show compliance with this section and Section 1411 through calculations of total on-site energy input and output. The combined component efficiencies as measured per Section 1411.2, shall be in compliance with the requirements of Section 1411.1.

Total on-site energy input to the equipment shall be determined by combining the energy inputs to all components, elements, and accessories such as compressor(s), internal circulating pump(s), purge devices, viscosity control heaters, and controls.

NEW SECTION

WAC 51-11-1432 Controls.

1432.1 Setback and Shut-off: Systems that serve zones with different uses, as defined in Table 15-1, shall include isolation devices and controls to shut off or set back the supply of heating and cooling to each zone independently. Isolation is not required for zones expected to operate continuously or expected to be inoperative only when all other zones are inoperative.

1432.2 Systems Temperature Reset Controls

1432.2.1 Air Systems for Multiple Zones: Systems supplying heating or cooled air to multiple zones shall include controls which automatically reset supply air temperatures by representative building loads or by outside air temperature. Temperature shall be reset by at least 25 percent of the design supply-air-to-room-air temperature difference. Zones, which are expected to experience relatively constant loads, shall be designed for the fully reset supply temperature.

Exception: Where specified humidity levels are required to satisfy process needs, such as computer rooms or museums.

1432.2.2 Hydronic Systems: Systems with a design capacity of 600,000 Btu/h or greater supplying heated water to comfort conditioning systems shall include controls which automatically reset supply water temperatures by representative building loads (including return water temperature) or by outside air temperature. Temperature shall be reset by at least 25 percent of the design supply-to-return water temperature differences.

NEW SECTION

WAC 51-11-1433 Economizers. Economizers meeting the requirements of Section 1413 shall be installed on the following systems:

- a. Packaged roof top 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.

(OPTION 1)

The total capacity of all units without economizers shall not exceed 240,000 Btu/h per building.

(OPTION 2)

(No total capacity language).

Exceptions:

1. Systems with air or evaporatively cooled condensers and for which one of the following is true:
 - a. the system includes extensive filtering equipment provided in order to meet the requirements of 6.1.2 of ASHRAE Standard 62-1989.
 - b. it can be shown that 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 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.

NEW SECTION

WAC 51-11-1434 Separate air distribution systems.

Zones with special process temperature requirements and/or humidity requirements shall be served by separate air distribution systems from those serving zones requiring only comfort conditions; or shall include supplementary control provisions so that the primary systems may be specifically controlled for comfort purposes only.

Exception: Zones requiring only comfort heating or comfort cooling that are served by a system primarily used for process temperature and humidity control:

1. Providing the total supply air to those comfort zones is no more than 25 percent of the total system supply air, or
2. The total conditioned floor area of the zones is less than 1,000 ft².

NEW SECTION

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.

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 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.

NEW SECTION

WAC 51-11-1436 Heat recovery. Fan systems which have both a capacity of 5,000 cfm or greater and which have a minimum outside air supply of 70 percent or greater of the total air circulation shall have a heat recovery system with at least 50 percent recovery effectiveness. 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 degrees 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.

Exceptions:

1. Laboratory systems equipped with both variable air volume supply and variable air volume or two-speed exhaust fume hoods.
2. Systems serving spaces heated to less than 60 degrees F.
3. Systems which can be shown to use as much energy with the addition of heat recovery equipment as without it.
4. Systems exhausting toxic, flammable, paint exhaust or corrosive fumes making the installation of heat recovery equipment impractical.
5. Type I commercial kitchen hoods.

NEW SECTION

WAC 51-11-1437 Electric motor efficiency.

Design A & B squirrel-cage, T-frame induction permanently wired polyphase motors of 1 hp or more having synchronous speeds of 3,600, 1,800 and 1,200 rpm shall have a nominal full-load motor efficiency no less than the corresponding values for energy efficient motors provided in Table 14-4.

Exceptions:

1. Motors used in systems designed to use more than one speed of a multi-speed motor.
2. Motors used as a component of the equipment meeting the minimum equipment efficiency requirements of Section 1411 and Tables 14-1 and 14-2 provided that the motor input is included when determining the equipment efficiency.
3. Motors that are an integral part of specialized process equipment.

(OPTION 1)

1438 Variable Frequency Drive. For fan and pump motors greater than 10 horsepower, where the use necessitates variable output, there shall be variable frequency drive.

(OPTION 2)

1438 Variable Flow Systems. For fans and pumps greater than 10 horsepower, where the application involves variable flow, there shall be variable frequency drives or variable flow devices installed. Throttling valves (dampers), scroll dampers or bypass circuits will not be allowed. Acceptable variable flow devices include variable inlet vanes, variable blade pitch, and variable fan geometry.

NEW SECTION

WAC 51-11-1440 Service water heating.

NEW SECTION

WAC 51-11-1441 Water heater installation. Electric water heaters in unconditioned spaces or on concrete floors shall be placed on an incompressible, insulated surface with a minimum thermal resistance of R-10.

NEW SECTION

WAC 51-11-1442 Shut off controls. Systems designed to maintain usage temperatures in hot water pipes, such as circulating hot water systems or heat traced pipes shall be equipped with automatic time switches or other controls to turn off the system during periods of non-use.

NEW SECTION

WAC 51-11-1450 Heated pools.

NEW SECTION

WAC 51-11-1451 General. The requirements in this section apply to "general and limited use pools" as defined in by the Washington Water Recreation Facilities Regulations (chapter 246-260 WAC).

NEW SECTION

WAC 51-11-1452 Pool water heaters. Pool water heaters for pools over 2,000 gallons, using electric resistance heating as the primary source of heat, are prohibited.

NEW SECTION

WAC 51-11-1453 Controls. 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 65 degrees F.

NEW SECTION

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.

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 | ≤ 65,000 Btu/h Cooling Capacity | Split Systems Single Package | (N/A) (N/A) | 10.0 SEER 9.7 SEER | ARI 210/240 -1989 |
| | > 65,000 and ≤ 135,000 Btu/h Cooling Capacity | All Unitary Standard Ratings: | 8.9 EER 95°F db | 8.3 IPLV 80°F db | |
| | > 135,000 and ≤ 760,000 Btu/h ¹ Cooling Capacity | Air Conditioners Heat Pumps | 8.5 EER 8.5 EER | 7.5 IPLV 7.5 IPLV | ARI 360 -1986 |
| | > 760,000 Btu/h ¹ Cooling Capacity | Air Conditioners Heat Pumps | 8.2 EER 8.7 EER | 7.5 IPLV 7.5 IPLV | |
| Packaged Term. Air Conditioners & Heat Pumps Cooling Ratings | All Capacities | Air Conditioners and Heat Pumps Standard/Low Temp | 10.0 - (0.16 x Cap/1000) ³ EER 95°F | 12.2 - (0.20 x Cap/1000) ^{2,3} EER 82°F | ARI 310 -1990 |
| Heat Pump Heating Ratings | ≤ 65,000 Btu/h Cooling Capacity | Split Systems Single Package | | 6.8 HSPF 6.6 HSPF | ARI 210/240 -1989 |
| | > 65,000 and ≤ 135,000 Btu/h Cooling Capacity | All Unitary Standard Ratings: | 3.0 COP 47°F db/43°F wb | 2.0 COP 17°F db/15°F wb | |
| | > 135,000 Btu/h Cooling Capacity | Standard Ratings | 2.9 COP 47 °F | 2.0 COP 17 °F | ARI 365 -1986 |
| Packaged Term. Heat Pumps Heating Ratings | All Capacities | Heat Pumps Standard Ratings | 2.9 - (0.026x Cap/1000) ³ EER 47°F db/ 43°F wb | | ARI 380 -1990 |
| 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 10CFR Part430 AppN |
| | ≥ 225,000 Btu/h | Gas, Max Rating ⁶ Gas, Min Rating ⁶ | 80% E _t ⁴ 78% E _t ⁴ | (N/A) (N/A) | ANSI Z21.47 -1983 |
| | ≥ 225,000 Btu/h | Oil, Max Rating ⁶ Oil, Min Rating ⁶ | 81% E _t ⁴ 81% E _t ⁴ | (N/A) (N/A) | UL 727 -1986 |
| Warm-Air Duct Furnaces and Unit Heaters | All Size Gas Duct Furnaces | Max Rated Capacity ⁶ Min Rated Capacity ⁶ | 78% E _t ⁴ 75% E _t ⁴ | (N/A) (N/A) | ANSI Z83.9 -1986 |
| | All Size Gas Unit Heaters | Max Rated Capacity ⁶ Min Rated Capacity ⁶ | 78% E _t ⁴ 74% E _t ⁴ | (N/A) (N/A) | ANSI Z83.8 -1985 |
| | All Size Oil Unit Heaters | Max Rated Capacity ⁶ Min Rated Capacity ⁶ | 81% E _t ⁴ 81% E _t ⁴ | (N/A) (N/A) | UL 731 -1988 |

- For units that have a heating section, 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 (E_t), (100% flue losses).
- To be consistent with National Appliance Energy Conservation Act (NAECA) of 1987 (Public Law 100-12). These values apply to furnace and combination units covered by NAECA.
- Minimum and maximum ratings as provided for and allowed by the unit's controls.

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 ⁴ | 3.9 IPLV ⁴ | ARI 550-90 ARI 590-86pN CTI 201 -1986 |
| | ≥ 150 and < 300 Tons | | 4.2 COP | 4.5 IPLV | |
| | > 300 Tons | | 5.2 COP | 5.3 IPLV | |
| | < 150 Tons | Air Cooled with Condenser | 2.7 COP | 2.8 IPLV | |
| > 150 Tons | Air Cooled with Condenser | 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 | (N/A) (N/A) | 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 |

- Standard Indoor Conditions: 80°F dry bulb and 67°F wet bulb.
- EWT: Entering Water Temperature for water cooled heat pumps and air conditioners.
- Condensing unit requirements are based on single-number rating defined in paragraph 5.1.3.2 of ARI Standard 365.
- 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% ^{1,3} |
| | Oil-Fired < 300,000 Btu/h | Seasonal Rating | AFUE 80% ¹ |
| 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% |

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. 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 |
| 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
Ducts Insulation

| Duct Location | Insulation R-Value |
|---|--------------------|
| Not within conditioned space: On exterior of building, on roof, in attic, in enclosed ceiling space, in walls, in garage, in crawl spaces, in concrete, in ground | R-7 ¹ |
| Within conditioned space with supply air temperature < 55 or > 105 ^o F | 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.

1. With approved weatherproof barrier.

INSULATION TYPES: Minimum densities and out of package thickness. Nominal R-values are for the insulation as installed and do not include air film resistance

INSTALLED:

- R-3.3 1.0 inch 1.5 to 3 lb/cu.ft. duct liner, mineral or glass fiber blanket or equivalent to provide an installed total thermal resistance of at least R-3.3.
- R-7 3-inch 0.75lb/cu.ft. mineral or glass fiber blanket, 2-inch 1.5 to 3 lb/cu.ft. duct liner, mineral or glass fiber blanket, 2-inch 3 to 7 lb/cu.ft. mineral or glass fiber board or equivalent to provide an installed total thermal resistance of at least R-7.
- R-8 3.5-inch 0.60 lb/cu.ft. mineral or glass fiber blanket, 3-inch 75 lb/cu.ft. mineral or glass fiber blanket, 2.5-inch 1.5 to 2 lb/cu.ft. duct liner, mineral or glass fiber board or equivalent to provide an installed total thermal resistance of at least R-8.

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 · °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 |

1. For minimum thickness of alternative insulation types.
2. Runouts to individual terminal units not exceeding 12 ft. in length.
3. Alternative Insulation Types. Insulation thicknesses in Table 9-1 are based on insulation with thermal conductivities within the range listed in Table 9-1 for each fluid operating temperature range, rated in accordance with ASTM C 335-84³³ at the mean temperature listed in the table. For insulation that has a conductivity outside the range shown in Table 9-1 for the applicable fluid operating temperature range at the mean rating temperature shown (when rounded to the nearest 0.01 Btu in./(h·F· ft²)), the minimum thickness shall be determined in accordance with Eq 9-1.

$$T = PR[1+u/PR]^{K/k-1} \quad (9-1)$$

Where

- T = Minimum insulation thickness for material with conductivity K, inches.
- PR = Pip actual outside radius, inches.
- t = Insulation thickness from Table 9.1, inches

- K = conductivity of alternate material at the mean rating temperature indicated in Table 9.1 for the applicable fluid temperature range, Btu in./(h · ft² · °F)
- k = the lower value of the conductivity range listed in Table 9-1 for the applicable fluid temperature range, Btu in./(h · ft² · °F)

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

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

**CHAPTER 15
LIGHTING AND MOTORS**

NEW SECTION

WAC 51-11-1501 Scope. Interior and exterior lighting and electric motors shall comply with the requirements of this chapter.

NEW SECTION

WAC 51-11-1510 General requirements. Lighting and motors shall comply with sections 1511 through 1514. Lighting systems shall comply with one of the following paths:

- a. Prescriptive standards:
Interior section 1521, or
Exterior section 1522.
- b. Component Performance:
Interior section 1531, or
Exterior section 1532.
- c. Systems Analysis. See section 1141.4.

The compliance path selected for interior and exterior lighting need not be the same. However, interior and exterior lighting cannot be traded.

Figure 15A
Lighting and Motor Compliance Options

| Section Number | Subject | Prescriptive Option | Lighting Power Allowance Option | Systems Analysis Option |
|----------------|---|---------------------|---------------------------------|-------------------------|
| 1510 | General Requirements | X | X | X |
| 1511 | Electric Motors | X | X | X |
| 1512 | Exempt Lighting | X | X | X |
| 1513 | Lighting Controls | X | X | X |
| 1520 | Prescriptive Lighting Option | X | | |
| 1521 | Prescriptive Interior Lighting Requirements | X | | |
| 1522 | Prescriptive Exterior Lighting Requirements | Sec. 1532 | | |
| 1530 | Lighting Power Allowance Option | | X | |
| 1531 | Interior Lighting Power Allowance | | X | |
| 1532 | Exterior Lighting Power Allowance | | X | |
| RS-29 | Systems Analysis | | | X |

NEW SECTION

WAC 51-11-1511 Electric motors. All permanently wired polyphase motors of 1 hp or more, which are not part of an HVAC system, shall comply with Section 1437.

NEW SECTION

WAC 51-11-1512 Exempt lighting. The following rooms, spaces, areas, and lighting equipment are exempt from the lighting power requirements in Sections 1520 and 1530 but shall comply with all other requirements of this chapter.

- 1. Lighting in areas in which medical or dental tasks are performed.
- 2. Special lighting needs for research.
- 3. Emergency lighting that is automatically OFF during normal building operation.
- 4. High risk security areas or any area identified by safety officials as requiring additional lighting.

- 5. Spaces designed for primary use by the visually impaired, hard of hearing (lip-reading) or by senior citizens.
- 6. Food preparation areas.
- 7. Lighting for signs, and ballasted lighting for walkways and pathways.
- 8. Lighting that is part of machines, equipment or furniture.
- 9. Outdoor manufacturing, greenhouses, and processing areas.
- 10. Electrical/mechanical equipment rooms.
- 11. Lighting that is used solely for indoor plant growth during the hours of 10:00 p.m. to 6:00 a.m.
- 12. Outdoor athletic facilities.
- 13. Lighting for theatrical productions, television broadcasting (including sports facilities), audio-visual presentations, and those portions of entertainment facilities such as stage areas in hotel ballrooms, night clubs, and casinos.
- 14. Lighting for art exhibits, displays, portable plug in display fixtures, show case lighting, inspection and restoration areas in galleries and museums.

15. Exterior lighting for public monuments.

NEW SECTION

WAC 51-11-1513 Lighting controls.

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. Programmable controls.
4. Controls requiring trained operators.
5. 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 skylights 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.

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: Every floor shall be equipped with a separate automatic control to shut off the lighting during unoccupied hours. This automatic control may be an occupancy sensor, time switch, or other device capable of automatically shutting off lighting.

Exceptions:

1. Buildings or separately metered spaces of less than 5,000 square feet of conditioned space.
2. Areas that must be continuously illuminated, or illuminated in a manner requiring manual operation of the lighting.
3. Emergency lighting systems.
4. 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.

NEW SECTION

WAC 51-11-1520 Prescriptive lighting option.

NEW SECTION

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 one- or two- lamp (but not three- or more lamp) non-lensed, fluorescent fixtures fitted with type T-5, T-6, T-8 or PL type lamps from 5 to 50 watts and electronic ballasts.

Exception: Up to a total of 5 percent of installed lighting fixtures need not be ballasted and may use any type of lamp.

NEW SECTION

WAC 51-11-1522 Prescriptive exterior lighting requirements. See section 1532.

NEW SECTION

WAC 51-11-1530 Component performance lighting 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 the maximum of actual luminaire wattage or 50 watts per lineal foot of track.

No credit towards compliance with the lighting power allowances shall be given for the use of any controls, automatic or otherwise.

NEW SECTION

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 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.

NEW SECTION

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 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.

Footnotes for Table 15-1

1. In cases in which an occupancy type is not mentioned specifically, the *Unit Power Allowance* shall be determined by the building official. This determination shall be based upon the most comparable occupancy 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 12 feet.
4. For all other spaces, such as seating and common areas, use the *Unit Light Power Allowance* for assembly.
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 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 for free-standing display, 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 luminaries are exempt.

Retail B allows a *Unit Lighting Power Allowance* of 1.5 watts per square foot, including all ceiling mounted merchandise display luminaries.
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 of the racks. The height allowance defined in footnote 2 applies only to the floor area not covered by racks.

OPTION 1 - Separate Residential and Commercial STANDARDS Chapters

**CHAPTER 17
STANDARDS**

NEW SECTION

WAC 51-11-1701 Scope. In addition to the standards in Chapter 7 the following standards will apply to Chapters 11 through 20 (Commercial Occupancies). Where conflicts occur, standards in Chapter 17 will apply to Chapters 11 through 20 (Commercial Occupancies).

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
STANDARD
NO.

TITLE AND SOURCE

- RS-27 1993 ASHRAE Fundamentals Handbook.
- RS-28 1992 ASHRAE HVAC Systems and Equipment Handbook.
- RS-29 Commercial Building Design by Systems Analysis.

ACCREDITED AUTHORITATIVE AGENCIES

AHAM refers to American Home Appliance Manufacturers, 20 North Wacker Drive, Chicago 60606

ARI refers to the Air Conditioning and Refrigeration Institute, 4301 North Fairfax Drive, Suite 425, Arlington, VA 22203

GAMA refers to Gas Appliance Manufacturers Association, Inc., 1901 North Fort Myer Drive, Arlington, VA 22209

NFRC refers to National Fenestration Rating Council, 962 Wayne Avenue, Suite 750, Silver Spring, MD 20910

OPTION 2 - Integrate the above information into Chapter 7

Rationale: This information is used by both Residential and Commercial Occupancies. The entire document would be simpler if this complete list was contained within one chapter. This information does not increase the energy efficiency of Residential Occupancies.

OPTION 1 - Separate Residential and Commercial DEFAULT Chapters

**CHAPTER 20
DEFAULT HEAT-LOSS COEFFICIENTS**

NEW SECTION

WAC 51-11-2001 Scope. In addition to the defaults in Chapter 10 the following defaults will apply to Chapters 11 through 20 (Commercial Occupancies). Where conflicts occur, defaults in Chapter 20 will apply to Chapters 11 through 20 (Commercial Occupancies).

2001.1: See Section 1001.1

2001.2: See Section 1001.2

2001.3 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 |
| 0.72 | Interior horizontal surfaces, heat flow down |
| 0.68 | Interior vertical surfaces |

2001.4 Compression of Insulation: Insulation which is compressed shall be rated in accordance with Table 20-A or reduction in value may be calculated in accordance with the procedures in RS-27.

TABLE 20-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 | Actual Depth of Cavity | 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 |

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 two feet under the slab.

NEW SECTION

WAC 51-11-2002 Below grade walls and slabs.

- 2002.1: See Section 1002.1
- 2002.2: See Section 1002.2
- 2002.3: See Section 1002.3

NEW SECTION

WAC 51-11-2003 On-grade slab floors.

2003.1 General: Table 20-2 lists heat-loss coefficients for unheated and heated on-grade slab floors, in units of Btu/°F-hr per lineal foot of perimeter.

2003.2 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.

2003.3 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.

TABLE 20-2
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 (or Horiz. w/thermal break) | -- | 0.58 | 0.54 | 0.52 |
| 4-ft Vertical (or Horiz. w/thermal break) | -- | 0.54 | 0.48 | 0.45 |
| Fully insulated slab | -- | -- | 0.36 | -- |
| | Heated Slab | | | |
| 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 |

NEW SECTION

WAC 51-11-2004 Crawlspace floors.

- 2004.1: See Section 1004.1
- 2004.2: See Section 1004.2
- 2004.3: See Section 1004.3

the opaque portion of above-grade walls (Btu/°F-hr-ft²). They are derived from procedures listed in Standard RS-1, listed in Chapter 7.

- 2005.2: See Section 1005.2
- 2005.3: See Section 1005.3

NEW SECTION

WAC 51-11-2005 Above grade walls.

- 2005.1 General: Table 20-5 lists heat-loss coefficients for

Metal Stud Walls: The nominal R-values in Table 20-5A 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 22 of RS-27.

TABLE 20-5A
Default U-Factors and Effective R-Values Metal Stud Walls
SINGLE METAL STUD U-FACTORS

| Nominal Wall Thickness | Nominal Insulation R-Value | Overall Assembly U-Factors | |
|------------------------|----------------------------|----------------------------|----------|
| | | 16" O.C. | 24" O.C. |
| 4 inch | R-11 | 0.14 | 0.13 |
| 4 inch | R-13 | 0.13 | 0.12 |
| 4 inch | R-15 | 0.12 | 0.11 |
| 6 inch | R-19 | 0.11 | 0.10 |
| 6 inch | R-21 | 0.11 | 0.09 |
| 8 inch | R-25 | 0.10 | 0.09 |

STUD AND INSULATED CAVITY EFFECTIVE R-VALUES

| Cavity | | Insulation | | |
|---------------|--------------|-----------------|-------------------|----------|
| Nominal Depth | Actual Depth | Nominal R-Value | Effective R-value | |
| | | | 16" O.C. | 24" O.C. |
| 4 inch | 3-1/2 " | R-11 | 5.5 | 6.6 |
| 4 inch | 3-1/2" | R-13 | 6.0 | 7.2 |
| 4 inch | 3-1/2" | R-15 | 6.4 | 7.8 |
| 6 inch | 5-1/2" | R-19 | 7.1 | 8.6 |
| 6 inch | 5-1/2" | R-21 | 7.4 | 9.0 |
| 8 inch | 7-1/4" | R-25 | 7.8 | 9.6 |

Concrete Masonry Walls: The nominal R-values in Table 20-5B 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 22 of RS-27.

TABLE 20-5B

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 |
| 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 |
| Korfil Hi-R, Exposed Both Sides | 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 |
| Korfil Hi-R, Exposed Both Sides | 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 Block, Both Sides | NA | NA | NA | 0.61 |
| 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 20-5B

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 RS-27.

Heat Capacity

| | Partial Grout | Solid Grout |
|-------------|---------------|-------------|
| 8" CMU | 9.65 | 15.0 |
| 12" CMU | 14.5 | 23.6 |
| 8" Brick | 10.9 | 16.4 |
| 6" Concrete | NA | 14.4 |

Exterior Insulation Cases:

| Wall Insulation | Insulation R-Value | U-Factor |
|-------------------------|--------------------|----------|
| 3/4" Insulating stucco | 1.0 | 0.358 |
| 1" expanded polystyrene | 3.8 | 0.179 |
| 1" extruded polystyrene | 5.0 | 0.147 |
| 2" expanded polystyrene | 7.6 | 0.106 |
| 2" extruded polystyrene | 10.0 | 0.085 |
| 2" polyisocyanurate | 14.4 | 0.062 |
| 2.5" polyisocyanurate | 18.0 | 0.051 |
| 3" polyisocyanurate | 21.6 | 0.043 |
| 3.5" polyisocyanurate | 25.2 | 0.037 |

Interior Insulation:

Note: 1-1/2" furring at 16" o.c. = 12.5% of area added R-value calculated using Isothermal Planes Method

| Insulation Section | | Furring Section | | Insulation Layer | | Wall U-Factor Total |
|--------------------|-------|-----------------|-------|------------------|--------|---------------------|
| R-val | U-fac | Thick | U-fac | U-fac | R-val | |
| 2.181 | 0.458 | 0.750 | 1.067 | 0.534 | 1.871 | 0.273 |
| 4.684 | 0.213 | 0.750 | 1.067 | 0.320 | 3.124 | 0.203 |
| 7.600 | 0.132 | 2.000 | 0.400 | 0.165 | 6.056 | 0.127 |
| 10.000 | 0.100 | 2.000 | 0.400 | 0.138 | 7.273 | 0.110 |
| 14.400 | 0.069 | 2.000 | 0.400 | 0.111 | 9.028 | 0.092 |
| 18.000 | 0.056 | 2.500 | 0.320 | 0.089 | 11.285 | 0.076 |
| 21.600 | 0.046 | 3.000 | 0.267 | 0.074 | 13.542 | 0.065 |
| 25.200 | 0.040 | 3.500 | 0.229 | 0.063 | 15.799 | 0.057 |

This information does not increase the energy efficiency of Residential Occupancies.

NEW SECTION

WAC 51-11-2006 Default U-values for glazing and doors.

2006.1: See Section 1006.1

NEW SECTION

WAC 51-11-2007 Ceilings.

2007.1: See Section 1007.1

2007.2: See Section 1007.2

NEW SECTION

WAC 51-11-2008 Air infiltration.

2008.1: See Section 1008.1

NEW SECTION

WAC 51-11-2009 Mass.

2009.1: See Section 1009.1

2009.2: See Section 1009.2

2009.3: See Section 1009.3

OPTION 2 - Integrate the above information into Chapter 10

Rationale: This information is used by both Residential and Commercial Occupancies. The entire document would be simpler if this information was contained within one chapter.

WSR 93-08-078

PROPOSED RULES

DEPARTMENT OF HEALTH

[Filed April 6, 1993, 3:44 p.m.]

Original Notice.

Title of Rule: These rules require background inquiries for persons that have direct contact with patients and/or residents of boarding homes, hospitals, hospice care centers, residential treatment facilities for psychiatrically impaired children and youth, adult residential rehabilitation centers and private adult treatment homes, home health agencies, childbirth centers, hospice agencies, home care agencies, second trimester abortion facilities, and rural health care facilities.

Proposed New or Amendatory WAC Sections: WAC 246-316-020 Boarding home license application—Department denial, suspension, revocation of license; 246-316-040 Requirement for and qualifications of boarding home administrator; 246-316-045 Criminal history, disclosure, and background inquiries; 246-316-050 Staff and employees—Other persons living in boarding home; 246-318-040 Personnel; 246-318-042 Criminal history, disclosure, and background inquiries; 246-321-018 Criminal history, disclosure, and background inquiries; 246-323-022 Criminal history, disclosure, and background inquiries; 246-325-022

Criminal history, disclosure, and background inquiries; 246-327-090 Criminal history, disclosure, and background inquiries; 246-329-035 Criminal history, disclosure, and background inquiries; 246-331-100 Criminal history, disclosure, and background inquiries; 246-336-100 Criminal history, disclosure, and background inquiries; 246-340-085 Criminal history, disclosure, and background inquiries; 246-388-070 Personnel; and 246-388-072 Criminal history, disclosure, and background inquiries.

Statutory Authority for Adoption: RCW 43.43.842.

Statute Being Implemented: RCW 43.43.830 through RCW 43.43.842.

Summary: Requires disclosure statements for individuals working with children and developmentally disabled persons and criminal background checks for individuals working with vulnerable adults.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Kathy Stout, 2725 Harrison Avenue N.W., Suite 500, (206) 705-6655.

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: Requires disclosure statements from individuals working with children and developmentally disabled persons, and criminal history background checks of individuals working vulnerable adults. These rules are intended to reduce the incidence of mistreatment, abuse, and exploitation of vulnerable citizens of Washington state.

Proposal Changes the Following Existing Rules: Changes several existing rules to coincide with the new requirement.

Small Business Economic Impact Statement: These rules implement RCW 43.43.834, which requires disclosure statements from persons who have direct contact with children under sixteen years of age and developmentally disabled individuals, through 43.43.842, which requires criminal background checks of individuals who have direct contact with vulnerable adults as defined under RCW 43.43.830. The department determined this includes employees, volunteers, contractors and students that have direct contact with patients, clients, or residents in licensed facilities. The Washington State Patrol will charge \$10.00 for each background check. The initial cost to each facility is proportional to the size of the business (number of employees, etc.). Recurring costs will be determined by the rate of staff turn-over. There is no cost to nonprofit licensed facilities (RCW 43.43.838(2)). The following compares cost of compliance for large and small businesses.

| Facility <i>Initial Cost</i> <i>Annual Cost (% turnover rate)</i> | Small Business <i>(e.g. 6 employees + 4 volunteers)</i> | Large Business <i>(e.g. 60 employees + 40 volunteers)</i> |
|---|--|--|
| Adult Residential Rehab Centers WAC 246-325 | | |
| <i>Initial Cost</i> | \$100 | \$1,000 |
| <i>Annual Cost (est. 10%)</i> | \$10 | \$100 |
| Boarding Homes WAC 246-316 | | |
| <i>Initial Cost</i> | \$100 | \$1,000 |
| <i>Annual Cost (66% from WHCA)</i> | \$70 | \$660 |
| Childbirth Centers WAC 246-329 | | |
| <i>Initial Cost</i> | \$100 | \$1,000 |
| <i>Annual Cost (est. 10%)</i> | \$10 | \$100 |
| Home Care Agencies WAC 246-336 | | |
| <i>Initial Cost</i> | \$100 | \$1,000 |
| <i>Annual Cost (66% from WHCA)</i> | \$70 | \$660 |

| Facility <i>Initial Cost</i> <i>Annual Cost (% turnover rate)</i> | Small Business <i>(e.g. 6 employees + 4 volunteers)</i> | Large Business <i>(e.g. 60 employees + 40 volunteers)</i> |
|---|--|--|
| Home Health Agencies WAC 246-327 | | |
| <i>Initial Cost</i> | \$100 | \$1,000 |
| <i>Annual Cost (66% from WHCA)</i> | \$70 | \$660 |
| Hospice Care Agencies WAC 246-331 | | |
| <i>Initial Cost</i> | \$100 | \$1,000 |
| <i>Annual Cost (66% from WHCA)</i> | \$70 | \$660 |
| Hospice Care Centers WAC 246-321 | | |
| <i>Initial Cost</i> | \$100 | \$1,000 |
| <i>Annual Cost (66% from WHCA)</i> | \$70 | \$660 |
| Hospital WAC 246-318 | | |
| <i>Initial Cost</i> | \$100 | \$1,000 |
| <i>Annual Cost (est. 10%)</i> | \$10 | \$100 |
| Residential Treat Facility for Psychiatrically Impaired Children & Youth WAC 246-323 | | |
| <i>Initial Cost</i> | \$100 | \$1,000 |
| <i>Annual Cost (est. 10%)</i> | \$10 | \$100 |
| Rural Health Care Facilities WAC 246-388 | | |
| <i>Initial Cost</i> | \$100 | \$1,000 |
| <i>Annual Cost (est. 10%)</i> | \$10 | \$100 |
| Second Trimester Abortion Centers WAC 246-340 | | |
| <i>Initial Cost</i> | \$100 | \$1,000 |
| <i>Annual Cost (est. 10%)</i> | \$10 | \$100 |

Hearing Location: On May 13, 1993, at 1:30 p.m., SeaTac International Airport, General Auditorium, Seattle, Washington 98188; and on May 14, 1993, at 1:30 p.m., Developmental Disability Office (DSHS), Training Room, 1611 West Indiana, Spokane, WA 99205.

Submit Written Comments to: Ann Foster, Rules Coordinator, 1300 S.E. Quince Street, P.O. Box 47902, Olympia, WA 98504-7902, by May 12, 1993.

Date of Intended Adoption: May 21, 1993.

March 23, 1993
Bruce Miyahara
Secretary

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

WAC 246-316-020 Boarding home license application—Department denial, suspension, revocation of license. (1) Boarding home license applicants shall:

- (a) Submit appropriate, signed, completed department application forms to the department;
- (b) Apply at least thirty days prior to expiration of license for renewal;
- (c) Promptly report changes in information related to the application including identity of:

- (i) Officers and directors if operated by a legally incorporated entity; and
 - (ii) Partners if a legal partnership.
- (2) The department shall:

(a) Evaluate qualifications of persons named in boarding home license application prior to granting initial and subsequent licenses;

(b) Deny, suspend, or revoke a boarding home license if the department finds persons named unqualified or unable to operate or direct operation of the facility as described in chapter 18.20 RCW and this chapter;

(c) Determine if reasonable relationship exists between any previous conviction of the applicant and ability to competently, safely oversee, or operate a boarding home;

(d) Deny, suspend, or revoke a boarding home license if any person named:

(i) Was previously denied a license to operate an agency for care of children, aged, ill, or infirm in Washington or elsewhere;

(ii) Had a license to operate an agency for treatment or care of people revoked or suspended;

(iii) Has a record of a criminal or civil conviction ~~((for: (A) Operating an agency for care of aged, children, ill, or infirm without an appropriate, applicable license; or (B) Any crime involving physical harm to another person.~~

~~((iv)) Is identified on department abuse registry as perpetrator of substantiated abuse described in chapter 26.44 RCW;~~

~~((v)) as specified in WAC 246-316-045(4);~~

(iv) Committed, permitted, aided, or abetted an illegal act on boarding home premises;

~~((vi)) (v) Demonstrated cruelty, abuse, negligence, assault, or indifference to welfare and well-being of a resident;~~

~~((vii)) (vi) Failed to exercise fiscal accountability and responsibility involving:~~

- (A) A resident;
- (B) The department;
- (C) Public agencies; or
- (D) The business community.

(3) The department may grant a license to operate a boarding home to previously disqualified licensees as specified in subsection (2) of this section if such person provides evidence including demonstrated ability to operate a boarding home according to applicable laws and rules.

(4)(a) The department's notice of a denial, suspension, modification, or revocation of a license shall be consistent with RCW 43.70.115. An applicant or license holder has the

right to an adjudicative proceeding to contest a license decision.

(b) A license applicant or holder contesting a department decision shall within twenty-eight days of receipt of the decision:

(i) File a written application for an adjudicative proceeding by a method showing proof of receipt with the Administrative Hearings Unit, Department of Health, 1300 Quince Street S.E., P.O. Box 47851, Olympia, WA 98504-7851; and

(ii) Include in or with the application:

(A) A specific statement of the issue or issues and law involved;

(B) The grounds for contesting the department decision; and

(C) A copy of the contested department decision.

(c) The proceeding is governed by the Administrative Procedure Act (chapter 34.05 RCW), this chapter, and chapter 246-08 WAC. If a provision in this chapter conflicts with chapter 246-08 WAC, the provision in this chapter governs.

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

WAC 246-316-040 Requirement for and qualifications of boarding home administrator. (1) Boarding homes shall have continuous availability of an administrator or designated alternate who:

(a) Is available in person or by phone or page at all times;

(b) Is at least twenty-one years of age;

(c) Is not a resident as defined in WAC 246-316-010(30);

(d) Possesses a high school diploma or equivalent unless administering a boarding home in Washington state prior to January 1, 1958;

(e) Has demonstrated competence and experience in management of a boarding home or completed high school or post-high school courses including:

(i) Basic accounting, except when a designated alternate administrator is in charge for two weeks or less;

(ii) Management including personnel management; and

(iii) Care of persons characteristic of those admitted or accepted as residents in a specific boarding home, such as frail elderly, developmentally disabled, or mentally ill persons.

(f) Meets requirements as specified in WAC ~~((246-316-050-2(b)))~~ 246-316-045.

(2) Boarding homes shall notify the department when changes in the administrator occur including:

(a) Provide written notice to the department of new administrator's name upon appointment; and

(b) Provide a statement of administrator's compliance with this section and WAC 246-316-050.

NEW SECTION

WAC 246-316-045 Criminal history, disclosure, and background inquiries. (1) A licensee or license applicant shall require a disclosure statement as specified under RCW 43.43.834 for each prospective employee, volunteer, contractor, student, and any other person associated with the licensed boarding home having direct contact with:

~~((b)) A written statement from all staff and persons other than residents living or working in a boarding home regarding:~~

- ~~(i) Convictions for felony;~~
- ~~(ii) Convictions for crimes involving physical harm to another; and~~
- ~~(iii) Previous perpetrator of substantiated abuse as described in chapter 26.44 RCW.~~

~~(e) Exclusion of persons other than residents from living or working on the premises when evidence indicates previous conviction or abuse, as in subsection (2)(b) of this section, unless the boarding home licensee:~~

- ~~(i) Determines such person is rehabilitated enough to warrant public trust; and~~
- ~~(ii) Records the facts and basis for decision.)~~

(3) Boarding homes shall reassign and/or restrict staff contact with residents when:

- (a) Staff have a known communicable disease in the infectious stage; and
- (b) The disease is likely to be spread in the boarding home setting or by casual contact.

(4) Boarding homes shall maintain documentation of ~~((~~ staff orientation and training pertinent to duties ~~))~~ including cardiopulmonary resuscitation and first aid if required in subsection (2)(a) of this section ~~((~~ and

~~(b) Individual staff statements related to conviction or abuse and related boarding home actions as required in subsection (2)(b) and (c) of this section)).~~

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

WAC 246-318-040 Personnel. (1) Hospitals shall employ sufficient qualified personnel to operate each department of the hospital with verification of required license, certification, or registration.

(2) Hospitals shall ensure that nonemployees providing direct patient care comply with hospital policies and procedures.

(3) Hospitals shall establish written job descriptions for each job classification, minimally including:

- (a) Job title, reporting relationships, summary of duties and responsibilities, and qualifications; and
- (b) Provisions for review every two years with revision when necessary.

(4) Hospitals shall:

(a) Ensure a periodic performance appraisal of employees and volunteers related to:

- (i) Satisfactory performance of assigned tasks; and
- (ii) Competence in delivering health care services;

~~(b) ((Document background checks required under RCW 43.43.830 through 43.43.842 for all prospective employees and volunteers who may have regularly scheduled unsupervised access to:~~

- ~~(i) Children under sixteen years of age;~~
- ~~(ii) Groups of children under certain circumstances;~~
- ~~(iii) The elderly;~~
- ~~(iv) The developmentally disabled;~~
- ~~(v) Individuals declared mentally incompetent or unable to participate in consent to care given; and~~
- ~~(vi) Others as required under chapter 43.43 RCW;~~

~~(e))~~ Designate an employee responsible for volunteer services and activities;

~~((d))~~ (c) Plan and implement orientation and education programs minimally to include:

- (i) New employee and volunteer orientation for:
 - (A) Organizational structure;
 - (B) Building layout;
 - (C) Infection control;
 - (D) Safety, including the fire and disaster plan;
 - (E) Policies and procedures; and
 - (F) Equipment pertinent to the job;
- (ii) Employee continuing education for maintaining and improving skills;

(iii) Documentation of orientation, in-service, and continuing education for employees; and

(iv) HIV/AIDS training for employees as specified under WAC 246-318-035;

~~((e))~~ (d) Establish a nursing service under the direction of a registered nurse to:

- (i) Provide for adequate numbers of registered nurses on duty at all times; and
- (ii) Require registered nurse supervision of employees and others performing nursing service functions;

~~((f))~~ (e) Ensure adequate supervision of employees and nonemployees;

~~((g))~~ (f) Maintain a current employee call back list for disasters;

~~((h))~~ (g) Require each employee to have on employment a tuberculin skin test by the Mantoux method within thirty days of employment and as follows:

(i) For new employees, a negative skin test is defined as less than ten millimeters of induration read at forty-eight to seventy-two hours. Employees with negative reactions to the first test and thirty-five years of age or older shall have a second test one to three weeks after the first test;

(ii) New employees with positive reactions to either test shall have a chest x-ray within thirty days. Hospitals shall:

- (A) Retain records of test results, reports of x-ray findings, exceptions, or exemptions in the facility; and
- (B) Provide a copy of test results to the employee;
- (iii) Exclude from skin testing:

(A) New employees documenting a positive Mantoux test in the past;

(B) New employees providing documentation of meeting requirements under subsection (4)(h)(i) and (ii) of this section within the six months preceding the date of employment; and

(C) An employee with a written waiver from the department after stating the tuberculin skin test by the Mantoux method presents a hazard to his or her health and presenting supportive medical data to the department tuberculosis control program;

~~((i))~~ (h) Document the following when individuals request tuberculosis skin test waivers from the department:

(i) Department notification of the individual requesting a waiver from tuberculosis skin testing and department decision; and

(ii) Department advice to the individual employee and the hospital regarding department screening requirements if a waiver is granted.

NEW SECTION

WAC 246-318-042 Criminal history, disclosure, and background inquiries. (1) A licensee or license applicant shall require a disclosure statement as specified under RCW 43.43.834 for each prospective employee, volunteer, contractor, student, and any other person associated with the licensed hospital having direct contact with:

- (a) Children under sixteen years of age;
- (b) Vulnerable adults as defined under RCW 43.43.830;

and

- (c) Developmentally disabled individuals.

(2) A license applicant having direct contact with vulnerable adults shall obtain a Washington state patrol criminal history background disclosure statement and submit it to the department either:

- (a) With the initial application for licensure; or
- (b) For current licensees, with the first application for renewal of license submitted after July 1, 1993.

- (3) A licensee or license applicant shall:

(a) Require a Washington state patrol background inquiry as specified in RCW 43.43.842(1) for each:

(i) Employee, volunteer, contractor, student, and any other person currently associated with the licensed hospital, having direct contact with vulnerable adults, when engaged on or since July 22, 1989; and

(ii) Prospective employee, volunteer, contractor, student, and person applying for association with the licensed hospital prior to allowing the person direct contact with vulnerable adults, except as allowed by subsection (4) of this section;

(b) Inform each person identified in (a) of this subsection of the requirement for a background inquiry;

(c) Require the person to sign an acknowledgement statement that a background inquiry will be made;

(d) Verbally inform the person of the background inquiry results within seventy-two hours of receipt; and

(e) Offer to provide a copy of the background inquiry results to the person within ten days of receipt.

(4) A licensee may conditionally employ, contract with, accept as a volunteer or associate, a person having direct contact with vulnerable adults pending a background inquiry, provided the licensee:

(a) Immediately obtains a disclosure statement from the person; and

(b) Requests a background inquiry within three business days of the conditional acceptance of the person.

(5) Except as provided in RCW 43.43.842 and in subsection (4) of this section, a licensee shall not hire or retain, directly or by contract, any person having direct contact with vulnerable adults, if that person has been:

(a) Convicted of a crime against persons as defined in RCW 43.43.830;

(b) Convicted of a crime relating to financial exploitation of a vulnerable adult;

(c) Found in any disciplinary board final decision to have abused a vulnerable adult under RCW 43.43.830; or

(d) The subject in a protective proceeding under chapter 74.34 RCW.

(6) The licensee shall establish and implement procedures ensuring that all disclosure statements and background inquiry responses are:

- (a) Maintained in a confidential and secure manner;
- (b) Used for employment purposes only;
- (c) Not disclosed to any person except:
 - (i) The person about whom the licensee made the disclosure or background inquiry;
 - (ii) Authorized state and federal employees; and
 - (iii) The Washington state patrol auditor.
- (d) Retained and available for department review during and at least two years following termination of employment.
- (7) The department shall:

- (a) Review records required under this section;
- (b) Investigate allegations of noncompliance with RCW 43.43.830 through 43.43.842, when necessary, in consultation with law enforcement personnel; and

(c) Use information collected under this section solely for the purpose of determining eligibility for licensure or relicensure as required under RCW 43.43.842.

(8) The department may require licensees to complete additional disclosure statements or background inquiries for a person associated with the licensed facility having direct contact with vulnerable adults if the department has reason to believe that offenses specified under RCW 43.43.830 have occurred since completion of the previous disclosure statement or background inquiry.

NEW SECTION

WAC 246-321-018 Criminal history, disclosure, and background inquiries. (1) A licensee or license applicant shall require a disclosure statement as specified under RCW 43.43.834 for each prospective employee, volunteer, contractor, student, and any other person associated with the hospice care center having direct contact with:

- (a) Children under sixteen years of age;
- (b) Vulnerable adults as defined under RCW 43.43.830;

and

- (c) Developmentally disabled individuals.

(2) A license applicant having direct contact with vulnerable adults shall obtain a Washington state patrol criminal history background disclosure statement and submit it to the department either:

- (a) With the initial application for licensure; or
- (b) For current licensees, with the first application for renewal of license submitted after July 1, 1993.

- (3) A licensee or license applicant shall:

(a) Require a Washington state patrol background inquiry as specified in RCW 43.43.842(1) for each:

(i) Employee, volunteer, contractor, student, and any other person currently associated with the licensed hospice care center, having direct contact with vulnerable adults, when engaged on or since July 22, 1989; and

(ii) Prospective employee, volunteer, contractor, student, and person applying for association with the licensed facility prior to allowing the person direct contact with vulnerable adults, except as allowed by subsection (4) of this section;

(b) Inform each person identified in (a) of this subsection of the requirement for a background inquiry;

(c) Require the person to sign an acknowledgement statement that a background inquiry will be made;

(d) Verbally inform the person of the background inquiry results within seventy-two hours of receipt; and

(e) Offer to provide a copy of the background inquiry results to the person within ten days of receipt.

(4) A licensee may conditionally employ, contract with, accept as a volunteer or associate, a person having direct contact with vulnerable adults pending a background inquiry, provided the licensee:

(a) Immediately obtains a disclosure statement from the person; and

(b) Requests a background inquiry within three business days of the conditional acceptance of the person.

(5) Except as provided in RCW 43.43.842 and in subsection (4) of this section, a licensee shall not hire or retain, directly or by contract, any person having direct contact with vulnerable adults, if that person has been:

(a) Convicted of a crime against persons as defined in RCW 43.43.830;

(b) Convicted of a crime relating to financial exploitation of a vulnerable adult;

(c) Found in any disciplinary board final decision to have abused a vulnerable adult under RCW 43.43.830; or

(d) The subject in a protective proceeding under chapter 74.34 RCW.

(6) The licensee shall establish and implement procedures ensuring that all disclosure statements and background inquiry responses are:

(a) Maintained in a confidential and secure manner;

(b) Used for employment purposes only;

(c) Not disclosed to any person except:

(i) The person about whom the licensee made the disclosure or background inquiry;

(ii) Authorized state and federal employees; and

(iii) The Washington state patrol auditor.

(d) Retained and available for department review during and at least two years following termination of employment.

(7) The department shall:

(a) Review records required under this section;

(b) Investigate allegations of noncompliance with RCW 43.43.830 through 43.43.842, when necessary, in consultation with law enforcement personnel; and

(c) Use information collected under this section solely for the purpose of determining eligibility for licensure or relicensure as required under RCW 43.43.842.

(8) The department may require licensees to complete additional disclosure statements or background inquiries for a person associated with the licensed facility having direct contact with vulnerable adults if the department has reason to believe that offenses specified under RCW 43.43.830 have occurred since completion of the previous disclosure statement or background inquiry.

NEW SECTION

WAC 246-323-022 Criminal history, disclosure, and background inquiries. (1) A licensee or license applicant shall require a disclosure statement as specified under RCW 43.43.834 for each prospective employee, volunteer, contractor, student, and any other person associated with the licensed residential treatment facility for psychiatrically impaired children and youth having direct contact with:

(a) Children under sixteen years of age;

(b) Vulnerable adults as defined under RCW 43.43.830; and

(c) Developmentally disabled individuals.

(2) A license applicant having direct contact with vulnerable adults shall obtain a Washington state patrol criminal history background disclosure statement and submit it to the department either:

(a) With the initial application for licensure; or

(b) For current licensees, with the first application for renewal of license submitted after July 1, 1993.

(3) A licensee or license applicant shall:

(a) Require a Washington state patrol background inquiry as specified in RCW 43.43.842(1) for each:

(i) Employee, volunteer, contractor, student, and any other person currently associated with the licensed residential treatment facility for psychiatrically impaired children and youth, having direct contact with vulnerable adults, when engaged on or since July 22, 1989; and

(ii) Prospective employee, volunteer, contractor, student, and person applying for association with the licensed facility prior to allowing the person direct contact with vulnerable adults, except as allowed by subsection (4) of this section;

(b) Inform each person identified in (a) of this subsection of the requirement for a background inquiry;

(c) Require the person to sign an acknowledgement statement that a background inquiry will be made;

(d) Verbally inform the person of the background inquiry results within seventy-two hours of receipt; and

(e) Offer to provide a copy of the background inquiry results to the person within ten days of receipt.

(4) A licensee may conditionally employ, contract with, accept as a volunteer or associate, a person having direct contact with vulnerable adults pending a background inquiry, provided the licensee:

(a) Immediately obtains a disclosure statement from the person; and

(b) Requests a background inquiry within three business days of the conditional acceptance of the person.

(5) Except as provided in RCW 43.43.842 and in subsection (4) of this section, a licensee shall not hire or retain, directly or by contract, any person having direct contact with vulnerable adults, if that person has been:

(a) Convicted of a crime against persons as defined in RCW 43.43.830;

(b) Convicted of a crime relating to financial exploitation of a vulnerable adult;

(c) Found in any disciplinary board final decision to have abused a vulnerable adult under RCW 43.43.830; or

(d) The subject in a protective proceeding under chapter 74.34 RCW.

(6) The licensee shall establish and implement procedures ensuring that all disclosure statements and background inquiry responses are:

(a) Maintained in a confidential and secure manner;

(b) Used for employment purposes only;

(c) Not disclosed to any person except:

(i) The person about whom the licensee made the disclosure or background inquiry;

(ii) Authorized state and federal employees; and

(iii) The Washington state patrol auditor.

(d) Retained and available for department review during and at least two years following termination of employment.

(7) The department shall:

- (a) Review records required under this section;
 - (b) Investigate allegations of noncompliance with RCW 43.43.830 through 43.43.842, when necessary, in consultation with law enforcement personnel; and
 - (c) Use information collected under this section solely for the purpose of determining eligibility for licensure or relicensure as required under RCW 43.43.842.
- (8) The department may require licensees to complete additional disclosure statements or background inquiries for a person associated with the licensed facility having direct contact with vulnerable adults if the department has reason to believe that offenses specified under RCW 43.43.830 have occurred since completion of the previous disclosure statement or background inquiry.

NEW SECTION

WAC 246-325-022 Criminal history, disclosure, and background inquiries. (1) A licensee or license applicant shall require a disclosure statement as specified under RCW 43.43.834 for each prospective employee, volunteer, contractor, student, and any other person associated with the licensed adult residential rehabilitation center or private adult treatment home having direct contact with:

- (a) Children under sixteen years of age;
 - (b) Vulnerable adults as defined under RCW 43.43.830; and
 - (c) Developmentally disabled individuals.
- (2) A license applicant having direct contact with vulnerable adults shall obtain a Washington state patrol criminal history background disclosure statement and submit it to the department either:
- (a) With the initial application for licensure; or
 - (b) For current licensees, with the first application for renewal of license submitted after July 1, 1993.
- (3) A licensee or license applicant shall:
- (a) Require a Washington state patrol background inquiry as specified in RCW 43.43.842(1) for each:
 - (i) Employee, volunteer, contractor, student, and any other person currently associated with the licensed adult residential rehabilitation center or private adult treatment home, having direct contact with vulnerable adults, when engaged on or since July 22, 1989; and
 - (ii) Prospective employee, volunteer, contractor, student, and person applying for association with the licensed facility prior to allowing the person direct contact with vulnerable adults, except as allowed by subsection (4) of this section;
 - (b) Inform each person identified in (a) of this subsection of the requirement for a background inquiry;
 - (c) Require the person to sign an acknowledgement statement that a background inquiry will be made;
 - (d) Verbally inform the person of the background inquiry results within seventy-two hours of receipt; and
 - (e) Offer to provide a copy of the background inquiry results to the person within ten days of receipt.
- (4) A licensee may conditionally employ, contract with, accept as a volunteer or associate, a person having direct contact with vulnerable adults pending a background inquiry, provided the licensee:

- (a) Immediately obtains a disclosure statement from the person; and

(b) Requests a background inquiry within three business days of the conditional acceptance of the person.

(5) Except as provided in RCW 43.43.842 and in subsection (4) of this section, a licensee shall not hire or retain, directly or by contract, any person having direct contact with vulnerable adults, if that person has been:

- (a) Convicted of a crime against persons as defined in RCW 43.43.830;
- (b) Convicted of a crime relating to financial exploitation of a vulnerable adult;
- (c) Found in any disciplinary board final decision to have abused a vulnerable adult under RCW 43.43.830; or
- (d) The subject in a protective proceeding under chapter 74.34 RCW.

(6) The licensee shall establish and implement procedures ensuring that all disclosure statements and background inquiry responses are:

- (a) Maintained in a confidential and secure manner;
 - (b) Used for employment purposes only;
 - (c) Not disclosed to any person except:
 - (i) The person about whom the licensee made the disclosure or background inquiry;
 - (ii) Authorized state and federal employees; and
 - (iii) The Washington state patrol auditor.
 - (d) Retained and available for department review during and at least two years following termination of employment.
- (7) The department shall:

- (a) Review records required under this section;
- (b) Investigate allegations of noncompliance with RCW 43.43.830 through 43.43.842, when necessary, in consultation with law enforcement personnel; and

(c) Use information collected under this section solely for the purpose of determining eligibility for licensure or relicensure as required under RCW 43.43.842.

(8) The department may require licensees to complete additional disclosure statements or background inquiries for a person associated with the licensed facility having direct contact with vulnerable adults if the department has reason to believe that offenses specified under RCW 43.43.830 have occurred since completion of the previous disclosure statement or background inquiry.

NEW SECTION

WAC 246-327-090 Criminal history, disclosure, and background inquiries. (1) A licensee or license applicant shall require a disclosure statement as specified under RCW 43.43.834 for each prospective employee, volunteer, contractor, student, and any other person associated with the home health agency having direct contact with:

- (a) Children under sixteen years of age;
- (b) Vulnerable adults as defined under RCW 43.43.830; and
- (c) Developmentally disabled individuals.

(2) A license applicant having direct contact with vulnerable adults shall obtain a Washington state patrol criminal history background disclosure statement and submit it to the department either:

- (a) With the initial application for licensure; or
 - (b) For current licensees, with the first application for renewal of license submitted after July 1, 1993.
- (3) A licensee or license applicant shall:

(a) Require a Washington state patrol background inquiry as specified in RCW 43.43.842(1) for each:

(i) Employee, volunteer, contractor, student, and any other person currently associated with the licensed home health agency, having direct contact with vulnerable adults, when engaged on or since July 22, 1989; and

(ii) Prospective employee, volunteer, contractor, student, and person applying for association with the licensed facility prior to allowing the person direct contact with vulnerable adults, except as allowed by subsection (4) of this section;

(b) Inform each person identified in (a) of this subsection of the requirement for a background inquiry;

(c) Require the person to sign an acknowledgement statement that a background inquiry will be made;

(d) Verbally inform the person of the background inquiry results within seventy-two hours of receipt; and

(e) Offer to provide a copy of the background inquiry results to the person within ten days of receipt.

(4) A licensee may conditionally employ, contract with, accept as a volunteer or associate, a person having direct contact with vulnerable adults pending a background inquiry, provided the licensee:

(a) Immediately obtains a disclosure statement from the person; and

(b) Requests a background inquiry within three business days of the conditional acceptance of the person.

(5) Except as provided in RCW 43.43.842 and in subsection (4) of this section, a licensee shall not hire or retain, directly or by contract, any person having direct contact with vulnerable adults, if that person has been:

(a) Convicted of a crime against persons as defined in RCW 43.43.830;

(b) Convicted of a crime relating to financial exploitation of a vulnerable adult;

(c) Found in any disciplinary board final decision to have abused a vulnerable adult under RCW 43.43.830; or

(d) The subject in a protective proceeding under chapter 74.34 RCW.

(6) The licensee shall establish and implement procedures ensuring that all disclosure statements and background inquiry responses are:

(a) Maintained in a confidential and secure manner;

(b) Used for employment purposes only;

(c) Not disclosed to any person except:

(i) The person about whom the licensee made the disclosure or background inquiry;

(ii) Authorized state and federal employees; and

(iii) The Washington state patrol auditor.

(d) Retained and available for department review during and at least two years following termination of employment.

(7) The department shall:

(a) Review records required under this section;

(b) Investigate allegations of noncompliance with RCW 43.43.830 through 43.43.842, when necessary, in consultation with law enforcement personnel; and

(c) Use information collected under this section solely for the purpose of determining eligibility for licensure or relicensure as required under RCW 43.43.842.

(8) The department may require licensees to complete additional disclosure statements or background inquiries for a person associated with the licensed facility having direct contact with vulnerable adults if the department has reason

to believe that offenses specified under RCW 43.43.830 have occurred since completion of the previous disclosure statement or background inquiry.

NEW SECTION

WAC 246-329-035 Criminal history, disclosure, and background inquiries. (1) A licensee or license applicant shall require a disclosure statement as specified under RCW 43.43.834 for each prospective employee, volunteer, contractor, student, and any other person associated with the childbirth center having direct contact with:

(a) Children under sixteen years of age;

(b) Vulnerable adults as defined under RCW 43.43.830; and

(c) Developmentally disabled individuals.

(2) A license applicant having direct contact with vulnerable adults shall obtain a Washington state patrol criminal history background disclosure statement and submit it to the department either:

(a) With the initial application for licensure; or

(b) For current licensees, with the first application for renewal of license submitted after July 1, 1993.

(3) A licensee or license applicant shall:

(a) Require a Washington state patrol background inquiry as specified in RCW 43.43.842(1) for each:

(i) Employee, volunteer, contractor, student, and any other person currently associated with the licensed childbirth center, having direct contact with vulnerable adults, when engaged on or since July 22, 1989; and

(ii) Prospective employee, volunteer, contractor, student, and person applying for association with the licensed facility prior to allowing the person direct contact with vulnerable adults, except as allowed by subsection (4) of this section;

(b) Inform each person identified in (a) of this subsection of the requirement for a background inquiry;

(c) Require the person to sign an acknowledgement statement that a background inquiry will be made;

(d) Verbally inform the person of the background inquiry results within seventy-two hours of receipt; and

(e) Offer to provide a copy of the background inquiry results to the person within ten days of receipt.

(4) A licensee may conditionally employ, contract with or accept as a volunteer or associate, a person having direct contact with vulnerable adults pending a background inquiry, provided the licensee:

(a) Immediately obtains a disclosure statement from the person; and

(b) Requests a background inquiry within three business days of the conditional acceptance of the person.

(5) Except as provided in RCW 43.43.842 and in subsection (4) of this section, a licensee shall not hire or retain, directly or by contract, any person having direct contact with vulnerable adults, if that person has been:

(a) Convicted of a crime against persons as defined in RCW 43.43.830;

(b) Convicted of a crime relating to financial exploitation of a vulnerable adult;

(c) Found in any disciplinary board final decision to have abused a vulnerable adult under RCW 43.43.830; or

(d) The subject in a protective proceeding under chapter 74.34 RCW.

(6) The licensee shall establish and implement procedures ensuring that all disclosure statements and background inquiry responses are:

- (a) Maintained in a confidential and secure manner;
- (b) Used for employment purposes only;
- (c) Not disclosed to any person except:

(i) The person about whom the licensee made the disclosure or background inquiry;

- (ii) Authorized state and federal employees; and
- (iii) The Washington state patrol auditor.

(d) Retained and available for department review during and at least two years following termination of employment.

(7) The department shall:

(a) Review records required under this section;

(b) Investigate allegations of noncompliance with RCW 43.43.830 through 43.43.842, when necessary, in consultation with law enforcement personnel; and

(c) Use information collected under this section solely for the purpose of determining eligibility for licensure or relicensure as required under RCW 43.43.842.

(8) The department may require licensees to complete additional disclosure statements or background inquiries for a person associated with the licensed facility having direct contact with vulnerable adults if the department has reason to believe that offenses specified under RCW 43.43.830 have occurred since completion of the previous disclosure statement or background inquiry.

NEW SECTION

WAC 246-331-100 Criminal history, disclosure, and background inquiries. (1) A licensee or license applicant shall require a disclosure statement as specified under RCW 43.43.834 for each prospective employee, volunteer, contractor, student, and any other person associated with the hospice agency having direct contact with:

- (a) Children under sixteen years of age;
- (b) Vulnerable adults as defined under RCW 43.43.830;

and

(c) Developmentally disabled individuals.

(2) A license applicant having direct contact with vulnerable adults shall obtain a Washington state patrol criminal history background disclosure statement and submit it to the department either:

- (a) With the initial application for licensure; or
- (b) For current licensees, with the first application for renewal of license submitted after July 1, 1993.

(3) A licensee or license applicant shall:

(a) Require a Washington state patrol background inquiry as specified in RCW 43.43.842(1) for each:

(i) Employee, volunteer, contractor, student, and any other person currently associated with the licensed hospice agency, having direct contact with vulnerable adults, when engaged on or since July 22, 1989; and

(ii) Prospective employee, volunteer, contractor, student, and person applying for association with the licensed facility prior to allowing the person direct contact with vulnerable adults, except as allowed by subsection (4) of this section;

(b) Inform each person identified in (a) of this subsection of the requirement for a background inquiry;

(c) Require the person to sign an acknowledgement statement that a background inquiry will be made;

(d) Verbally inform the person of the background inquiry results within seventy-two hours of receipt; and

(e) Offer to provide a copy of the background inquiry results to the person within ten days of receipt.

(4) A licensee may conditionally employ, contract with, accept as a volunteer or associate, a person having direct contact with vulnerable adults pending a background inquiry, provided the licensee:

(a) Immediately obtains a disclosure statement from the person; and

(b) Requests a background inquiry within three business days of the conditional acceptance of the person.

(5) Except as provided in RCW 43.43.842 and in subsection (4) of this section, a licensee shall not hire or retain, directly or by contract, any person having direct contact with vulnerable adults, if that person has been:

(a) Convicted of a crime against persons as defined in RCW 43.43.830;

(b) Convicted of a crime relating to financial exploitation of a vulnerable adult;

(c) Found in any disciplinary board final decision to have abused a vulnerable adult under RCW 43.43.830; or

(d) The subject in a protective proceeding under chapter 74.34 RCW.

(6) The licensee shall establish and implement procedures ensuring that all disclosure statements and background inquiry responses are:

(a) Maintained in a confidential and secure manner;

(b) Used for employment purposes only;

(c) Not disclosed to any person except:

(i) The person about whom the licensee made the disclosure or background inquiry;

(ii) Authorized state and federal employees; and

(iii) The Washington state patrol auditor.

(d) Retained and available for department review during and at least two years following termination of employment.

(7) The department shall:

(a) Review records required under this section;

(b) Investigate allegations of noncompliance with RCW 43.43.830 through 43.43.842, when necessary, in consultation with law enforcement personnel; and

(c) Use information collected under this section solely for the purpose of determining eligibility for licensure or relicensure as required under RCW 43.43.842.

(8) The department may require licensees to complete additional disclosure statements or background inquiries for a person associated with the licensed facility having direct contact with vulnerable adults if the department has reason to believe that offenses specified under RCW 43.43.830 have occurred since completion of the previous disclosure statement or background inquiry.

NEW SECTION

WAC 246-336-100 Criminal history, disclosure, and background inquiries. (1) A licensee or license applicant shall require a disclosure statement as specified under RCW 43.43.834 for each prospective employee, volunteer, contractor, student, and any other person associated with the home care agency having direct contact with:

- (a) Children under sixteen years of age;

(b) Vulnerable adults as defined under RCW 43.43.830; and

(c) Developmentally disabled individuals.

(2) A license applicant having direct contact with vulnerable adults shall obtain a Washington state patrol criminal history background disclosure statement and submit it to the department either:

(a) With the initial application for licensure; or

(b) For current licensees, with the first application for renewal of license submitted after July 1, 1993.

(3) A licensee or license applicant shall:

(a) Require a Washington state patrol background inquiry as specified in RCW 43.43.842(1) for each:

(i) Employee, volunteer, contractor, student, and any other person currently associated with the licensed home care agency, having direct contact with vulnerable adults, when engaged on or since July 22, 1989; and

(ii) Prospective employee, volunteer, contractor, student, and person applying for association with the licensed facility prior to allowing the person direct contact with vulnerable adults, except as allowed by subsection (4) of this section;

(b) Inform each person identified in (a) of this subsection of the requirement for a background inquiry;

(c) Require the person to sign an acknowledgement statement that a background inquiry will be made;

(d) Verbally inform the person of the background inquiry results within seventy-two hours of receipt; and

(e) Offer to provide a copy of the background inquiry results to the person within ten days of receipt.

(4) A licensee may conditionally employ, contract with, accept as a volunteer or associate, a person having direct contact with vulnerable adults pending a background inquiry, provided the licensee:

(a) Immediately obtains a disclosure statement from the person; and

(b) Requests a background inquiry within three business days of the conditional acceptance of the person.

(5) Except as provided in RCW 43.43.842 and in subsection (4) of this section, a licensee shall not hire or retain, directly or by contract, any person having direct contact with vulnerable adults, if that person has been:

(a) Convicted of a crime against persons as defined in RCW 43.43.830;

(b) Convicted of a crime relating to financial exploitation of a vulnerable adult;

(c) Found in any disciplinary board final decision to have abused a vulnerable adult under RCW 43.43.830; or

(d) The subject in a protective proceeding under chapter 74.34 RCW.

(6) The licensee shall establish and implement procedures ensuring that all disclosure statements and background inquiry responses are:

(a) Maintained in a confidential and secure manner;

(b) Used for employment purposes only;

(c) Not disclosed to any person except:

(i) The person about whom the licensee made the disclosure or background inquiry;

(ii) Authorized state and federal employees; and

(iii) The Washington state patrol auditor.

(d) Retained and available for department review during and at least two years following termination of employment.

(7) The department shall:

(a) Review records required under this section;

(b) Investigate allegations of noncompliance with RCW 43.43.830 through 43.43.842, when necessary, in consultation with law enforcement personnel; and

(c) Use information collected under this section solely for the purpose of determining eligibility for licensure or relicensure as required under RCW 43.43.842.

(8) The department may require licensees to complete additional disclosure statements or background inquiries for a person associated with the licensed facility having direct contact with vulnerable adults if the department has reason to believe that offenses specified under RCW 43.43.830 have occurred since completion of the previous disclosure statement or background inquiry.

NEW SECTION

WAC 246-340-085 Criminal history, disclosure, and background inquiries. (1) A licensee or license applicant shall require a disclosure statement as specified under RCW 43.43.834 for each prospective employee, volunteer, contractor, student, and any other person associated with the facility having direct contact with:

(a) Children under sixteen years of age;

(b) Vulnerable adults as defined under RCW 43.43.830; and

(c) Developmentally disabled individuals.

(2) A license applicant having direct contact with vulnerable adults shall obtain a Washington state patrol criminal history background disclosure statement and submit it to the department either:

(a) With the initial application for licensure; or

(b) For current licensees, with the first application for renewal of license submitted after July 1, 1993.

(3) A licensee or license applicant shall:

(a) Require a Washington state patrol background inquiry as specified in RCW 43.43.842(1) for each:

(i) Employee, volunteer, contractor, student, and any other person currently associated with the licensed facility, having direct contact with vulnerable adults, when engaged on or since July 22, 1989; and

(ii) Prospective employee, volunteer, contractor, student, and person applying for association with the licensed facility prior to allowing the person direct contact with vulnerable adults, except as allowed by subsection (4) of this section;

(b) Inform each person identified in (a) of this subsection of the requirement for a background inquiry;

(c) Require the person to sign an acknowledgement statement that a background inquiry will be made;

(d) Verbally inform the person of the background inquiry results within seventy-two hours of receipt; and

(e) Offer to provide a copy of the background inquiry results to the person within ten days of receipt.

(4) A licensee may conditionally employ, contract with, accept as a volunteer or associate, a person having direct contact with vulnerable adults pending a background inquiry, provided the licensee:

(a) Immediately obtains a disclosure statement from the person; and

(b) Requests a background inquiry within three business days of the conditional acceptance of the person.

(5) Except as provided in RCW 43.43.842 and in subsection (4) of this section, a licensee shall not hire or retain, directly or by contract, any person having direct contact with vulnerable adults, if that person has been:

- (a) Convicted of a crime against persons as defined in RCW 43.43.830;
- (b) Convicted of a crime relating to financial exploitation of a vulnerable adult;
- (c) Found in any disciplinary board final decision to have abused a vulnerable adult under RCW 43.43.830; or
- (d) The subject in a protective proceeding under chapter 74.34 RCW.

(6) The licensee shall establish and implement procedures ensuring that all disclosure statements and background inquiry responses are:

- (a) Maintained in a confidential and secure manner;
- (b) Used for employment purposes only;
- (c) Not disclosed to any person except:
 - (i) The person about whom the licensee made the disclosure or background inquiry;
 - (ii) Authorized state and federal employees; and
 - (iii) The Washington state patrol auditor.
- (d) Retained and available for department review during and at least two years following termination of employment.

(7) The department shall:

- (a) Review records required under this section;
- (b) Investigate allegations of noncompliance with RCW 43.43.830 through 43.43.842, when necessary, in consultation with law enforcement personnel; and
- (c) Use information collected under this section solely for the purpose of determining eligibility for licensure or relicensure as required under RCW 43.43.842.

(8) The department may require licensees to complete additional disclosure statements or background inquiries for a person associated with the licensed facility having direct contact with vulnerable adults if the department has reason to believe that offenses specified under RCW 43.43.830 have occurred since completion of the previous disclosure statement or background inquiry.

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

WAC 246-388-070 Personnel. (1) Rural health care facilities shall employ qualified personnel with verification of required license, certification, or registration.

(2) Rural health care facilities shall establish personnel policies requiring:

- (a) Written job descriptions for each job classification including job title, reporting relationships, summary of duties and responsibilities, and qualifications;
- (b) Provisions for review every two years, with revision as necessary;
- (c) Periodic performance evaluation of:
 - (i) All employees; and
 - (ii) Volunteers providing direct patient care;
- (d) ~~(Documented background checks as required under RCW 43.43.830 through 43.43.842 for all prospective employees and volunteers who may have regularly scheduled unsupervised access to patients;~~

~~(e))~~ Coordination and supervision of volunteer services and activities by a designated employee of the rural health care facility;

~~((f))~~ (e) Orientation and education programs for employees and volunteers including:

- (i) Purpose and organizational structure;
- (ii) Location and layout of the rural health care facility;
- (iii) Infection control;
- (iv) Safety;
- (v) Policies and procedures; and
- (vi) Equipment pertinent to the job;

~~((g))~~ (f) Continuing education for maintaining skills for personnel and volunteers providing direct patient care;

~~((h))~~ (g) Documentation of orientation, in-service, and continuing education; and

~~((i))~~ (h) HIV/AIDS education of employees and volunteers including:

- (i) Verifying or arranging for appropriate education and training on prevention, transmission, and treatment of HIV and AIDS consistent with RCW 70.24.310; and
- (ii) Use of infection control standards and educational materials consistent with the department-approved manual *KNOW-HIV/AIDS Prevention Education for Health Care Facility Employees*, January 1991, office on HIV/AIDS.

(3) Rural health care facilities shall:

- (a) Provide nursing staff on duty necessary to take care of inpatients with an on-call system when inpatients are not present;
- (b) Require medical staff or registered nurse supervision of nonemployees and others performing patient care functions;

(c) Maintain an employee callback list for use in the event of disaster;

(d) Require individuals to remain off duty if they have a known communicable disease in an infectious stage when transmission to patients is probable during performance of assigned work duties;

(e) Require each employee and volunteer to have a tuberculin skin test by the Mantoux method within one week of serving with the rural health care facility, and as follows:

(i) A negative skin test defined as less than ten millimeters of induration read at forty-eight to seventy-two hours;

(ii) Negative reactors to the first test who are thirty-five years of age or older are required to have a second test one to three weeks after the first test;

(iii) Positive reactors to either test are required to have a chest x-ray within thirty days;

(iv) A record of test results, reports of x-ray findings, or exceptions to such kept in the facility;

(v) A copy of the record in (e)(iv) of this subsection supplied to the individual;

(vi) Exceptions including:

- (A) Exclusion of new persons from screening if documenting a positive Mantoux test in the past; and
- (B) Exclusion of an employee with a written waiver from the department tuberculosis control program after stating the tuberculin skin test by the Mantoux method presents a hazard to his or her health and presenting supportive medical data to the department tuberculosis control program.

NEW SECTION

WAC 246-388-072 Criminal history, disclosure, and background inquiries. (1) A licensee or license applicant shall require a disclosure statement as specified under RCW 43.43.834 for each prospective employee, volunteer, contractor, student, and any other person associated with the rural health care facility having direct contact with:

- (a) Children under sixteen years of age;
- (b) Vulnerable adults as defined under RCW 43.43.830;

and

- (c) Developmentally disabled individuals.

(2) A license applicant having direct contact with vulnerable adults shall obtain a Washington state patrol criminal history background disclosure statement and submit it to the department either:

- (a) With the initial application for licensure; or
- (b) For current licensees, with the first application for renewal of license submitted after July 1, 1993.

(3) A licensee or license applicant shall:

(a) Require a Washington state patrol background inquiry as specified in RCW 43.43.842(1) for each:

(i) Employee, volunteer, contractor, student, and any other person currently associated with the licensed rural health care facility, having direct contact with vulnerable adults, when engaged on or since July 22, 1989; and

(ii) Prospective employee, volunteer, contractor, student, and person applying for association with the licensed facility prior to allowing the person direct contact with vulnerable adults, except as allowed by subsection (4) of this section;

(b) Inform each person identified in (a) of this subsection of the requirement for a background inquiry;

(c) Require the person to sign an acknowledgement statement that a background inquiry will be made;

(d) Verbally inform the person of the background inquiry results within seventy-two hours of receipt; and

(e) Offer to provide a copy of the background inquiry results to the person within ten days of receipt.

(4) A licensee may conditionally employ, contract with, accept as a volunteer or associate, a person having direct contact with vulnerable adults pending a background inquiry, provided the licensee:

(a) Immediately obtains a disclosure statement from the person; and

(b) Requests a background inquiry within three business days of the conditional acceptance of the person.

(5) Except as provided in RCW 43.43.842 and in subsection (4) of this section, a licensee shall not hire or retain, directly or by contract, any person having direct contact with vulnerable adults, if that person has been:

(a) Convicted of a crime against persons as defined in RCW 43.43.830;

(b) Convicted of a crime relating to financial exploitation of a vulnerable adult;

(c) Found in any disciplinary board final decision to have abused a vulnerable adult under RCW 43.43.830; or

(d) The subject in a protective proceeding under chapter 74.34 RCW.

(6) The licensee shall establish and implement procedures ensuring that all disclosure statements and background inquiry responses are:

- (a) Maintained in a confidential and secure manner;

(b) Used for employment purposes only;

(c) Not disclosed to any person except:

(i) The person about whom the licensee made the disclosure or background inquiry;

(ii) Authorized state and federal employees; and

(iii) The Washington state patrol auditor.

(d) Retained and available for department review during and at least two years following termination of employment.

(7) The department shall:

(a) Review records required under this section;

(b) Investigate allegations of noncompliance with RCW 43.43.830 through 43.43.842, when necessary, in consultation with law enforcement personnel; and

(c) Use information collected under this section solely for the purpose of determining eligibility for licensure or relicensure as required under RCW 43.43.842.

(8) The department may require licensees to complete additional disclosure statements or background inquiries for a person associated with the licensed facility having direct contact with vulnerable adults if the department has reason to believe that offenses specified under RCW 43.43.830 have occurred since completion of the previous disclosure statement or background inquiry.

**WSR 93-08-079
PROPOSED RULES
DEPARTMENT OF HEALTH**

(Board of Optometry)

[Filed April 6, 1993, 3:45 p.m.]

Original Notice.

Title of Rule: WAC 246-851-110 Courses presumed to qualify for credit; 246-851-360 Required identification on prescriptions; 246-851-540 Contact lens specifications prescription defined; 246-851-550 Contact lens prescription release; 246-851-560 Emergency replacement of contact lenses; repealing and WAC 246-851-530 Determination of contact lens specifications by dispensing opticians.

Reason for Rule: New sections WAC 246-851-540, defines and sets forth conditions for utilization of a contact lens specifications prescription, WAC 246-851-550, sets forth the conditions upon which a contact lens prescription is released to a licensed dispensing optician, WAC 246-851-560, provides for emergency replacement of a contact lens; and existing rules WAC 246-851-360, removes the requirement that prescriptions be typed or commercially printed, and WAC 246-851-110, amends language to update the title of the state association.

Statutory Authority for Adoption: RCW 18.54.070.

Statute Being Implemented: RCW 18.54.070.

Summary: Defines and sets forth conditions for a contact lens specifications prescription; provides for release of a contact lens prescription; and authorizes emergency replacement of a contact lens.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Judy Haenke, 1300 S.E. Quince, P.O. Box 47868, Olympia, WA 98504-7868, (206) 753-4614.

Name of Proponent: Washington Association of Optometric Physicians, private.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 246-851-540, new section defines and sets forth conditions for utilization of a contact lens specifications prescription; WAC 246-851-550, new section which sets forth the conditions upon which a contact lens prescription is released to a licensed dispensing optician; WAC 246-851-560, provides for emergency replacement of a contact lens; WAC 246-851-360, removes the requirement that prescriptions be typed or commercially printed; and WAC 246-851-110, amends language to update title of state association.

Proposal does not change existing rules.

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

Hearing Location: Radisson Hotel, Seattle Airport, Rainier Room, 17001 Pacific Highway South, Seattle, WA 98188, on May 14, 1993, at 9:30 a.m.

Submit Written Comments to: Washington State Board of Optometry, 1300 S.E. Quince Street, Olympia, WA 98504-7868, by April [May] 13, 1993.

Date of Intended Adoption: May 14, 1993.

April 5, 1993
Judy Haenke
Program Manager

AMENDATORY SECTION (Amending Order 119B, filed 2/26/91, effective 3/29/91)

WAC 246-851-110 Courses presumed to qualify for credit. Courses offered by the organizations listed in this section will be presumed to qualify as continuing education courses without specific prior approval of the board, but the board reserves the authority to refuse to accept credits in any course if the board determines that the course did not provide information or training sufficient in amount or relevancy. Organizations for the purposes of this section shall include:

- (1) The American Optometric Association.
- (2) Any college or school of optometry whose scholastic standards are deemed sufficient by the board under RCW 18.53.060(2).
- (3) The Washington Association of Optometric (~~Association~~) Physicians.
- (4) Any state optometric association which is recognized by the licensing authority of its state as a qualified professional association or educational organization.
- (5) The state optometry board.
- (6) The optometry licensing authority of any other state.
- (7) The American Academy of Optometry.
- (8) The Optometric Extension Program.
- (9) The College of Optometrists (~~and Visual~~) in Vision Development.
- (10) The National Eye Research Foundation.
- (11) Regional congresses of any of the organizations listed in subsections (1) through (10) of this section.
- (12) The Council on Post-Graduate Education of the American Optometric Association.

AMENDATORY SECTION (Amending Order 308B, filed 9/30/92, effective 10/31/92)

WAC 246-851-360 Required identification on prescriptions. Written optical prescriptions related to the practice of optometry must include as a minimum:

- (1) (~~Typed or commercially printed~~) Name, address of practice and telephone number of the prescribing doctor of optometry.
- (2) Date of prescription.
- (3) Patient's name.
- (4) Signature of prescribing doctor of optometry and license number.
- (5) Expiration date of prescription not more than two years.

NEW SECTION

WAC 246-851-540 Contact lens specifications prescription defined. An optometric contact lens specifications prescription is a written, signed order from an optometrist to a dispensing optician authorizing the optician to determine contact lens physical characteristics for a patient. A contact lens specifications prescription is subject to the following conditions:

- (1) It shall be written when requested by a patient, subject to the professional judgement of the prescribing doctor.
- (2) It shall be based upon a refraction and a comprehensive vision and eye health examination.
- (3) It shall contain a statement that the patient is acceptable for contact lens wear.
- (4) It shall authorize the dispensing optician to perform a nonrefractive trial evaluation and suggest a wearing schedule and care system.
- (5) It shall carry an expiration date not exceeding ninety days to initiate a nonrefractive trial evaluation.
- (6) It shall contain a directive notifying the patient to return to the prescribing doctor for follow-up care and a final evaluation of the lens on the eye.
- (7) It shall be released directly to the patient.

NEW SECTION

WAC 246-851-550 Contact lens prescription release. Following the final evaluation of the contact lens on the eye of a patient whose contact lens specifications have been determined by a dispensing optician pursuant to a contact lens specification prescription, the prescribing doctor shall write a contact lens prescription and release it to any dispensing optician licensed in Washington of the patient's choice.

NEW SECTION

WAC 246-851-560 Emergency replacement of contact lenses. In an emergency, the prescribing optometrist may orally authorize licensed non-prescribing practitioners to dispense replacement contact lenses to patients who are away from the area of their residence. The prescribing doctor shall verify any oral authorization by sending a written prescription to the dispensing practitioner within ten working days.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-851-530 Determination of contact lens specifications by dispensing opticians.

**WSR 93-08-080
PROPOSED RULES
DEPARTMENT OF HEALTH**
[Filed April 6, 1993, 3:48 p.m.]

Original Notice.

Title of Rule: Registered nurse fees.

Purpose: Increase in identified fees is required to support the licensing and regulation of registered nurses in Washington state. The revenue increase would support existing level of expenditures authorized to the board and is collected to the health professions account. Due to continued incidences of practice while RN license has expired, the late renewal fee is increased to a level intended to encourage timely renewal.

Statutory Authority for Adoption: RCW 18.88.080.

Statute Being Implemented: RCW 18.88.160.

Summary: The proposed rule change would increase fees in select categories based on workload analysis and board expenditure analysis.

Reasons Supporting Proposal: The current RN license renewal fee has been in place for many years, with no increase. The increase in regulatory workload and the usual inflation of costs over these years necessitates the proposed increase in fees.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Patricia O. Brown, RN, MSN, 1300 Quince, Olympia, WA 98504, 753-2686.

Name of Proponent: Washington State Board of Nursing, Department of Health, public and governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule proposes to increase RN licensing fees to the level necessary to implement programs for the licensing and regulation of nursing in Washington state.

Proposal Changes the Following Existing Rules: See above.

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

Hearing Location: The Holiday Inn, SeaTac, 17338 Pacific Highway South, Seattle, WA 98188, on May 21, 1993, at 1:00 p.m.; and at the Ramada Inn, Spokane International Airport, Spokane, WA, on May 18, 1993, at 1:00 p.m.

Submit Written Comments to: Patricia Brown, Executive Director, Washington State Board of Nursing, Department of Health, P.O. Box 47864, Olympia, WA 98504-7864, by May 18, 1993.

Date of Intended Adoption: May 21, 1993.

March 24, 1993
Bruce Miyahara
Secretary

AMENDATORY SECTION (Amending Order 132, filed 3/18/91, effective 4/18/91)

WAC 246-839-990 Registered nurse fees. The following fees shall be charged by the professional licensing division of the department of health:

| Title of Fee | Fee |
|---|-------------------------|
| Application - examination | \$40.00 |
| License renewal | ((20.00)) <u>35.00</u> |
| Late renewal penalty | ((20.00)) <u>100.00</u> |
| Inactive license renewal | 10.00 |
| Inactive late renewal penalty | 5.00 |
| Endorsement | ((25.00)) <u>40.00</u> |
| Duplicate license | ((15.00)) <u>20.00</u> |
| Examination retake | 40.00 |
| Verification of licensure/education | ((15.00)) <u>25.00</u> |
| ARNP application | 25.00 |
| ARNP renewal | ((20.00)) <u>30.00</u> |
| ARNP late renewal penalty | ((15.00)) <u>100.00</u> |
| ARNP with prescriptive authorization application | ((30.00)) <u>45.00</u> |
| ARNP with prescriptive authorization renewal | ((40.00)) <u>50.00</u> |
| ARNP with prescriptive late renewal penalty | ((15.00)) <u>100.00</u> |

**WSR 93-08-081
PROPOSED RULES
DEPARTMENT OF HEALTH**
(Veterinary Board of Governors)
[Filed April 6, 1993, 3:50 p.m.]

Original Notice.

Title of Rule: WAC 246-935-060 Eligibility for examination as animal technician.

Purpose: Expand criteria for qualifying individuals for the animal technician examination.

Statutory Authority for Adoption: RCW 18.92.030.

Statute Being Implemented: RCW 18.92.30 [18.92.030].

Summary: Amends existing rule to specify criteria for qualifying individuals for the animal technician examination.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jackson D. Melton, 1300 S.E. Quince Street, Olympia, WA 98504, (206) 586-6355.

Name of Proponent: Veterinary Board of Governors, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Establishes new criteria for qualifying individuals for the animal technician examination. The amendment will recognize additional education options other than a two year AVMA approved animal technician program for qualifying an individual to be administered the state animal technician examination. It is anticipated that this amendment will result in more individuals qualifying for animal technician registration.

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

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

Hearing Location: Holiday Inn-SeaTac, LaGuardia Room, 17338 Pacific Highway South, Seattle, WA 98188, on May 17, 1993, at 1:30 p.m.

Submit Written Comments to: Jackson D. Melton, 1300 S.E. Quince Street, Olympia, WA 98504, by May 13, 1993.

Date of Intended Adoption: May 17, 1993.

April 1, 1993
Jackson D. Melton
Program Manager

AMENDATORY SECTION (Amending Order 221B, filed 12/4/91, effective 1/4/92)

~~WAC 246-935-060 ((Approval of post high school courses. The board, pursuant to RCW 18.92.015, hereby adopts the accreditation standards of the American Veterinary Medical Association (AVMA), "Accreditation policies and procedures" of the committee for animal technician activities and training (CATAT), in effect as of July 31, 1983 or as subsequently amended, and approved by the board. The board approves all and only those institutions accredited by, and in good standing with, the AVMA in accordance with these standards. Other institutions which apply for the board's approval and which meet the standards to the board's satisfaction may be approved, but it is the responsibility of an institution to apply for approval and of a student to ascertain whether or not a school has been approved by the board.~~

~~The board reserves the right to withdraw approval of any post high school course which ceases to meet the approval of the board and/or the AVMA after notifying the institution in writing and granting it an opportunity to contest the board's proposed withdrawal.) Eligibility for examination as animal technician. Applicants must meet one of the following criteria to be eligible for the examination.~~

(1) Completion of a post high school course for animal or veterinary technology approved by the Committee on Veterinary Technician Education and Activities (CVTEA) of the American Veterinary Medical Association (AVMA), the board approved all those institutions accredited by, and in good standing with, the AVMA. Other institutions which may apply for the board's approval and which meet the accreditation standards of the CVTEA to the board's satisfaction may be approved, but it is the responsibility of an institution to apply for approval and of a student to ascertain whether or not a school has been approved by the board. The examination may not be taken prior to two months preceding graduation from the course of instruction.

(2) Graduation from a two-year curriculum in animal health or veterinary technology which is not accredited by the CVTEA plus a minimum of thirty-six (36) months of full-time experience under the supervision of a licensed veterinarian(s) who shall attest to the completion of that experience.

(3) Award of a D.V.M. or V.M.D. degree or equivalent from an American Veterinary Medical Association accredited or listed college of veterinary medicine.

(4) Applicant is registered, certified, or licensed as an animal health or veterinary technician in one or more states

and has obtained thirty-six (36) months of full-time experience under the supervision of a licensed veterinarian(s).

(5) Completion of a course in veterinary technician education as a member of the United States military and completion of a tour of active duty as a veterinary animal technician or specialist.

(6) Five years full-time animal technician experience under the supervision of a licensed veterinarian(s) who shall attest to the completion of that experience.

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

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 93-08-082
PROPOSED RULES
DEPARTMENT OF HEALTH
(Podiatric Medical Board)
[Filed April 6, 1993, 3:54 p.m.]

Original Notice.

Title of Rule: WAC 246-922-035 Temporary practice permit; 246-922-235 Prohibited publicity and advertising; and 246-922-275 Address notification.

Purpose: Permits applicants to obtain temporary permits to practice while completing application documentation; describes types of advertising that is prohibited; requires notification of current address.

Statutory Authority for Adoption: RCW 18.22.015.

Statute Being Implemented: Chapter 18.22 RCW, Podiatric medicine and surgery.

Summary: Applicants could begin practice while completing the application process. Clarifies the types of advertising that are prohibited and applicants would be required to notify the board of a current address.

Reasons Supporting Proposal: Sets up temporary permit and clarifies types of advertising and that an applicant must keep a current address on record.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Arlene Robertson, Program Manager, 1300 Quince Street, Olympia, WA, (206) 586-8438.

Name of Proponent: Washington State Podiatric Medical Association, private.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The temporary practice permits would be issued for applicants that wanted to start practice while completing the application process. The advertising rule clarifies prohibited practices. The rule on address notification requires licensees to advise the board of their current address.

Proposal does not change existing rules.

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

Hearing Location: WestCoast Sea-Tac Hotel, 18220 Pacific Highway South, Seattle, WA 98188, on July 16, 1993, at 9:30 a.m.

Submit Written Comments to: Arlene Robertson, Program Manager, P.O. Box 47870, Olympia, WA 98504-7870, by July 15, 1993.

Date of Intended Adoption: July 16, 1993.

March 26, 1993
Arlene Robertson
Program Manager

NEW SECTION

WAC 246-922-035 Temporary practice permit. A temporary permit to practice podiatric medicine and surgery may be issued to an individual licensed in another state that has substantially equivalent licensing standards to those in Washington.

(1) The temporary permit may be issued upon receipt of the following:

(a) Documentation from the reciprocal state that the licensing standards used for issuing the license are substantially equivalent to the current Washington licensing standards;

(b) A completed application form and application and temporary permit fees;

(c) Verification of all state licenses, whether active or inactive, indicating that the applicant is not subject to charges or disciplinary action for unprofessional conduct or impairment; and

(d) Verification from the federation of state podiatric medical board's disciplinary action data bank that the applicant has not been disciplined by a state board or federal agency.

(2) The temporary permit shall be issued for sixty days at which time it will become invalid.

(3) A temporary permit shall be issued only once to each applicant. An applicant who does not complete the application process shall not receive a subsequent temporary permit or refund.

NEW SECTION

WAC 246-922-235 Prohibited publicity and advertising. A podiatric physician and surgeon shall not use or allow to be used any form of public communications or advertising connected with his or her profession or in his or her professional capacity as a podiatric physician which is false, fraudulent, deceptive, or misleading or which contains any implication or statement likely to mislead or deceive because in context it makes only a partial disclosure of relevant facts.

NEW SECTION

WAC 246-922-275 Address notification. A licensee shall furnish the board with a current mailing address. The board may rely upon the last mailing address of record for purposes of service or delivery of any official board documents, including the service of adjudicative proceeding documents. The licensee shall notify the department within thirty days of a change in the licensee's mailing address.

WSR 93-08-083

**WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF LICENSING**

(By the Code Reviser's Office)

[Filed April 6, 1993, 4:02 p.m.]

WAC 308-30-110, 308-30-170, 308-30-180 and 308-30-190, proposed by the Department of Licensing in WSR 92-19-126, appearing in issue 92-19 of the State Register, which was distributed on October 7, 1992, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 93-08-084

**WITHDRAWAL OF PROPOSED RULES
BUILDING CODE COUNCIL**

(By the Code Reviser's Office)

[Filed April 6, 1993, 4:02 p.m.]

WAC 51-11-0101, 51-11-0401, 51-11-0502, 51-11-0503, 51-11-0505, 51-11-0528, 51-11-0529, 51-11-0531, 51-11-0532, 51-11-0538, 51-11-0539, 51-11-0540, 51-11-0542, 51-11-0601, 51-11-0605, 51-11-0606, 51-11-0607, 51-11-0608, 51-11-0631, 51-11-1101, 51-11-1102, 51-11-1103, 51-11-1104, 51-11-1105, 51-11-1106, 51-11-1107, 51-11-1108, 51-11-1109, 51-11-1201, 51-11-1301, 51-11-1302, 51-11-1303, 51-11-1401, 51-11-1402, 51-11-1501, 51-11-1502, 51-11-1503, 51-11-1504, 51-11-1505, 51-11-1601, 51-11-1602, 51-11-1603, 51-11-1604, 51-11-1605, 51-11-1606, 51-11-1607, 51-11-1608, 51-11-1701, 51-11-1801, 51-11-1901, 51-11-1902, 51-11-2000, 51-11-2001, 51-11-2002, 51-11-2003, 51-11-2004, 51-11-2005, 51-11-2006, 51-11-2007, 51-11-2008 and 51-11-2009, proposed by the Building Code Council in WSR 92-19-143, appearing in issue 92-19 of the State Register, which was distributed on October 7, 1992, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 93-08-085

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Order 91-54—Filed April 7, 1993, 8:12 a.m.]

Original Notice.

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

Purpose: Establishing testing requirements and whole effluent toxicity limits for inclusion in NPDES permits.

Statutory Authority for Adoption: Chapter 90.48 RCW.

Statute Being Implemented: RCW 90.48.520.

Summary: The proposed rule establishes which permittees must test for whole effluent toxicity, the circumstances requiring permit limits for toxicity, and the response to noncompliance with a toxicity limit.

Reasons Supporting Proposal: The proposed rule is necessary to protect state waters and to implement requirements in state and federal law.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Randall Marshall, Lacey, (205) 438-7030.

Name of Proponent: Department of Ecology, Water Quality Program, governmental.

Rule is necessary because of federal law, 40 CFR 122.44(d), Clean Water Act.

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule is the direct consequence of requirements in state and federal law. It also is a part of a settlement agreement for several permit appeals to the Pollution Control Hearings Board. The proposed rule provides the procedure necessary to implement the state and federal laws concerning whole effluent toxicity. It also will resolve the concerns of the appellants and reduce the workload of the Department of Ecology in responding to permit appeals. The main goal of the rule itself is to protect the marine and aquatic resources of the state by controlling toxic discharges of wastewater.

Proposal does not change existing rules.

Small Business Economic Impact Statement EXECUTIVE SUMMARY

INTRODUCTION

The state Regulatory Fairness Act requires that a small business economic impact statement (SBEIS) be written for rules which have an economic impact on more than twenty percent of all industries or more than ten percent of any one industry. A small business is defined in RCW 43.31.025(4) (chapter 43.31 RCW, Department of Trade and Economic Development Act) as a profit-seeking enterprise, which is owned and operated independently from all other businesses, and which has fifty or fewer employees. The SBEIS must describe the costs of complying with the rule. It must compare the compliance costs of small and large businesses to determine whether the rule disproportionately impacts small business. According to the Regulatory Fairness Act, disproportionate impacts of rules on small businesses must be mitigated if "it is legal and feasible in meeting the stated objective of the statutes which are the basis of the proposed rule."

The SBEIS used the ratio of the annualized cost of complying with the rule to a business' annual sales as the measure of the rule's proportional impact. The cost-to-sales ratio is an approximate estimate of the percentage rise in costs caused by the rule. Only the costs of the various types of whole effluent toxicity monitoring are included in the costs estimates. Costs associated with process changes or capital improvements required to reduce effluent toxicity have not been included since they are impossible to quantify. The SBEIS estimated the costs of the following items: Effluent characterization; monitoring for compliance with effluent limits; and response to noncompliance with effluent limits (additional whole effluent toxicity testing and investigation portion of toxicity identification/reduction evaluation only).

The SBEIS cannot estimate the costs of complying with whole effluent toxicity limits because they vary greatly.

This process is the reduction part of the toxicity identification/reduction evaluation. A permittee might realize a savings or spend millions of dollars. Eliminating the overdose of a chemical would be a cost saving measure as well as a toxicity reduction measure. Toxicity controls might have a no cost if a toxic raw material is replaced with a nontoxic material of similar cost. In other cases switching raw materials may only cost a few hundred or a few thousand dollars. Much larger costs would result if a treatment system needed to be installed, repaired, expanded, or replaced or if an outfall needed to be relocated in order to achieve better mixing.

Many of the permittees affected by the proposed rule are already monitoring for whole effluent toxicity, and for most, the monitoring costs will be the only cost. In addition, only a small percentage of small businesses are likely to get whole effluent toxicity testing.

WHOLE EFFLUENT TOXICITY TESTING

Chemical analysis of wastewater discharges is inadequate by itself for predicting toxic effects in the environment. Many toxic pollutants cannot be detected by commonly available methods. Many chemicals have little toxicity information available on them. Chemicals with known toxicity often have unknown additive or synergistic effects when mixed together in wastewater. However, toxicity can be directly measured by exposing living organisms to the wastewater and measuring their response. Toxicity tests measure the total toxicity of the whole effluent, and so this approach is called whole effluent toxicity.

An acute toxicity test measures the death of test organisms as the significant response to the toxicity of the effluent. Dischargers who monitor their wastewater with acute toxicity tests are providing an indication of the lethal effect of the effluent.

Chronic test measure effects such as failed reproduction or abnormal development of organisms which will result in consequences just as undesirable as direct lethality. In reality, the end result of the disrupted reproduction or development of a receiving environment species can be the same as direct lethality for that species.

APPLICABILITY OF THE RULE

The whole effluent toxicity rule only applies to facilities which discharge to surface water. NPDES permits regulate discharges to surface waters. The rule does not apply to state permits for discharges to groundwater or for discharges to sewage treatment plants. In general, the rule will only apply to permit holders. Ecology can also use a regulatory order to require nonpermit holders to conduct whole effluent toxicity testing when there is a reason to do so.

The following table lists some industries that will have facilities affected to some degree by the whole effluent toxicity rule:

| INDUSTRIAL PERMIT HOLDERS | |
|--|-----------|
| INDUSTRY | # PERMITS |
| Aluminum Alloys | 1 |
| Aluminum & Magnesium Reduction Mills | 7 |
| Aluminum Forming | 2 |
| Coal Mining & Coal Preparation | 2 |
| Combined Food Processing Waste Treatment | 1 |
| Combined Industrial Waste Treatment | 1 |
| Fuel & Chemical Storage | 16 |
| Inorganic Chemical Manufacturing | 8 |
| Iron & Steel Mills & Foundries | 5 |
| Nonferrous Metals Forming | 3 |
| Ore Mining | 2 |
| Organic Chemical Manufacturing | 5 |
| Petroleum Refineries | 6 |
| Pulp & Paper Mills | 17 |
| Shipyards | 9 |
| Textile Mills | 1 |
| Wood Preserving | 11 |

SPECIFIC REQUIREMENTS OF THE RULE

Permit Issuance. The requirements of the whole effluent toxicity rule begin at permit application. Each permit application is evaluated to determine if the effluent has a potential for aquatic toxicity and needs to be characterized for whole effluent toxicity. Those discharges with a potential for aquatic toxicity get whole effluent toxicity testing requirements in the permit; those who have no potential get no requirements concerning whole effluent toxicity. Many small businesses are generally excluded by the whole effluent toxicity rule, and many other small businesses would be excluded individually at the time of permit issuance because the department has determined that there is no significant potential for whole effluent toxicity. Only a small percentage of small businesses are likely to get whole effluent toxicity testing.

Effluent Characterization. The process of effluent characterization uses toxicity tests to evaluate the level of effluent toxicity. That information is then used to determine the need for water quality-based effluent toxicity limits. Effluent characterization may be conducted either as part of the permit application process or during the first year of the permit term.

Effluent Limits. Only those permittees who demonstrate during effluent characterization a reasonable potential for instream toxicity will receive water quality-based whole effluent toxicity limits. The following table lists the conditions under which whole effluent toxicity limits will be placed in a discharger's permit:

| WHOLE EFFLUENT TOXICITY LIMITS AND PERFORMANCE STANDARDS Conditions Under Which Effluent Limits Will Be Placed in Permits | |
|--|---|
| Limits are necessary when the following performance standards are not met: | |
| 1. | Acute Toxicity Effluent Limits. If effluent characterization yields either of the following results: <ul style="list-style-type: none"> A. Median survival in 100 percent effluent is less than 80 percent. B. Any individual test result shows less than 65 percent survival in 100 percent effluent. |
| 2. | Chronic Toxicity Effluent Limits. If during effluent characterization any chronic test shows a statistically significant difference in response between the control and a test concentration equal to the maximum concentration of effluent during critical conditions at the edge of the acute mixing zone. |

Monitoring for Compliance with Effluent Limits. Permit holders with whole effluent toxicity limits must

conduct compliance monitoring. The minimum sampling frequency is twice a year. The rule does not specify a maximum sampling frequency, but the maximum is likely to be monthly.

Response to Noncompliance with Effluent Limits. If whole effluent toxicity limits are not met, the permit holder must conduct additional monitoring. In addition, the permit holder must take actions necessary to achieve compliance. A toxicity identification/reduction evaluation is the process for determining the control of effluent toxicity by identifying the toxicant and developing a method to reduce the toxicity by source control or treatment.

Whole Effluent Toxicity Limits Removed for Good Performance. Whole effluent toxicity limits will be eligible for removal upon permit renewal if the permittee has demonstrated compliance with the whole effluent toxicity performance standard for a minimum of three consecutive test years following effluent characterization or for an entire subsequent permit term, and if the permittee has not made any changes within the last three years which would otherwise require additional effluent characterization.

Additional Effluent Characterizations. A permittee that has not been assigned a whole effluent toxicity limit will be required to conduct a new effluent characterization only if ecology determines that a change has occurred that could result in an increase in effluent toxicity. It is the responsibility of the permittee to demonstrate to ecology's satisfaction that no change has occurred to the facility which would cause or increase effluent toxicity. Permittees not meeting the whole effluent toxicity performance standard during the new effluent characterization will get whole effluent toxicity limits.

ECONOMIC ANALYSIS AND COST MITIGATION.

The whole effluent toxicity rule will have a disproportionate impact on small business. This result occurs because sales vary in size more than the estimated compliance costs do. Compliance costs for large businesses average approximately three times those for small businesses. However, annual sales of permit holders who are subject to the whole effluent toxicity rule range from one million dollars to several hundred million dollars. The sales of a large business can be many times those of a small business.

The sales of large businesses are larger relative to the sales of small businesses than is the result of a similar comparison of compliance costs. Therefore, it can be concluded that cost-to-sales ratios fall as sales rise. As measured by the cost-to-sales ratio, the rule has a proportionally greater impact on small businesses than on large businesses.

The following tables summarize the range of possible monitoring costs:

| MONITORING COSTS: Effluent Characterization | | |
|---|-------------|----------|
| SIZE | COST | |
| | Low | High |
| Small Business | \$3,488 | \$10,280 |
| Large Business | 3,488 | 32,994 |
| MONITORING COSTS: Compliance Monitoring | | |
| SIZE | ANNUAL COST | |
| | Low | High |
| Small Business | \$1,804 | \$3,951 |
| Large Business | 1,804 | 11,238 |

Necessity to Comply with State and Federal Laws and Regulations. The RFA (RCW 19.85.030(1)) states that mitigation only needs to be undertaken when it is legal and feasible in meeting the stated objective of the statutes which are the basis of the proposed rule. If a proposed mitigation measure violates federal law or regulations or if it violates state law, then it cannot be undertaken. The law also states that mitigation only needs to be undertaken when it is feasible in meeting the statutes which are the basis of the rule. Even when a mitigation measure is legal, if it would limit the rule's effectiveness, it could not be undertaken. Because of this, only costs of provisions within the rule that are stricter than state or federal law can legally be mitigated.

The Clean Water Act Amendments (Water Quality Act of 1987) directs the states to identify waters and discharges with toxic pollutant problems and to develop a control strategy including individual permit limits to attain water quality standards. Section 301 (b)(1)(C) of the Clean Water Act requires effluent limitations in permits necessary to meet state or federal water quality standards. In July 1989, USEPA promulgated regulations (40 CFR 122.44) which require states to place limits on acute or chronic toxicity in NPDES permits when necessary. These requirements cannot be mitigated.

Ecology must also enforce state law. RCW 90.48.520 prohibits the discharge of toxicants that would violate any water quality standard. RCW 90.48.260 directs ecology to participate in the NPDES permit program. A requirement of the NPDES permit program is the development of state water quality standards including provisions for controlling whole effluent toxicity. Chapter 173-201A WAC, Water quality standards, prohibits the discharge of any substance which has the potential to cause acute or chronic toxicity to the most sensitive aquatic biota and specifies toxicity testing for determining compliance. Compliance costs associated with these conditions cannot be mitigated.

MITIGATION OF IMPACT OF SMALL BUSINESS

The Regulatory Fairness Act requires that disproportionate economic impacts of rules on small businesses be reduced with it is legal and feasible. Ecology took the following steps to mitigate the impact of the whole effluent toxicity testing rule on small businesses:

1. Industries Subject to the Whole Effluent Toxicity Rule. Many small businesses are generally excluded by the proposed rule, and many other small businesses would be excluded individually at the time of permit issuance because the department has determined that there is no toxic risk. Only a small percentage of small businesses are likely to get whole effluent toxicity testing.

2. Use of Screening Tests by Small Businesses. The chief form of mitigation for small businesses that must do whole effluent toxicity testing is contained in WAC 173-205-050 (1)(f). This section of the rule allows small businesses to use screening tests rather than full dilution series tests. Screening tests are less expensive than full dilution series tests. These screening tests are also allowed for small publicly owned treatment works.

Ecology took every opportunity within the constraints of state and federal law to reduce the cost of compliance with the whole effluent toxicity rule for any permittee. Several of the more important impact-reducing provisions include:

- Ecology may delay effluent characterization for whole effluent toxicity for existing facilities that are under a compliance schedule in a permit or administrative order to implement technology-based controls or to achieve compliance with water quality-based effluent limits.

- A chronic whole effluent toxicity characterization is not necessary in any permit if the discharge receives at least one thousand to one dilution at the edge of the mixing zone.

- If all of the additional toxicity tests conducted in response to a whole effluent toxicity limit violation are in compliance, then the permittee will only be required to search facility records and submit a report on the possible causes and preventive measures. A toxicity identification-reduction evaluation would not be required.

- Ecology may allow a reduction in compliance monitoring for whole effluent toxicity limits during a toxicity identification/reduction evaluation if effluent toxicity is being regularly measured and reported to the department and the toxicity identification/reduction evaluation is being conducted in a timely manner.

- Whole effluent toxicity limits are eligible for removal upon permit renewal if the permittee has demonstrated compliance with the whole effluent toxicity performance standard for a minimum of three consecutive test years following effluent characterization or for an entire subsequent permit term, and if the permittee has not made any changes which might increase toxicity.

- RCW 90.48.520 requires the application of all known, available, and reasonable methods to control toxicants, and so the whole effluent toxicity rule allows a performance standard to be imposed as a limit when a similar permittee has met it. Cost is considered, and if the cost is excessive, then the limit is not considered reasonable and will not be placed in the permit.

Hearing Location: Spokane Center, Room 223, Eastern Washington University, West 705 First Avenue, Spokane, WA, on May 11, 1993, at 1:00 p.m.; and at the Central Wastewater Treatment Facility, 2201 Portland Avenue, Tacoma, WA, on May 12, 1993, at 1:00 p.m.

Submit Written Comments to: Randall Marshall, by May 27, 1993.

Date of Intended Adoption: August 3, 1993.

March 29, 1993
Mary Riveland
Director

**Chapter 173-205 WAC
WHOLE EFFLUENT TOXICITY TESTING AND
LIMITS**

NEW SECTION

WAC 173-205-010 Purpose. The purpose of this chapter is to establish a procedure for deriving whole effluent toxicity limits in accordance with RCW 90.48.520, 40 CFR 122.44(d) and 40 CFR 122.44(e) for inclusion into National Pollutant Discharge Elimination System (NPDES) permits to protect aquatic life through the implementation of all known, available, and reasonable methods to control toxicants and through the attainment of state water quality standards.

NEW SECTION

WAC 173-205-020 Definitions. "Acute critical effluent concentration" means the maximum concentration of effluent during critical conditions at the edge of the zone of acute criteria exceedance assigned in accordance with WAC 173-201A-100. Where no zone of acute criteria exceedance is allowed, the acute critical effluent concentration shall be one hundred percent effluent.

"Acute statistical power standard" means that the maximum acceptable difference in response that is not statistically significant between the control and the acute critical effluent concentration is twenty-nine percent.

"Acute toxicity test" means a toxicity test with the death of test organisms as the measured response.

"Chronic critical effluent concentration" means the maximum concentration of effluent during critical conditions at the edge of the mixing zone assigned in accordance with WAC 173-201A-100. Where no mixing zone is allowed, the chronic critical effluent concentration shall be one hundred percent effluent.

"Chronic statistical power standard" means that the maximum acceptable difference in response that is not statistically significant between the control and the acute or chronic critical effluent concentration is thirty-nine percent.

"Chronic toxicity test" means a toxicity test which measures a sublethal effect such as failed fertilization, development, growth, or reproduction. Organism survival is also a measured endpoint in some chronic toxicity tests.

"Critical conditions" means those circumstances when the physical, chemical, and biological characteristics of the receiving water environment interact with the effluent to produce the greatest potential adverse impact on aquatic biota and existing and characteristic water uses.

"Department" means the department of ecology of the state of Washington.

"EC₅₀" (effective concentration, fifty percent) means the effluent concentration estimated to cause an adverse effect in fifty percent of the test organisms in a toxicity test involving a series of dilutions of effluent.

"Effluent characterization" means, for whole effluent toxicity, establishing the baseline toxicity level by toxicity

testing using multiple species on effluent samples taken over the seasons of one year. The effluent characterization toxicity test results shall also be used to determine the need for water quality-based effluent toxicity limits. Effluent characterization can be repeated if necessary.

"Hypothesis testing" means the mathematical technique for comparing the average response of the replicates of an effluent concentration to the average response of the control replicates at the end of a toxicity test in order to determine if there is a statistically significant difference in response within a level of certainty such as ninety-five percent or ninety-nine percent.

"IC₅₀" (inhibition concentration, fifty percent) means the effluent concentration estimated to cause a fifty percent reduction in a biological function in a toxicity test involving a series of dilutions of effluent.

"LC₅₀" (lethal concentration, fifty percent) means the effluent concentration estimated to cause death in fifty percent of the test organisms in a toxicity test involving a series of dilutions.

"Multiple species" toxicity testing means conducting separate toxicity tests using different species on the same effluent sample in order to assess its effect on a broad range of organisms such as fish, invertebrates, or plants.

"NOEC" means the "no observed effect concentration" which is the highest concentration of effluent in a toxicity test shown using hypothesis testing to have no statistically significant adverse effects.

"One hundred percent effluent screening tests" are full duration toxicity tests that are conducted as a screen for toxicity in one hundred percent effluent. No other effluent concentrations are tested until toxicity has been detected in one hundred percent effluent.

"Point estimates" are estimates of the concentration of effluent resulting in a specified level of effect and are determined either graphically or statistically from the concentration-response relationship determined from a toxicity test having a series of dilutions.

"POTW" means a publicly owned treatment works for treating municipal sewage. In the context of this rule, "POTW" and "municipal plant" are synonymous.

"Rapid screening test" means a screening toxicity test on one hundred percent effluent or some other high concentration of effluent in order to detect unanticipated increases in toxicity. Examples of rapid screening tests include twenty-four hour EPA acute tests, acute toxicity tests using rotifers produced from cysts, bacterial bioluminescence tests, and two-day life cycle tests with rotifers.

"Reasonable potential" under this chapter means that the department has determined, based on a whole effluent toxicity performance standard, that the effluent could cause in-stream toxicity in violation of WAC 173-201A-040(1).

"Species rotation" means the switching to a different toxicity test from the list in a discharge permit for each effluent monitoring sample according to a rotation schedule set by the department.

"Statistically significant" under this chapter means establishing that a difference in response between a control and an effluent concentration is likely due to toxicity and not variability in the response of the test organisms. The statistical technique for making this determination shall be a one-tailed hypothesis test specified or approved by the

department. These hypothesis tests shall be conducted at the ninety-five percent confidence level although the department may approve tests at the ninety-nine percent confidence level if statistical power will not be adversely affected.

"Substantially similar permittees" means all permittees within one of the point source categories or subcategories identified in 40 CFR Subchapter N-Effluent Guidelines and Standards, all permittees covered under the same general permit, or municipal treatment plants discharging within twenty-five percent of the larger of the dry weather flows of each other. For the purposes of this rule, any determination that permittees are substantially similar should take into consideration the factors listed in 40 CFR 125.3 (d)(3), and any determination that municipal treatment plants are substantially similar should take into consideration the similarity of nonresidential users.

"Technology-based controls" means methods for the treatment, prevention, or control of pollutants such as best management practices, biological treatment, physical-chemical treatment, use of nontoxic process chemicals, secondary containment for spills, control of site run-on/run-off, equipment maintenance, equipment operation, implementing site-specific pollution prevention plans, and any other technique with the same goals.

"Toxicity identification/reduction evaluation" means the process for determining the effective control of effluent toxicity by identifying the toxicant and/or its source, and developing a method to reduce toxicity by source control or treatment.

"Toxicity test" means a direct measurement of the adverse effect of a substance in a controlled test using living organisms. In the context of this rule, "toxicity test" and "whole effluent toxicity test" are synonymous.

"Whole effluent toxicity" means the total toxic effect of an effluent measured directly with a toxicity test so that the interactions of all toxicants present in the effluent are assessed.

"Whole effluent toxicity performance standard" means a level of effluent toxicity that is consistently so much lower than a water quality-based whole effluent toxicity limit that no reasonable potential exists to violate the limit. For acute toxicity, the performance standard is the median survival in one hundred percent effluent being equal to or greater than eighty percent and no individual test result showing less than sixty-five percent survival in one hundred percent effluent. For chronic toxicity, the performance standard is no chronic toxicity test demonstrating a statistically significant difference in response between the control and a test concentration equal to the acute critical effluent concentration. For permittees that are ineligible for an approved mixing zone, the performance standard will equal or be close to equal (in the case of acute toxicity) the water quality-based effluent toxicity limit.

"Whole effluent toxicity test" means a toxicity test on an effluent.

NEW SECTION

WAC 173-205-030 Applicability. The requirements in this chapter shall apply to all NPDES permits issued by the department of ecology (department).

(1) The department shall evaluate all NPDES permit applications in accordance with WAC 173-205-040 to determine if the discharge needs an effluent characterization for toxicity as described in WAC 173-205-050.

(2) In accordance with WAC 173-205-040 and 173-205-050, the department shall describe in the permit the circumstances under which whole effluent toxicity limits will be applied to the discharge in order to meet:

(a) The requirement for all known, available, and reasonable methods to control toxicants; or

(b) Appropriate water quality standards.

(3) The determination to require or not to require whole effluent toxicity characterization in a permit shall be explained in the fact sheet of the permit.

(4) The department may delay effluent characterization for whole effluent toxicity for existing facilities that are under a compliance schedule in a permit or administrative order to implement technology-based controls or to achieve compliance with water quality-based effluent limits.

(5) The department may require whole effluent toxicity testing or rapid screening testing as a condition of permit application, as a condition of an NPDES permit, or as a regulatory order.

(a) If an effluent characterization for whole effluent toxicity as described in WAC 173-205-050(1) has been conducted as a condition of permit application, then the permit issued in response to that application shall not contain a requirement for effluent characterization provided that all determinations required by this chapter can be made to the department's satisfaction.

(b) If an effluent characterization for whole effluent toxicity which meets the requirements of WAC 173-205-050(1) has been conducted in a previous permit, then subsequent permits shall not contain a requirement for effluent characterization provided that all determinations required by this chapter can be made to the department's satisfaction and unless WAC 173-205-060 applies.

(6) The department may conduct or require permittees to conduct toxicity tests on ambient water or may use or require permittees to use ambient water as dilution water in order to facilitate the determination of compliance with WAC 173-201A-100.

(7) A toxicity test conducted on effluent samples taken by parties other than the permittee can be used to make any determination required by this chapter or in a permit issued in accordance with this chapter as long as all appropriate sampling, toxicity testing, and QA/QC requirements specified in the permit have been followed.

(8) The department shall require permittees that have not been assigned a whole effluent toxicity limit because of the determination in WAC 173-205-050 (2)(a), or 173-205-120(1) to conduct as a part of the application for permit renewal at least one toxicity test on a fish, an invertebrate, and any appropriate plant unless the permittee has been monitoring with rapid screening tests required in accordance with WAC 173-205-120(2).

(9) Permittees may conduct any toxicity test using a full dilution series provided that all of the testing and information requirements of this chapter and the permit are met, including using the statistical analysis specified in the permit.

NEW SECTION

WAC 173-205-040 Determining the need for effluent characterization. (1) A discharge from a facility is considered to have a risk for aquatic toxicity and to need an effluent characterization for acute and chronic whole effluent toxicity if the facility or discharge meet any of the following criteria:

(a) Uses, stores, produces as a product or waste, or transfers any hazardous substance listed in 40 CFR 302.4 with a statutory code of 1 or 2 (referring to Sections 311(b)(4) or 307(a) of the Clean Water Act) unless:

(i) The permittee demonstrates to the department's satisfaction that the facility is designed and managed so that these substances are kept physically separated at all times, including spills or any other accidental release, from any part of the wastewater collection, treatment, or discharge system; or

(ii) The amount of any hazardous substance at the facility is never more than the statutory reportable quantity listed in 40 CFR 302.4;

(b) Discharges in its effluent any toxic pollutant listed in Appendix D of 40 CFR Part 122 for which there are no water quality criteria for aquatic life protection listed in 40 CFR 131.36(b)(1) or WAC 173-201A-040(3);

(c) Belongs to an industry category identified in 40 CFR Part 122, Appendix A;

(d) Is a municipal facility which receives a discharge from any industry category identified in 40 CFR Part 403, Appendix C;

(e) Except for permittees with whole effluent toxicity limits or permittees that have no whole effluent toxicity limit because of the determination in WAC 173-205-120(1), any facility with toxicity detected during the last five years based on:

(i) Less than eighty percent survival in one hundred percent effluent; or

(ii) The no observed effects concentration for chronic toxicity being less than or equal to the acute critical effluent concentration;

(f) Any facility with suspected toxicity because of apparent damage to aquatic biota; or

(g) Any other discharger that the department determines has the potential to discharge toxics in toxic amounts.

(2) The following types of discharges are excluded from requirements for whole effluent toxicity characterization unless subsection (1) of this section applies:

(a) Once-through noncontact cooling water without biocides;

(b) Drinking water treatment plant effluent;

(c) Dewatering of sand or gravel mining operations;

(d) Sump pump discharges of ground water or rain water only;

(e) Construction dewatering;

(f) Discharges from fish hatcheries and other aquaculture;

(g) Seafood processors; or

(h) Any other discharge that the department determines does not have the potential to contain toxics in toxic amounts.

(3) A chronic whole effluent toxicity characterization is not necessary in any permit if the effluent has been or will

be characterized for acute whole effluent toxicity and if the discharge receives at least one thousand to one dilution at the edge of a mixing zone assigned in accordance with WAC 173-201A-100.

NEW SECTION

WAC 173-205-050 Effluent testing for toxicity. (1) The department shall require permittees meeting the risk definition of WAC 173-205-040(1) to characterize the effluent for toxicity during permit application or during the first year of the permit term. In addition, those permittees failing the whole effluent toxicity performance standard determination in subsection (2)(a) of this section shall conduct compliance monitoring for whole effluent toxicity limits as described in WAC 173-205-070.

(a) Each effluent sample during effluent characterization shall be tested for toxicity using multiple species which shall at a minimum include a fish, an invertebrate, and, if deemed appropriate by the department, a plant.

(b) The sampling frequency during effluent characterization and compliance monitoring shall be at least twice per year and sampling shall be timed to cover the seasonal extremes of the year such as wet-dry or cold-hot.

(c) The duration of an acute toxicity test performed for effluent characterization or compliance monitoring shall be forty-eight hours for an invertebrate and ninety-six hours for a fish.

(d) For effluent characterization and compliance monitoring, the department shall use toxicity tests published in 40 CFR Part 136, in EPA toxicity test manuals or those methods approved by the department considering the following criteria:

(i) The existence of a detailed written description of the test method;

(ii) Interlaboratory comparisons of the method;

(iii) Adequate testing with complex wastes such as wastewater;

(iv) Measurement of an effect that is clearly adverse to the production of the species such as reduced survival or growth, abnormal development, or failed reproduction;

(v) Use of marine organisms native to or established in the state of Washington; and

(vi) Use of freshwater organisms that represent taxonomic families native to the state.

(e) Toxicity testing for effluent characterization under this section, compliance monitoring as described in WAC 173-205-070, and additional monitoring as described in WAC 173-205-090 or 173-205-120 (2)(d) shall be performed by laboratories accredited by the department for the specific toxicity test in accordance with chapter 173-50 WAC.

(f) Upon request, the department may approve the performance of toxicity tests for effluent characterization or compliance monitoring for publicly owned treatment works discharging less than one-half million gallons per day and small businesses as defined in RCW 43.31.025(4) as screening tests using one hundred percent effluent for the acute toxicity tests and the acute critical effluent concentration for the chronic toxicity tests.

(i) If an acute one hundred percent effluent screening test demonstrates less than eighty percent survival, the test

shall be repeated as soon as possible on a fresh sample using the full dilution series test described in the permit.

(ii) The chronic screening tests shall be expected to have no statistically significant difference in response between the acute critical effluent concentration and the control using the method in Appendix H of EPA/600/4-89/001 or an equivalent method approved by the department. The chronic one hundred percent effluent screening tests shall meet the chronic statistical power standard.

(2) Effluent characterization shall be used to establish:

(a) Whether a reasonable potential for acute or chronic toxicity exists in the effluent which would require a whole effluent toxicity limit.

(i) If at the end of effluent characterization the median survival in one hundred percent effluent is less than eighty percent, or if any individual test result shows less than sixty-five percent survival in one hundred percent effluent, then a reasonable potential for acute conditions in the receiving water has been demonstrated, and the whole effluent acute toxicity limit described in WAC 173-205-070 shall be applied to the discharge.

(ii) If during effluent characterization any chronic toxicity test using the method in Appendix H of EPA/600/4-89/001 or an equivalent method approved by the department demonstrates a statistically significant difference in response between the control and a test concentration equal to the maximum concentration of effluent during critical conditions at the edge of the zone of acute criteria exceedance as described in WAC 173-201A-100, then a reasonable potential for chronic conditions in the receiving water has been demonstrated, and the whole effluent chronic toxicity limit described in WAC 173-205-070 shall be applied to the discharge.

(iii) If the acute critical effluent concentration is unknown during effluent characterization, all chronic toxicity tests shall determine the NOEC for comparison to the acute critical effluent concentration when it becomes available.

(A) The determination of these NOECs shall comply with the chronic statistical power standard.

(B) If effluent characterization is completed and neither the acute critical effluent concentration nor the chronic critical effluent concentration is known, then the permittee shall continue the toxicity testing as conducted in effluent characterization except using single species tests rather than multiple species tests.

(b) The permittee shall analyze the toxicity test data during effluent characterization to establish a baseline toxicity level by calculating appropriate point estimates such as the LC_{50} , the IC_{50} , or the EC_{50} .

NEW SECTION

WAC 173-205-060 Additional effluent characterizations. (1) A permittee that has not been assigned a whole effluent toxicity limit because of attaining a performance standard described in WAC 173-205-050 (2)(a), or 173-205-120(1) will not be required to conduct a new effluent characterization in accordance with WAC 173-205-050(1) unless the department determines that:

(a) The permittee has made changes to processes, materials, or treatment that could result in an increase in effluent toxicity.

(b) A POTW has experienced the addition of any new source as defined in 40 CFR 203.3(k) that belongs in any industry category identified in 40 CFR Part 403, Appendix C.

(c) The average dry weather flow volume has changed by ten percent or more due to changes in plant processes, production changes, or increases in the number of users. Changes in flow volume due to water conservation measures would not indicate a need for a new characterization unless this resulted in a final effluent containing a higher concentration of potentially toxic pollutants.

(2) It is the responsibility of the permittee to demonstrate to the department's satisfaction that no change has occurred to the facility which would cause or increase effluent toxicity.

(a) The permittee must make this demonstration as soon as possible after any change listed in subsection (1) of this section has occurred but under no circumstances later than the time of application for permit renewal.

(b) Toxicity testing by the permittee shall be accepted as a demonstration that such facility changes have not increased effluent toxicity providing that the department has approved the number and types of toxicity tests performed, but the department may accept other demonstrations based on other scientific disciplines such as chemistry.

(3) An increase in effluent toxicity is assumed to have occurred if toxicity testing conducted in accordance with WAC 173-205-030(8) or toxicity testing conducted in response to a rapid screening test as required by WAC 173-205-120 (2)(d) has shown toxicity in excess of a performance standard, and a new effluent characterization shall be required.

(4) Unless a new toxicity test method has been approved pursuant to WAC 173-205-050 (1)(d) that, in the opinion of the department, should replace one of or supplement an existing toxicity test in the permit because it may be more sensitive or has a closer ecological or taxonomic relationship to receiving water species, a permittee does not need a new effluent characterization for acute or chronic toxicity if the discharge is being routinely monitored for compliance with a whole effluent toxicity limit using species rotation.

(a) This determination only applies to the type of toxicity covered by the whole effluent toxicity limit; if a permittee has only one whole effluent toxicity limit for either acute or chronic toxicity, then the toxicity type not covered by the limit may be considered by the department for additional characterization.

(b) Only the new toxicity test method is needed for effluent characterization in the case of a new toxicity test being approved.

NEW SECTION

WAC 173-205-070 Monitoring for compliance with whole effluent toxicity limits. (1) A discharge is in compliance with the narrative water quality standard for acute toxicity when the most recent acute toxicity test has shown no statistically significant difference in response between the acute critical effluent concentration and a control.

(a) Acute toxicity testing shall be performed using one hundred percent effluent, the acute critical effluent concentration, and a control.

(b) The acute critical effluent concentrations in a whole effluent toxicity test shall be compared to the control using the method in Appendix H of EPA/600/4-89/001 or an equivalent method approved by the department.

(c) If a statistically significant difference in response is determined between the control and the acute critical effluent concentration in an acute toxicity test, then the effluent has failed the test for compliance with the whole effluent acute toxicity limit and the permittee shall immediately begin the process described in WAC 173-205-090.

(d) The compliance test for acute toxicity shall be considered to be a maximum daily discharge limitation.

(2) A discharge is in compliance with the narrative water quality standard for chronic toxicity when the most recent chronic toxicity test has shown no statistically significant difference in response between the chronic critical effluent concentration and a control.

(a) Chronic toxicity testing shall be performed using the acute critical effluent concentration, the chronic critical effluent concentration, and a control.

(b) The chronic critical effluent concentrations in a whole effluent toxicity test shall be compared to the control using the method in Appendix H of EPA/600/4-89/001 or an equivalent method approved by the department.

(c) If a statistically significant difference in response is determined between the control and the chronic critical effluent concentration in a chronic toxicity test, then the effluent has failed the test for compliance with the whole effluent chronic toxicity limit and the permittee shall immediately begin the process described in WAC 173-205-090.

(d) The compliance test for chronic toxicity shall be considered to be a maximum daily discharge limitation.

(3) During compliance monitoring, the one hundred percent effluent concentration in an acute test and the acute critical effluent concentration in a chronic test will be used to assess the attainment of the performance standards in accordance with WAC 173-205-120(1).

(4) Toxicity tests conducted for monitoring for compliance with whole effluent toxicity limits shall meet, as appropriate, the acute or chronic statistical power standards. If whole effluent toxicity test does not meet appropriate statistical power standard, then the effluent shall immediately be resampled and the toxicity test repeated with the number of replicates increased in order to meet the statistical power standard.

(5) The permittee shall provide the department with all information and records required by the department in order to evaluate toxicity test results to determine their adequacy for effluent characterization, compliance monitoring, screening tests, or rapid screening tests.

(a) The result of the most recent reference toxicant test conducted by the laboratory for that toxicity test method shall accompany each whole effluent toxicity test result. Every reference toxicant test shall be conducted on a minimum of five dilutions and shall calculate the point estimate specified in the permit for the whole effluent toxicity test.

(b) The response in all replicates at every effluent concentration and the control shall be reported for all tests analyzed by hypothesis testing so that the department can check for compliance with statistical power standards and for anomalous test results which should not be used for the compliance determinations in WAC 173-205-070.

NEW SECTION

WAC 173-205-080 Samples for whole effluent toxicity testing. (1) All samples taken for whole effluent toxicity testing shall be handled as specified in the permit and in any EPA manuals referenced in the permit.

(a) No attempts shall be made before or during the whole effluent toxicity test to modify the sample to remove or otherwise change any toxicant except as subsection (3) of this section requires.

(b) Except as subsection (3) of this section provides, no attempts shall be made before or during the whole effluent toxicity test to adjust the hardness, dissolved oxygen, pH, or any other physical or chemical property of the sample, dilution water, or test solutions except as required in the toxicity test method, in the permit, or in appropriate EPA manuals.

(2) Except as subsection (3) of this section provides, the department shall require that samples for whole effluent toxicity testing be taken just before the chlorinator for permittees who meet all of the following:

(a) Add chlorine to treated effluent for the purpose of disinfection;

(b) Have received effluent limits based on the water quality criteria for chlorine; and

(c) Are developing or implementing plans to achieve compliance with the chlorine limits.

(3) If any permittee has begun implementing a plan to install dechlorination, then the sample may, as specified by the department, be chemically dechlorinated by a similar method before whole effluent toxicity testing.

(4) The whole effluent toxicity test shall be run on an unmodified sample of final effluent if the effluent can meet effluent limits based on the water quality criteria for chlorine.

NEW SECTION

WAC 173-205-090 Response to noncompliance with whole effluent toxicity limits. (1) If a toxicity test result fails the compliance test described in WAC 173-205-070, then the permittee shall take a new sample as soon as possible for retesting and begin additional monitoring.

(a) If the noncompliance was with an acute toxicity limit, the additional monitoring shall be conducted weekly for four weeks using the same toxicity test as in the failed compliance test or shall be conducted on the next four discharge events if an intermittent discharge.

(b) If the noncompliance was with a chronic toxicity limit, the additional monitoring shall be conducted monthly for three months using the same toxicity test as in the failed compliance test or shall be conducted on the next three discharge events if an intermittent discharge.

(c) This additional monitoring shall be conducted the same as in effluent characterization and shall determine the

LC₅₀, IC₅₀, or EC₅₀, as appropriate, and measure compliance with the permit limit.

(2) Any permittee failing the compliance test for a whole effluent toxicity limit shall take all reasonable actions to achieve compliance including conducting a toxicity identification/reduction evaluation as defined in WAC 173-205-100.

(3) The discharger shall return to the original monitoring frequency after conducting the additional monitoring described in subsection (1) of this section.

(4) The permittee may proceed directly to a toxicity identification/reduction evaluation and not perform the additional testing.

NEW SECTION

WAC 173-205-100 Toxicity identification/reduction evaluations. (1) If only the routine monitoring toxicity test which initiated the additional monitoring described in WAC 173-205-090 fails the compliance test, then the toxicity can be considered as transient, and the discharger shall be required to search all recent facility records which might explain the transient toxicity (operating records, monitoring results, inspection records, spill reports, weather records, production records, etc.) and submit a report to the department on the possible causes and preventive measures for the transient toxicity within thirty days of the last additional sample.

(2) If any toxicity test fails the compliance test described in WAC 173-205-070 during the additional monitoring conducted in accordance with WAC 173-205-090(1), then the permittee shall submit a plan to the department within sixty days for a toxicity identification/reduction evaluation.

(a) As a part of this plan, the permittee may request that the department allow up to six months for facility personnel to attempt to control the most likely sources of toxicity through efforts such as changes in plant operation, replacement of a toxic material used in the facility, or improvement of best management practices before beginning the investigation outlined in the EPA manuals.

(i) The department shall approve the request in writing.

(ii) The department approval may be sent to the permittee at any time during the review of the toxicity identification/reduction evaluation plan.

(b) The toxicity identification/reduction evaluation plan shall be based on procedures in the latest versions of the EPA guidance documents for conducting toxicity reduction evaluations or toxicity identification evaluations, but need not include any procedure from the EPA manuals that is not necessary to the goal of controlling the discharge of whole effluent toxicity by the permittee.

(c) The department may approve any modifications or additions to the EPA procedures that will improve the ability to identify or reduce toxicity.

(d) The permittee shall submit to the department a toxicity identification/reduction evaluation plan revised in accordance with department comments within thirty days after receipt of department comments.

(3) The permittee shall implement the toxicity identification/reduction evaluation plan immediately upon notification by the department of plan approval.

(4) As long as effluent toxicity is being regularly measured and reported to the department during the toxicity identification/reduction evaluation, the department may allow a reduction in compliance monitoring for whole effluent toxicity limits for as long as the department determines that the toxicity identification/reduction evaluation is being conducted in a timely manner.

NEW SECTION

WAC 173-205-110 Interruption of a toxicity identification/reduction evaluation. (1) If, in performing a toxicity identification/reduction evaluation, four consecutive acute or chronic toxicity samples taken over at least one month are not sufficiently toxic to perform the toxicity identification/reduction evaluation, then the department can approve the interruption of the toxicity identification/reduction evaluation.

(2) The permittee shall return to the monitoring frequency specified in the permit. Sufficient sample volume shall be taken each time to allow the lab to perform both a toxicity test and begin a toxicity identification/reduction evaluation immediately in the event of any noncompliance with whole effluent toxicity limits.

(a) The extra sample shall be stored at four degrees Celsius in the dark while the toxicity test is being performed.

(b) A toxicity identification/reduction evaluation shall begin as soon as the whole effluent toxicity test demonstrates noncompliance with the limit.

(c) Samples may be discarded from storage after completion of the toxicity test if the whole effluent toxicity limit was not violated.

(3) If toxicity testing shows compliance with whole effluent toxicity limits for one year after interruption of the toxicity identification/reduction evaluation, then the permittee may cease taking the extra sample.

NEW SECTION

WAC 173-205-120 Permit limit removed for attainment of a whole effluent toxicity performance standard.

(1) Whole effluent toxicity limits assigned pursuant to WAC 173-205-050(2) may be eligible for removal upon permit renewal if:

(a) The permittee has demonstrated compliance with the whole effluent toxicity performance standard associated with that limit for a minimum of three consecutive test years following effluent characterization or for an entire subsequent permit term; and

(b) The permittee has not made any changes within the last three years which would otherwise require additional effluent characterization pursuant to WAC 173-205-060.

(2) The department may condition the nonassignment of a whole effluent toxicity limit for a permittee that has attained a performance standard described in WAC 173-205-050 (2)(a), or subsection (1) of this section on routine monitoring with a rapid screening test.

(a) Before making such condition, the department shall consider the potential for treatment system upsets, control equipment failures, spills, accidental releases to the wastewater system, and any other event which could result in a toxic discharge.

(i) Chemical monitoring may be required to assess increases in effluent toxicity if it can account for potential

sources of toxicity, and is associated with water quality-based effluent limits or any other permit mechanism that requires a response to increases in effluent toxicity.

(i) Rapid screening tests shall be required if the department determines there is the potential for an event at the facility which could result in a toxic discharge that would otherwise go unnoticed by chemical monitoring.

(b) Rapid screening tests for acute toxicity shall be expected to have a maximum mortality proportion of twenty hundredths in one hundred percent effluent as determined by subtracting the number of test organisms living in one hundred percent effluent at the end of the test from the number of test organisms living in the control and dividing the result by the number of test organisms living in the control. The one hundred percent effluent test concentration and the control shall have equal numbers of test organisms.

(c) Rapid screening tests for chronic toxicity shall be expected to have no statistically significant difference in response between the acute critical effluent concentration and the control using the method in Appendix H of EPA/600/4-89/001 or an equivalent method approved by the department. Rapid screening tests for chronic toxicity must meet the chronic statistical power standard.

(d) Whenever a rapid screening test result fails to achieve the standard of (b) or (c) of this subsection, the permittee shall be required to immediately retest with all of the acute or chronic toxicity tests used in the last permit with whole effluent toxicity testing.

(e) The results of the acute or chronic toxicity tests conducted in response to a rapid screening test shall be evaluated by the department to determine the need for new whole effluent toxicity characterization requirements in the next permit or the need for immediate administrative orders to correct a toxic discharge.

(f) Except for rapid screening tests approved by the department to be conducted on site by the permittee, all rapid screening tests shall be performed by laboratories accredited by the department in accordance with chapter 173-50 WAC.

NEW SECTION

WAC 173-205-130 Performance-based limits for acute whole effluent toxicity. (1) In accordance with RCW 90.48.520 and 40 CFR 122.44(e), the department shall evaluate all applications for an NPDES permit to determine if any substantially similar permittee has succeeded in demonstrating that no reasonable potential exists for acute toxicity and has not been assigned an acute whole effluent toxicity limit in accordance with WAC 173-205-050 (2)(a)(i) or 173-205-120(1).

(2) If any substantially similar permittee has succeeded in achieving the performance standard, then the department shall place the performance standard as an acute whole effluent toxicity limit into the permit of any substantially similar NPDES permit applicant who has not yet demonstrated attainment of the performance standard.

(3) In determining compliance with an acute whole effluent toxicity limit based on the performance standard, a minimum of three toxicity tests shall be used in calculating the median. For the first two toxicity tests conducted to determine compliance with the performance standard-based

acute whole effluent toxicity limit, compliance shall be determined as a minimum of sixty-five percent survival in one hundred percent effluent.

**WSR 93-08-087
PROPOSED RULES
DEPARTMENT OF
COMMUNITY DEVELOPMENT**
[Filed April 7, 1993, 9:40 a.m.]

Original Notice.

Title of Rule: State funding of local emergency food programs.

Purpose: To update and revise chapter 365-140 WAC. Statutory Authority for Adoption: RCW 43.63A.060.

Statute Being Implemented: Section 222(5), chapter 232, Laws of 1992.

Summary: These proposed rules reflect implementation of new program components mandated by the state legislature.

Name of Agency Personnel Responsible for Drafting: Suzette Guy, Program Developer, Community Assistance Division, 753-4942; Implementation: Susan Eichrodt, Program Manager, Community Assistance Division, 586-4921; and Enforcement: Peggy Jo Mihata, Assistant Director, Community Assistance Division.

Name of Proponent: State of Washington, Department of Community Development, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed updates and revisions to chapter 365-140 WAC are intended to add to and give an explanation of the new components funded by the state legislature for the emergency food assistance program. New program components include a tribal food voucher program, special dietary needs foods, special dietary needs training, and food for timber-dependent communities.

Proposal Changes the Following Existing Rules: New and revised definitions; changes to funding allocations reflected; and new program components added.

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

Hearing Location: Department of Community Development, 906 Columbia Street S.W., Conference Room 4A, Olympia, WA 98504-8300, on May 24, 1993, at 2:00 p.m.

Submit Written Comments to: Susan Eichrodt, Department of Community Development, P.O. Box 48300, Olympia, WA 98504-8300, by May 24, 1993.

Date of Intended Adoption: May 28, 1993.

April 7, 1993
Barbara B. Gooding
Director

AMENDATORY SECTION (Amending Order 87-11, filed 9/18/87)

WAC 365-140-030 Definitions. (1) "Department" means the department of community development.

(2) "Director" means the director of the department of community development.

(3) "Food bank" means ~~((a site where food is collected and distributed to clients at no))~~ an emergency food program that distributes food on a regular basis without a charge.

(4) "Food distribution center" means ~~a ((site where food is collected, warehoused, and distributed to food banks without charge on a regional, county))~~ food distribution agency that collects, warehouses, and distributes food and other products to emergency food programs and other charities on a county, regional, or state-wide basis.

(5) "Commodity program" means a program that primarily distributes USDA surplus commodities to clients.

(6) "Emergency food assistance program" means the multifaceted state-wide administrative activities carried out within the department of community development to allocate, award, and monitor state funds appropriated to assist local food banks and food ((distribution centers)) distributors, tribes or tribal organizations, and other food programs.

(7) "Applicant" means a public or private nonprofit organization, tribe or tribal organization which applies for state emergency food assistance.

(8) "Contractor" means an applicant which has been awarded state funds under the emergency food assistance program, and which has entered into a contract with the department of community development to provide emergency food assistance to individuals.

(9) ~~((("Lead agency contractor" means a contractor which may subcontract with one or more local organizations to provide emergency food assistance to individuals.~~

~~(10))~~ "Tribal food voucher program" means the state-wide administrative activities carried out within the department of community development to allocate, award, and monitor state funds appropriated to assist tribes or tribal organizations in issuing food vouchers to clients.

(10) "Religious service" means any sectarian or non-denominational service, rite, or meeting that involves worship of a higher being.

(11) "Unmet need" means an area of the state, region, or county that is currently not being adequately served by existing emergency food assistance providers.

(12) "Participating agency" means a local public or private nonprofit organization which enters into a subcontract with a lead agency contractor to provide emergency food program services.

AMENDATORY SECTION (Amending WSR 89-22-032, filed 10/27/89, effective 11/27/89)

WAC 365-140-040 Contractor funding allocation and award of contracts. ~~((Each county of the state is allocated a portion of the total appropriation by the legislature.))~~ At least eighteen percent of the total allocation appropriated by the legislature shall be contracted for a tribal food voucher program, special dietary needs training, special dietary needs foods, and a discretionary program. A specific allocation shall be appropriated and thus contracted to food banks in timber dependent communities. Of the remainder of the total allocation, not including department administration costs, allocations shall be contracted to food banks and food distributors on the following basis:

(1) Sixty percent of ~~((total))~~ funds allocated for food banks and food distributors shall be provided by county to a public or private nonprofit organization for food banks.

(2) Forty percent of ~~((total))~~ funds allocated for food banks and food distributors shall be provided by county to a public or private nonprofit organization for food distribution centers.

(3) A formula for distributing the funds in proportion to need shall be established by the department in consultation with a committee appointed by the director or the director's designee. The formula shall address the following:

- (a) Poverty population in each county;
- (b) Unemployed population in each county; and
- (c) Unmet needs in each county.

(4) The department may award the combined allocation for two or more counties to a single applicant.

(5) The department shall award a ~~((food bank))~~ contract to no more than one lead agency contractor in each county, with the exception of Pierce County, where there may be two lead agency contractors, and King County, where there may be five lead agency contractors to administer subcontracts with one or more local providers of emergency food bank services.

(6) The department shall award ~~((a))~~ contracts to food distribution centers which are designated jointly by the emergency food assistance program and the food bank lead agency contractors.

(7) The department shall pay for services provided under the emergency food assistance program after the contractor submits a monthly report of expenditures incurred and a request for reimbursement.

(8) In the event that funds are not claimed by an eligible organization in a county or that a portion of the funds allocated to a county remains unspent, the lead agency contractor may request ~~((permission))~~ authorization from the department to reallocate funds, within its service area, to an area of unmet need.

AMENDATORY SECTION (Amending Order 87-11, filed 9/18/87)

WAC 365-140-050 Applicant eligibility criteria. (1) The applicant must have a certified form from the IRS stating nonprofit status under section 501(c)3, have a sponsor providing 501(c)3 status, or be a public nonprofit agency.

(2) The applicant must not require participation in a religious service as a condition of receiving emergency food.

(3) The applicant must provide food or food vouchers to individuals in an emergency, regardless of residency.

(4) The applicant must practice nondiscrimination in providing services and employment.

(5) The applicant must not deny food or food vouchers to an individual because of his or her inability to pay.

(6) Applicants for funding as participating agency or food distribution center must have had a food bank program or food distribution center in operation for one year prior to the beginning date of the contract year, except in areas with unmet need.

(7) The applicant for lead agency contractor may or may not actually provide emergency food program services.

AMENDATORY SECTION (Amending Order 87-11, filed 9/18/87)

WAC 365-140-060 Financial support application process. (1) Potential applicants will be notified by the department that in order to be considered for state emergency food financial assistance, an application must be submitted to the department.

(2) An applicant must make formal application using forms issued and procedures established by the department. Such application shall be for the period July 1 - June 30. Failure of an applicant to make application in a timely manner, as specified by the department, may result in denial of the funding request.

(3) Department funds may not supplant other existing funding sources.

(4) ~~The total ((amount of funds provided to a contractor under this program may not exceed the total funding received from other sources for emergency food services during the fiscal year))~~ funds received by a contractor from the department for the emergency food assistance program must be matched by funds from other sources during the fiscal year. No more than fifty percent of that match may be documented in-kind contributions.

(5) Administrative costs for contractors under this program are limited to ten percent of the total award for providing direct emergency food assistance services. The administrative costs of a lead agency contractor are limited to ten percent of the contractor's award for providing direct services plus ten percent of the multi-agency service provider contract total. Total administrative costs for a lead agency contractor may not exceed fifteen percent of a county's total allocation.

(6) The department shall notify successful applicants and shall provide to each of them a contract for signature. This contract must be signed by an official with authority to bind the applicant and must be returned to the department prior to the award of any funds under this program.

(7) Department funds may not be used to defray costs of distributing USDA commodities under the commodity program.

~~((8) Department funds may not be used to defray costs of meal programs.))~~

WSR 93-08-088
PREPROPOSAL COMMENTS
BOARD OF ACCOUNTANCY
[Filed April 7, 1993, 10:00 a.m.]

Subject of Possible Rule Making: Requirement for CPA firms organized as corporations to maintain liability insurance or equivalent joint and several guarantee between shareholders. Issues include cost/benefit of requirement, deductibles, groups of employees included in minimum coverage computations, form of joint and several guarantee, and alternative mechanisms to protect the public.

Persons may Comment on this Subject in the Following Ways:

In Person: Public hearing, Bank of California Building, 5th Floor, 900 4th Avenue, Building Conference Room, Seattle, WA, on Thursday, May 20, 1993, at 9:30 a.m.

In Writing: To Board of Accountancy, P.O. Box 9131, Olympia, WA 98507-9131, by May 15, 1993.

March 25, 1993
Carey L. Rader
Executive Director

WSR 93-08-089
PROPOSED RULES
BOARD OF ACCOUNTANCY
[Filed April 7, 1993, 10:01 a.m.]

Original Notice.

Title of Rule: WAC 4-25-010, 4-25-040, 4-25-140, 4-25-141, 4-25-142, 4-25-190, 4-25-191, 4-25-260, 4-25-360, and chapter 4-24 WAC.

Purpose: Repeal.

Statutory Authority for Adoption: RCW 18.04.055.

Statute Being Implemented: RCW 18.04.055.

Summary: Repeal chapter 4-24 WAC and sections of chapter 4-25 WAC that are being recodified.

Reasons Supporting Proposal: Chapter 4-24 WAC contains obsolete public records rules except for WAC 4-24-131 which is being recodified. Sections of chapter 4-25 WAC being repealed are recodified elsewhere.

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

Name of Proponent: Board of Accountancy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 4-25 WAC sections repealed are recodified to new sections. Chapter 4-24 WAC sections repealed conflict with, or are redundant to, Public Records Act provisions.

Proposal Changes the Following Existing Rules: Only as to chapter 4-24 WAC. Repealing this chapter makes board rules more consistent with the Accountancy and Public Records Acts.

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

Hearing Location: Bank of California Building, 900 4th Avenue, 5th Floor, Building Conference Room, on May 20, 1993, at 9:30 a.m.

Submit Written Comments to: Carey L. Rader, Executive Director, Board of Accountancy, P.O. Box 9131, Olympia, WA 98507, by May 20, 1993.

Date of Intended Adoption: May 20, 1993.

April 5, 1993
Carey L. Rader
Executive Director

REPEALER

The following sections of the Washington Administrative Code are repealed:

| | |
|----------|---------------------------------|
| 4-25-010 | Preamble. |
| 4-25-040 | Board meetings, officers, fees. |

- 4-25-140 CPA certificate—Education requirements.
- 4-25-141 CPA exam—Application.
- 4-25-142 CPA exam—Policy on cheating.
- 4-25-190 Experience.
- 4-25-191 Licenses to practice—Certificates—Individual.
- 4-25-260 Temporary permits.
- 4-25-360 Reinstatement.

accountancy and the regulation of the practice of public accountancy. The further purpose is the enhancing of the reliability of information which is used for guidance in financial transactions or for accounting for or assessing the financial status or performance of commercial, noncommercial, and governmental enterprises.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- 4-24 Public records—Disclosure.

WSR 93-08-090
PROPOSED RULES
BOARD OF ACCOUNTANCY
 [Filed April 7, 1993, 10:02 a.m.]

Original Notice.

Title of Rule: WAC 4-25-400 Preamble.

Purpose: General housekeeping - reorganizes WAC section numbering and corrects statute cite.

Statutory Authority for Adoption: RCW 18.04.055.

Statute Being Implemented: RCW 18.04.055.

Summary: Renumbers section and corrects RCW cite. Part of a complete agency rules recodification.

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

Name of Proponent: Board of Accountancy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: General housekeeping - reorganizes WAC section numbering and corrects statute cite.

Proposal does not change existing rules.

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

Hearing Location: Bank of California Building, 900 4th Avenue, 5th Floor, Building Conference Room, on May 20, 1993, at 9:30 a.m.

Submit Written Comments to: Carey L. Rader, Executive Director, Board of Accountancy, P.O. Box 9131, Olympia, WA 98507, by May 20, 1993.

Date of Intended Adoption: May 20, 1993.

April 5, 1993
 Carey L. Rader
 Executive Director

NEW SECTION

WAC 4-25-400 Preamble. These rules are adopted by the Washington state board of accountancy, pursuant to its authority under RCW 18.04.055, the Public Accounting Act. Their purpose is to promote and protect the public interest by implementing the provisions of that act, which provide for the certifying and licensing of practitioners of public

WSR 93-08-091
PROPOSED RULES
BOARD OF ACCOUNTANCY
 [Filed April 7, 1993, 10:03 a.m.]

Original Notice.

Title of Rule: WAC 4-25-510 Board meetings, officers.

Purpose: General housekeeping - reorganizes WAC section numbering, previous cite WAC 4-25-040.

Statutory Authority for Adoption: RCW 18.04.055.

Statute Being Implemented: RCW 18.04.045.

Summary: Renumbers section. Part of a complete agency rules recodification. Changes board's annual meeting date to December and adds a scheduled board meeting for November each year.

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

Name of Proponent: Board of Accountancy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule establishes scheduled board meeting dates, an annual meeting, and provides for election of board officers. The amendments set a specific month for the annual meeting. The existing rule sets the annual meeting with reference to the annual meeting of the National Association of State Boards of Accountancy.

Proposal Changes the Following Existing Rules: Redefines when annual meeting will be held; adds the month of November to the list of normal meeting months; and places board meetings and officers into a separate section.

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

Hearing Location: Bank of California Building, 900 4th Avenue, 5th Floor, Building Conference Room, on May 20, 1993, at 9:30 a.m.

Submit Written Comments to: Carey L. Rader, Executive Director, Board of Accountancy, P.O. Box 9131, Olympia, WA 98507, by May 20, 1993.

Date of Intended Adoption: May 20, 1993.

April 5, 1993
 Carey L. Rader
 Executive Director

NEW SECTION

WAC 4-25-510 Board meetings, officers. An annual meeting of the board shall be held in December each year. At least six other meetings shall be held each year, normally in the months of February, April, June, August, October, and November. Such regular board meetings will normally be on the last Friday of the month, with the exceptions of

November and December meetings which shall normally be on the third Friday of the month. The chair or a quorum of the board shall have the authority to call meetings of the board. The board shall follow and apply the rules of procedure, chapter 34.05 RCW, as regards to notice and conduct of meetings.

At the annual meeting the board shall elect from among its members the chair, vice-chair, and secretary. The officers shall assume the duties of their respective offices at the conclusion of the annual meeting at which they were elected. They shall serve a term of one year, but shall be eligible for reelection for an additional term.

The chair or, in the event of the chair's absence or inability to act, the vice-chair shall preside at all meetings of the board. Other duties of the officers shall be such as the board may from time to time determine.

WSR 93-08-092
PROPOSED RULES
BOARD OF ACCOUNTANCY
[Filed April 7, 1993, 10:04 a.m.]

Original Notice.

Title of Rule: WAC 4-25-511 Confidential information.

Purpose: General housekeeping - reorganizes WAC section numbering; clarifies and expands board members' and staff's duties to treat investigation, and other sensitive data, in confidence.

Statutory Authority for Adoption: RCW 18.04.055.

Statute Being Implemented: RCW 18.04.055.

Summary: Renumbers section. Part of a complete agency rules recodification. Moves board member and staff confidentiality requirements from WAC 4-25-120 Responsibility to clients, into a separate section.

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

Name of Proponent: Board of Accountancy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Requires board members, staff, and volunteers to maintain confidentiality with respect to sensitive trade or practice data obtained during board activities.

Proposal Changes the Following Existing Rules: Clarifies and strengthens existing prohibition.

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

Hearing Location: Bank of California Building, 900 4th Avenue, 5th Floor, Building Conference Room, on May 20, 1993, at 9:30 a.m.

Submit Written Comments to: Carey L. Rader, Executive Director, Board of Accountancy, P.O. Box 9131, Olympia, WA 98507, by May 20, 1993.

Date of Intended Adoption: May 20, 1993.

April 5, 1993
Carey L. Rader
Executive Director

NEW SECTION

WAC 4-25-511 Confidential information. Members of the board, board employees, board contract investigators, and board designated volunteers shall not disclose or use to their own advantage any confidential information that comes to their attention in disciplinary proceedings or otherwise in carrying out their responsibilities, except that they may furnish such information to an investigative or disciplinary body established by law or formally recognized by the board.

WSR 93-08-093
PROPOSED RULES
BOARD OF ACCOUNTANCY

[Filed April 7, 1993, 10:05 a.m.]

Original Notice.

Title of Rule: WAC 4-25-520 Index of public records available.

Purpose: General housekeeping - reorganizes WAC section numbering; recodifies WAC 4-24-131 to chapter 4-25 WAC to consolidate board rules in one chapter of WAC.

Statutory Authority for Adoption: Chapter 42.17 RCW.

Statute Being Implemented: Chapter 42.17 RCW.

Summary: Renumbers section. Part of a complete agency rules recodification.

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

Name of Proponent: Board of Accountancy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Identifies public records, and an index of public records, available to the public.

Proposal does not change existing rules.

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

Hearing Location: Bank of California Building, 900 4th Avenue, 5th Floor, Building Conference Room, on May 20, 1993, at 9:30 a.m.

Submit Written Comments to: Carey L. Rader, Executive Director, Board of Accountancy, P.O. Box 9131, Olympia, WA 98507, by May 20, 1993.

Date of Intended Adoption: May 20, 1993.

April 5, 1993
Carey L. Rader
Executive Director

NEW SECTION

WAC 4-25-520 Index of public records available.

(1) The board has available to all persons:

(a) A data base file of every Washington certified public accountant. The file contains each certified public accountant's name, address, certificate type and number, date issued, and status of certificate;

(b) A data base file of certified public accountant examination candidates. The file contains each candidate's name, address, and candidate identification number;

(c) Formal orders;

- (d) Minutes of board meetings;
- (e) Tape recordings of board meetings for the last six months, excluding executive sessions;
- (f) Law and rules pamphlets and amendments thereto;
- (g) Certified public accountants' continuing education reports and continuing education sponsor agreements;
- (h) Legal orders file; and
- (i) Correspondence and materials dealing with regulatory, supervisory, or enforcement responsibilities of the board. The board does not maintain an index of correspondence files.

(2) The board maintains a data base file of final orders, declaratory rulings, interpretations, and policy statements. The file starts January 1, 1985. The file contains, at a minimum, the following data about board actions: Category, subcategory; date; description; and type (for example, board resolution or order). The file is updated semiannually.

(3) The board shall not give, sell, or provide access to lists of individuals requested for commercial purposes except that a list of licensees is maintained according to statute, and except that lists of applicants for licenses are accessible to bona fide educational and professional organizations.

WSR 93-08-094
PROPOSED RULES
BOARD OF ACCOUNTANCY
 [Filed April 7, 1993, 10:06 a.m.]

Original Notice.

Title of Rule: WAC 4-25-530 Fees.

Purpose: General housekeeping - reorganizes WAC section numbering and changes fees, previous cite WAC 4-25-040.

Statutory Authority for Adoption: RCW 18.04.055.

Statute Being Implemented: RCW 18.04.065.

Summary: Splits fees into a separate section. Decreases the fees for CPA examination for four parts of the examination from \$175 to \$160; for three parts from \$150 to \$140; and for one or two parts from \$125 to \$120. Adds a fee of \$50 for application for CPA certificate. Removes fee for transfer of grade credits. Increases fee for application from CPA certificate by reciprocity from \$40 to \$150. Increases biennial fee for individual license to practice public accountancy from \$65 to \$80. Increases biennial fee for CPA certificate renewal from \$10 to \$25. Increases sole proprietor firm license fee from \$50 to \$60. Decreases partnership firm license fee from \$75 to \$60. Decreases P.S. corporation firm license fee from \$75 to \$60. Removes fee for temporary practice license. Adds fees for printed listing of CPAs, CPA firms, or CPA exam candidates. Adds fees for computer diskette listing of CPAs, CPA firms, or CPA exam candidates. Adds a \$225 fee for quality assurance review.

Reasons Supporting Proposal: The board supports the fee changes to better reflect actual costs of services.

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

Name of Proponent: Board of Accountancy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule sets the fees charged by the board. This board proposal changes the fee structure to accomplish three objectives: Align fees more closely to actual costs to provide services; create a cash surplus totaling about \$120,000 so that the CPA account will not have to borrow from the state general fund during periods of negative cash flow (generally May through December); and create a cash surplus of about \$100,000 to provide a reserve for investigations and legal support for disciplinary cases.

Proposal Changes the Following Existing Rules: See Summary above.

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

Hearing Location: Bank of California Building, 900 4th Avenue, 5th Floor, Building Conference Room, on May 20, 1993, at 9:30 a.m.

Submit Written Comments to: Carey L. Rader, Executive Director, Board of Accountancy, P.O. Box 9131, Olympia, WA 98507, by May 20, 1993.

Date of Intended Adoption: May 20, 1993.

April 5, 1993
 Carey L. Rader
 Executive Director

NEW SECTION

WAC 4-25-530 Fees. Commencing July 1, 1993, the board shall charge the following fees:

- (1) CPA examination applications:
 - (a) One or two sections \$ 120
 - (b) Three sections \$ 140
 - (c) Four sections \$ 160
 - (d) Administration of examination for out-of-state applicants, per section \$ 10
- (2) Application for certificate \$ 50
- (3) Application for certificate by reciprocity from other jurisdictions \$ 150
- (4) Biennial license to practice public accounting, includes certificate renewal fee \$ 80
- (5) Biennial certificate renewal \$ 25
- (6) Biennial firm license:
 - (a) Sole proprietorships (with one or more employees) \$ 60
 - (b) Partnerships \$ 60
 - (c) P.S. corporations \$ 60
 - (d) Amendment to firm license \$ 10
- (7) Copies of records, per page \$0.10
- (8) Printed listing of CPAs, CPA firms, CPA exam candidates, \$50 set up charge plus \$.01/record
- (9) Computer diskette listing of CPAs, CPA firms, CPA exam candidates \$ 50
- (10) Applications for reinstatement \$ 25
- (11) Replacement CPA certificates \$ 25
- (12) Quality Assurance Review program per financial statement report review (includes monitoring reviews for up to two years) \$ 225
- (13) Late or incomplete individual or firm renewal application, per month or part thereof, to a maximum of \$200 per application \$ 25

Note: The board may waive late filing fees for good cause.

WSR 93-08-095
PROPOSED RULES
BOARD OF ACCOUNTANCY
[Filed April 7, 1993, 10:07 a.m.]

Original Notice.

Title of Rule: WAC 4-25-540 Brief adjudicative proceedings.

Purpose: General housekeeping - reorganizes WAC section numbering, previous cite WAC 4-25-040.

Statutory Authority for Adoption: RCW 18.04.055.

Statute Being Implemented: RCW 34.05.482-[34.05].494.

Summary: Renumbers section. Part of a complete agency rules recodification. Places brief adjudicative proceedings into a separate section and authorizes the board to use brief adjudicative proceedings to address various issues.

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

Name of Proponent: Board of Accountancy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule authorizes the board to use a brief adjudicative proceeding to address several types of disputes. The purpose of the rule is to allow the board to attempt informal resolution of disputes to affect quicker, more efficient, settlements.

Proposal Changes the Following Existing Rules: Expands the types of issues the board may address with brief adjudicative proceedings.

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

Hearing Location: Bank of California Building, 900 4th Avenue, 5th Floor, Building Conference Room, on May 20, 1993, at 9:30 a.m.

Submit Written Comments to: Carey L. Rader, Executive Director, Board of Accountancy, P.O. Box 9131, Olympia, WA 98507, by May 20, 1993.

Date of Intended Adoption: May 20, 1993.

April 5, 1993
Carey L. Rader
Executive Director

NEW SECTION

WAC 4-25-540 Brief adjudicative proceedings. The board adopts the brief adjudicative proceedings procedures permitted by RCW 34.05.482 through 34.05.494 to provide appeal from staff denials of license or certificate applications, good character rulings, agency ethics rulings, and such other matters as the board may decide to address in this manner. The presiding officer for such proceedings shall be the executive director who shall render findings and an order after consulting with one or more board members. Persons aggrieved by a brief adjudicative proceedings order may

appeal to the full board for administrative review. Such appeal must be made, orally or in writing, within twenty-one days after receipt of the brief adjudicative proceedings order.

WSR 93-08-096
PROPOSED RULES
BOARD OF ACCOUNTANCY
[Filed April 7, 1993, 10:08 a.m.]

Original Notice.

Title of Rule: WAC 4-25-550 Address changes.

Purpose: General housekeeping - reorganizes WAC section numbering, previous cite WAC 4-25-040.

Statutory Authority for Adoption: RCW 18.04.055.

Statute Being Implemented: RCW 18.04.055.

Summary: Renumbers section. Part of a complete agency rules recodification. Places requirement to change address into a separate section.

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

Name of Proponent: Board of Accountancy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Requires CPAs to notify the board of address changes. Removes the requirement to notify the board of changes in employment.

Proposal does not change existing rules.

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

Hearing Location: Bank of California Building, 900 4th Avenue, 5th Floor, Building Conference Room, on May 20, 1993, at 9:30 a.m.

Submit Written Comments to: Carey L. Rader, Executive Director, Board of Accountancy, P.O. Box 9131, Olympia, WA 98507, by May 20, 1993.

Date of Intended Adoption: May 20, 1993.

April 5, 1993
Carey L. Rader
Executive Director

NEW SECTION

WAC 4-25-550 Address changes. Each licensee shall notify the board in writing within thirty days of any change of address.

WSR 93-08-097
PROPOSED RULES
BOARD OF ACCOUNTANCY
[Filed April 7, 1993, 10:09 a.m.]

Original Notice.

Title of Rule: WAC 4-25-551 Duty to respond to board inquiry.

Purpose: General housekeeping - reorganizes WAC section numbering, previous cite WAC 4-25-040.

Statutory Authority for Adoption: RCW 18.04.055.

Statute Being Implemented: RCW 18.04.295(9).

Summary: Renumbers section. Part of a complete agency rules recodification. Places requirement for CPAs to respond to board inquiry into a separate section.

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

Name of Proponent: Board of Accountancy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule requires a CPA to respond to board inquiry within twenty days. The purpose is to allow the board to investigate complaints against CPAs in a timely manner.

Proposal does not change existing rules.

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

Hearing Location: Bank of California Building, 900 4th Avenue, 5th Floor, Building Conference Room, on May 20, 1993, at 9:30 a.m.

Submit Written Comments to: Carey L. Rader, Executive Director, Board of Accountancy, P.O. Box 9131, Olympia, WA 98507, by May 20, 1993.

Date of Intended Adoption: May 20, 1993.

April 5, 1993

Carey L. Rader
Executive Director

NEW SECTION

WAC 4-25-551 Duty to respond to board inquiry.

A licensee shall respond in writing to any communication from the board requesting a response, within twenty days of the mailing of such communications by registered or certified mail, to the last address furnished to the board by the licensee.

WSR 93-08-098

PROPOSED RULES

BOARD OF ACCOUNTANCY

[Filed April 7, 1993, 10:10 a.m.]

Original Notice.

Title of Rule: WAC 4-25-710 CPA certificate—Education requirements.

Purpose: General housekeeping - reorganizes WAC section numbering, previous cite WAC 4-25-140.

Statutory Authority for Adoption: RCW 18.04.055(5).

Statute Being Implemented: RCW 18.04.105(1).

Summary: Renumbers section. Part of a complete agency rules recodification. Adds language to authorize the board's use of foreign credentials evaluation services for qualifying foreign candidates' education. Eliminates a requirement for a course in data processing. Deletes obsolete transition language.

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

Name of Proponent: Board of Accountancy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule sets education requirements for CPA candidates. The change to permit the board to rely on foreign academic credentials services codifies current board practice. Such reliance allows CPA candidates from foreign countries to meet the education requirement base on foreign education. A second change removes the requirement for CPA candidates to complete a course in data processing.

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

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

Hearing Location: Bank of California Building, 900 4th Avenue, 5th Floor, Building Conference Room, on May 20, 1993, at 9:30 a.m.

Submit Written Comments to: Carey L. Rader, Executive Director, Board of Accountancy, P.O. Box 9131, Olympia, WA 98507, by May 20, 1993.

Date of Intended Adoption: May 20, 1993.

April 5, 1993

Carey L. Rader
Executive Director

NEW SECTION

WAC 4-25-710 CPA certificate—Education requirements. Applicants for a CPA certificate shall have a baccalaureate degree conferred by a college or university recognized by the board. The degree program shall include an accounting concentration or its equivalent and related subjects the board deems appropriate.

(1) Equivalent education. The board may, in its discretion, waive the educational requirements for any person if the board is satisfied that the applicant has successfully completed such equivalency examinations as may be offered by bona fide educational testing organizations. The board will not prepare or offer equivalent education examinations. The board will designate, by resolution, acceptable educational testing organizations and equivalency examinations when and if acceptable organizations and examinations exist.

(2) Education obtained outside the United States. In the case of education obtained outside the United States, the board may, at its discretion, rely on bona fide foreign education credential evaluation services. The board will not provide such services, but will designate acceptable foreign education evaluation services, by board resolution, upon application from service providers.

(3) As used in these rules, a "semester hour" means the conventional college semester hour. Quarter hours may be converted to semester hours by multiplying them by two-thirds.

(4) Accreditation standards. For purposes of this rule, the board will recognize colleges and universities which are accredited in accordance with (a) through (c) of this subsection.

(a) An accredited college or university is a four-year degree-granting college or university accredited at the time

the applicant's degree was received by virtue of membership in one of the following accrediting agencies:

- (i) Middle States Association of College and Secondary Schools;
- (ii) New England Association of Schools and Colleges;
- (iii) North Central Association of Colleges and Secondary Schools;
- (iv) Northwest Association of Schools and Colleges;
- (v) Southern Association of Colleges and Schools;
- (vi) Western Association of Schools and Colleges; and
- (vii) Accrediting Commission for Independent Colleges and Schools, or its predecessor, the Accrediting Commission of the Association of Independent Colleges and Schools.

(b) If an institution was not accredited at the time an applicant's degree was received but is so accredited at the time the application is filed with the board, the institution will be deemed to be accredited for the purpose of (a) of this subsection provided that it:

(i) Certifies that the applicant's total educational program would qualify the applicant for graduation with a baccalaureate degree during the time the institution has been accredited; and

(ii) Furnishes the board satisfactory proof, including college catalogue course numbers and descriptions, that the preaccrediting courses used to qualify the applicant for a concentration in accounting are substantially equivalent to postaccrediting courses.

(c) If an applicant's degree was received at an accredited college or university as defined by (a) or (b) of this subsection, but the educational program which was used to qualify the applicant for a concentration in accounting included courses taken at nonaccredited institutions, either before or after graduation, such courses will be deemed to have been taken at the accredited institution from which applicant's degree was received, provided the accredited institution either:

(i) Has accepted such courses by including them in its official transcript; or

(ii) Certifies to the board that it will accept such courses for credit toward graduation.

(5) Alternative to accreditation. A graduate of a four-year degree-granting institution not accredited at the time the applicant's degree was received or at the time the application was filed will be deemed to be a graduate of a four-year accredited college or university if a credentials evaluation service approved by the board certifies that the applicant's degree is equivalent to a degree from an accredited college or university as defined in subsection (4) of this section.

(6) Accounting concentration. A concentration in accounting for holders of baccalaureate degrees, for purposes of this rule, shall consist of at least:

(a) Twenty-four semester hours or the equivalent, in accounting subjects including no more than ten semester hours of lower division elementary accounting courses; and

(b) Twenty-four semester hours or the equivalent, in business administration subjects which shall include business law, finance, and economics.

(c) A concentration in accounting for holders of graduate degrees for purposes of this rule shall consist of at least:

(i) Sixteen semester hours or the equivalent in graduate level accounting subjects. Undergraduate accounting courses

may be substituted at two-thirds of the stated undergraduate credit; and

(ii) Sixteen semester hours or the equivalent in graduate level business administration subjects which shall include business law, finance, and economics. Undergraduate business courses may be substituted at two-thirds of the stated undergraduate credit.

WSR 93-08-099
PROPOSED RULES
BOARD OF ACCOUNTANCY
[Filed April 7, 1993, 10:11 a.m.]

Original Notice.

Title of Rule: WAC 4-25-720 CPA examination—Application.

Purpose: General housekeeping - reorganizes WAC section numbering, previous cite WAC 4-25-141.

Statutory Authority for Adoption: RCW 18.04.055.

Statute Being Implemented: RCW 18.04.105(3).

Summary: Renumbers section. Part of a complete agency rules recodification. Changes term "subject" and "part(s)" to "sections" to conform to Public Accountancy Act. Removes gender specific pronouns.

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

Name of Proponent: Board of Accountancy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule prescribes application procedures for the CPA examination. The board proposal contains no substantive changes to current rule.

Proposal does not change existing rules.

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

Hearing Location: Bank of California Building, 900 4th Avenue, 5th Floor, Building Conference Room, on May 20, 1993, at 9:30 a.m.

Submit Written Comments to: Carey L. Rader, Executive Director, Board of Accountancy, P.O. Box 9131, Olympia, WA 98507, by May 20, 1993.

Date of Intended Adoption: May 20, 1993.

April 5, 1993

Carey L. Rader

Executive Director

NEW SECTION

WAC 4-25-720 CPA examination—Application.

Applications to take the certified public accountant examination must be made on a form provided by the board and filed with the board on or before March 1 for the May examination and September 1 for the November examination. Applications for the May examination must be postmarked by March 1 (and received by March 10). Applications for the November examination must be postmarked by September 1 (and received by September 10).

An application will not be considered filed until the examination fee has been received.

An applicant who fails to appear for examination or reexamination shall forfeit the fees charged for examination and reexamination. The board may, upon showing of good cause, refund a portion of the examination fee.

Notice of the time and place of the examination shall be mailed at least ten days prior to the date set for the examination to each candidate whose application to sit for the examination has been approved by the board.

(1) A passing grade for each section shall be seventy-five. The board uses the Advisory Grading Services of the American Institute of Certified Public Accountants.

An applicant, at each sitting of the examination in which the applicant takes any section of the examination, must take all sections not previously passed.

(2) Ethics exam. In addition to the uniform CPA examination, candidates shall be required to pass an examination, or alternatively to complete a course of study, prescribed by or acceptable to the board, in professional ethics.

(3) Proctoring CPA exam candidates. The board may agree to request the assistance of another accountancy board in proctoring Washington's applicants at out-of-state exam sites and may agree to proctor another accountancy board's applicants at a Washington exam site, both subject to space and staffing constraints. The board will not arrange for out-of-state proctoring for applicants domiciled out-of-state who wish to take the uniform CPA exam as Washington candidates. Such applicants must take the CPA exam in Washington on a space available basis.

(4) CPA exam—Completion of education requirement. A person who has met the education requirement of WAC 4-25-710, or who expects to meet it within one hundred twenty days following the examination, or with respect to whom it has been waived, is eligible to take the uniform CPA examination provided all other requisites have been satisfied. If a person is admitted to the examination on the expectation that he or she will complete the educational requirement within one hundred twenty days, no certificate may be issued, nor credit for the examination or any section of it be given, unless this requirement is in fact completed within that time or within such time as the board in its discretion may determine upon application.

WSR 93-08-100
PROPOSED RULES
BOARD OF ACCOUNTANCY
[Filed April 7, 1993, 10:12 a.m.]

Original Notice.

Title of Rule: WAC 4-25-721 CPA examination—Cheating policy.

Purpose: General housekeeping - reorganizes WAC section numbering, previous cite WAC 4-25-142.

Statutory Authority for Adoption: RCW 18.04.055.

Statute Being Implemented: RCW 18.04.103(3).

Summary: Renumbers section. Part of a complete agency rules recodification.

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

Name of Proponent: Board of Accountancy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule contains the board's warning against cheating on the CPA examination and provides a range of penalties.

Proposal does not change existing rules.

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

Hearing Location: Bank of California Building, 900 4th Avenue, 5th Floor, Building Conference Room, on May 20, 1993, at 9:30 a.m.

Submit Written Comments to: Carey L. Rader, Executive Director, Board of Accountancy, P.O. Box 9131, Olympia, WA 98507, by May 20, 1993.

Date of Intended Adoption: May 20, 1993.

April 5, 1993

Carey L. Rader

Executive Director

NEW SECTION

WAC 4-25-721 CPA examination—Cheating policy.

(1) Purpose. The purpose of this cheating policy is to define cheating for purposes of the CPA examinations and the penalties the board may impose for cheating. Cheating includes, but is not limited to:

(a) Communication between candidates inside or outside of the examination room during the examination.

(b) Unauthorized communication with others outside of the examination room during the examination.

(c) Substitution by a candidate of another person to write one or more of the examination papers for him/her.

(d) Reference to crib sheets, text books, or other material inside or outside the examination room during the examination.

(e) Copying another candidate's answers.

(2) Policy. Cheating on the CPA examination is dishonesty related to the professional responsibilities of a CPA. The board may impose one or more of the following penalties:

(a) Enter a failing grade for any or all parts of the candidate's examination;

(b) Bar a candidate from writing future examinations;

(c) Expel a candidate from the examination room.

Board representatives may move a candidate suspected of cheating away from other candidates. Board representatives may request any candidate suspected of cheating or who may have observed cheating to remain for a reasonable period of time following an examination session for questioning. The board may schedule a hearing to determine the validity of the charge of cheating.

All candidates involved in cheating may be subject to penalties, although not necessarily of the same severity.

Other jurisdictions to which a candidate may apply for the examination may be notified of the board's conclusions and order.

WSR 93-08-101
PROPOSED RULES
BOARD OF ACCOUNTANCY
 [Filed April 7, 1993, 10:13 a.m.]

Original Notice.

Title of Rule: WAC 4-25-730 Experience.

Purpose: General housekeeping - reorganizes WAC section numbering, previous cite WAC 4-25-190.

Statutory Authority for Adoption: RCW 18.04.055.

Statute Being Implemented: RCW 18.04.215 [(1)](a).

Summary: Renumbers section. Part of a complete agency rules recodification.

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

Name of Proponent: Board of Accountancy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule sets out the board's experience requirements for CPA candidates who wish to obtain a license to practice public accounting.

Proposal does not change existing rules.

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

Hearing Location: Bank of California Building, 900 4th Avenue, 5th Floor, Building Conference Room, on May 20, 1993, at 9:30 a.m.

Submit Written Comments to: Carey L. Rader, Executive Director, Board of Accountancy, P.O. Box 9131, Olympia, WA 98507, by May 20, 1993.

Date of Intended Adoption: May 20, 1993.

April 5, 1993
 Carey L. Rader
 Executive Director

NEW SECTION

WAC 4-25-730 Experience. Experience required for issuance of an initial license shall meet the requirements of this section:

(1) **Experience definition and timing:** One year of experience shall consist of full-time employment of no less than two thousand hours. For purposes of computing work experience for a part-time employee, two thousand hours shall constitute one year. Employment may be for one or more employers, with or without compensation, and may consist of any combination of full-time and part-time employment. For an applicant who passed the uniform certified public accounting examination prior to May 1988, experience obtained more than five years prior to application for initial license shall be supplemented by eighty hours of continuing education during the two-year period prior to application. For an applicant who passed the examination in May 1988, or thereafter, this experience must cover a minimum twelve-month period and must be obtained no more than five years prior to applying for a license.

(2) **Experience in public accounting:**

(a) An applicant shall show he/she has had employment for a period of one year as a staff accountant under the direct supervision of a currently licensed certified public

accountant who is actively engaged in the practice of public accounting and is a member of a firm licensed to practice public accounting. Experience shall be in a CPA firm that participates in a board approved peer or quality review of its accounting or auditing practice. Qualifying experience for purposes of this section shall mean the performance of services as one skilled in the knowledge and practice of public accounting, including performance of accounting or auditing procedures, issuance of reports on financial statements, performance of management advisory or other consulting services, preparation of tax returns and furnishing advice on tax matters.

(b) Public accounting services shall be performed for clients of a certified public accountant or a firm of certified public accountants in compliance with the board's rules and must regularly involve the exercise of independent judgment and the application of appropriate technical and behavioral standards such as the standards contained in the Code of Professional Ethics, Generally Accepted Auditing Standards, Statement of Responsibilities in Tax Practice, Statement on Standards for Management Advisory Services, Statement on Standards for Accounting and Review Services, Statement on Standards for Attestation Engagements and other similar practice standards issued by the American Institute of Certified Public Accountants.

(3) **Experience other than in public accounting:**

(a) The experience required, as stated in subsection (2) of this section, may also be met by work experience, not including in-classroom training, performed under the direct supervision of a currently licensed certified public accountant in a commercial or governmental organization which has filed a sponsorship agreement with the board, acceptable to the board, which among other things specifies:

(i) The scope of accounting, auditing, consulting, and other services performed within the organization;

(ii) The professional education and on-job training provided to an applicant prior to application; and

(iii) The program of review and supervision performed by the internal review committee within the organization which administers the agreement.

(b) Qualifying work experience must be of a type and at a level equivalent to that performed in public accounting practice and must regularly involve the exercise of independent judgment and the application of the appropriate technical and behavioral standards.

(4) **Experience affidavit:** The experience claimed by an applicant shall be verified by the certified public accountant or firm of certified public accountants supervising the applicant on an experience affidavit form provided by the board.

(5) **Examination of experience documentation:**

(a) Any licensee who has furnished evidence of an applicant's experience to the board shall upon request by the board explain in writing or in person the information so provided.

(b) The board may require an interview or an inspection of documentation relating to an applicant's experience. Any licensee having custody of such documentation shall produce it upon request by the board.

(c) Any licensee who refuses to provide the evidence or documentation of the applicant's experience, requested by an

applicant or by the board, shall upon request by the board explain in writing or in person the basis for such refusal.

(6) **Reciprocity:** An applicant who applies for initial license in this state shall be required to document experience obtained in another jurisdiction which is equivalent to the requirements of this state.

WSR 93-08-102
PROPOSED RULES
BOARD OF ACCOUNTANCY

[Filed April 7, 1993, 10:14 a.m.]

Original Notice.

Title of Rule: WAC 4-25-740 CPA certificate and license.

Purpose: General housekeeping - reorganizes WAC section numbering, corrects statute cite, and removes reference to another WAC section, previous cite WAC 4-25-191.

Statutory Authority for Adoption: RCW 18.04.215.

Statute Being Implemented: RCW 18.04.215.

Summary: Renumbers section, corrects RCW cite, and removes reference to another WAC section. Part of a complete agency rules recodification.

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

Name of Proponent: Board of Accountancy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule provides application procedures for obtaining an initial license to practice public accountancy and for renewing a license.

Proposal does not change existing rules.

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

Hearing Location: Bank of California Building, 900 4th Avenue, 5th Floor, Building Conference Room, on May 20, 1993, at 9:30 a.m.

Submit Written Comments to: Carey L. Rader, Executive Director, Board of Accountancy, P.O. Box 9131, Olympia, WA 98507, by May 20, 1993.

Date of Intended Adoption: May 20, 1993.

April 5, 1993
Carey L. Rader
Executive Director

NEW SECTION

WAC 4-25-740 CPA certificate and license. (1) Application for initial license to practice public accounting and for renewal of license pursuant to RCW 18.04.215 shall be made on a form provided by the board. Application for renewal of licenses and/or certificates shall be filed no later than March 31 of the year of expiration. Renewal of the license to practice public accounting is deemed to be renewal of the associated certificate.

(2) Application for renewal of license or certificate shall be accompanied by evidence satisfactory to the board that

the applicant has complied with continuing professional education requirements pursuant to RCW 18.04.105(8).

(3) An application shall not be deemed to be completed until the applicable fees have been received and continuing education requirements have been met.

(4) Certificates and licenses expire on June 30 of every other year and have a duration of two years.

(5) Failure to file or complete an application for certificate or license renewal within the time required by board rule will result in delinquency fees.

(6) In those instances where the applicant for certificate or license renewal fails to file a complete application by June 30 of the year of expiration, the board may enter into an agreement with the applicant to renew the license or certificate under the following condition: The applicant agrees to stipulate that the certificate and license will be suspended effective September 30 of the year of renewal unless the applicant files a complete application with the board prior to that date.

WSR 93-08-103
PROPOSED RULES
BOARD OF ACCOUNTANCY

[Filed April 7, 1993, 10:15 a.m.]

Original Notice.

Title of Rule: WAC 4-25-755 Temporary permits.

Purpose: General housekeeping - reorganizes WAC section numbering and corrects statute cite, previous cite WAC 4-25-260.

Statutory Authority for Adoption: RCW 18.04.055(11).

Statute Being Implemented: RCW 18.04.350(2).

Summary: Renumbers section and corrects RCW cite. Part of a complete agency rules recodification. Removes requirement for temporary permits for out-of-state CPAs and defines when an out-of-state CPA needs to license with Washington state.

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

Name of Proponent: Board of Accountancy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule defines when an out-of-state CPA will be deemed to be practicing in this state "incident to" and out-of-state CPA practice. The purpose is to notify out-of-state CPAs of the point at which they need to obtain a Washington license to practice public accountancy.

Proposal Changes the Following Existing Rules: The change proposed eliminates the temporary permit process, an attempt to reduce paperwork for out-of-state CPAs who enter the state "incident to" and out-of-state practice.

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

Hearing Location: Bank of California Building, 900 4th Avenue, 5th Floor, Building Conference Room, on May 20, 1993, at 9:30 a.m.

Submit Written Comments to: Carey L. Rader, Executive Director, Board of Accountancy, P.O. Box 9131, Olympia, WA 98507, by May 20, 1993.

Date of Intended Adoption: May 20, 1993.

April 5, 1993
Carey L. Rader
Executive Director

NEW SECTION

WAC 4-25-755 Temporary permits. This board does not issue temporary practice permits to out-of-state CPAs or CPA firms. However, pursuant to RCW 18.04.350(2), a CPA from another state or country may temporarily practice in this state on professional business incident to the CPA's regular out-of-state practice if the CPA holds a valid license to practice public accounting issued by another state or country. A CPA who:

- (1) Maintains an office location in this state; and/or
- (2) Advertises to provide services in this state; and/or
- (3) Collects more than ten percent of gross annual billings from Washington clients; is not deemed to meet the "incident to" provision and must, therefore, apply for a Washington CPA certificate and licenses within thirty days of the time such CPA's practice ceases to be "incident to" an out-of-state CPA practice.

WSR 93-08-104
PROPOSED RULES
BOARD OF ACCOUNTANCY
[Filed April 7, 1993, 10:16 a.m.]

Original Notice.

Title of Rule: WAC 4-25-760 Reinstating certificates and licenses.

Purpose: General housekeeping - reorganizes WAC section numbering and corrects statute cite, previous cite WAC 4-25-360.

Statutory Authority for Adoption: RCW 18.04.055(11).

Statute Being Implemented: RCW 18.04.055.

Summary: Renumbers section and corrects RCW cite. Part of a complete agency rules recodification. Also clarifies that the board may restrict reinstatement applications by order.

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

Name of Proponent: Board of Accountancy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule provides a process for persons to apply to reinstate suspended or revoked CPA certificates or licenses.

Proposal Changes the Following Existing Rules: Authorizes the board to set a time, by board order, during which it will not consider an application for reinstatement.

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

Hearing Location: Bank of California Building, 900 4th Avenue, 5th Floor, Building Conference Room, on May 20, 1993, at 9:30 a.m.

Submit Written Comments to: Carey L. Rader, Executive Director, Board of Accountancy, P.O. Box 9131, Olympia, WA 98507, by May 20, 1993.

Date of Intended Adoption: May 20, 1993.

April 5, 1993
Carey L. Rader
Executive Director

NEW SECTION

WAC 4-25-760 Reinstating certificates and licenses. A person or firm whose certificate or license to practice has been revoked or suspended pursuant to RCW 18.04.295 and/or 18.04.305 and/or 18.04.335 may apply to the board for modification of the suspension, revocation, or probation after a minimum of one year has elapsed from the effective date of the board's decision imposing it unless the board sets some other period by order; except that if any previous application has been made with respect to the same penalty, no additional application will be entertained before the lapse of an additional year following the board's decision on the last such previous application.

The application shall be in writing; shall set out and, as appropriate, substantiate the reasons constituting good cause for the relief sought, and shall be accompanied by at least two supporting recommendations, under oath, from licensees who have personal knowledge of the activities of the applicant since the suspension or revocation was imposed.

An application will ordinarily be disposed of by the board upon the basis of the materials submitted in support thereof, supplemented by such additional inquiries as the board may think fit. At the board's discretion a hearing may be held on such an application, following such procedures as the board may deem suitable for the particular case.

The board may impose, as a condition for reinstatement of a certificate or permit or modification of a suspension or probation, such terms and conditions as it deems suitable.

In considering an application, the board may consider all activities of the applicant since the disciplinary penalty from which relief is sought was imposed, the offense for which the applicant was disciplined, the applicant's activities during the time the certificate or permit was in good standing, the applicant's rehabilitative efforts, restitution to damaged parties in the matter for which the penalty was imposed, and the applicant's general reputation for truth and professional probity.

No application for reinstatement will be considered while the applicant is under sentence for any criminal offense, including any period during which the applicant is on court-imposed probation or parole.

WSR 93-08-105
PROPOSED RULES
DEPARTMENT OF HEALTH
[Filed April 7, 1993, 10:35 a.m.]

Original Notice.

Title of Rule: WAC 246-843-010 General definitions, 246-843-001 Source of authority, 246-843-205 Standards of conduct, 246-843-180 Registration of licenses, and 246-843-090 Preexamination requirements.

Purpose: To further define legislation adopted March 26, 1992, and also to incorporate housekeeping-type corrections necessary as a result of the legislation.

Statutory Authority for Adoption: RCW 18.52.061.

Statute Being Implemented: Chapter 18.52 RCW.

Summary: To implement 1992 legislation.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Karen S. Kelley, 1300 S.E. Quince, P.O. Box 47869, Olympia, 753-3729.

Name of Proponent: Board of Nursing Home Administrators, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 246-843-001, amend to reflect RCW changes; WAC 246-843-010, removes definitions that are included in RCW, amends one definition and adds four new definitions; WAC 246-843-090, amending preexamination requirements to reflect RCW changes; WAC 246-843-180, housekeeping-type changes and removes the thirty day grace period; and WAC 246-843-205, amend to reflect RCW change.

Proposal Changes the Following Existing Rules: WAC 246-843-001, changes title of the board; WAC 246-843-010, removes, amends and adds new definitions; WAC 246-843-090, changes the requirements for licensure pursuant to RCW changes; WAC 246-843-180, licensees will not have a 30-day grace period to renew their license; and WAC 246-843-205, wording changes to reflect that administrators shall be in active administrative charge in only one nursing home.

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

Hearing Location: Wesley Homes, 1122 South 216th, Des Moines, WA 98198, on May 21, 1993, at 9:00 a.m.

Submit Written Comments to: Karen S. Kelley, 1300 Quince Street, Mailstop 7869, Olympia, WA 98504-7869, by May 18, 1993.

Date of Intended Adoption: May 21, 1993.

April 7, 1993
Karen S. Kelley
Program Manager

AMENDATORY SECTION (Amending Order 217B, filed 11/27/91, effective 12/28/91)

WAC 246-843-001 Source of authority - Title. The rules and regulations herein contained constitute and shall be known as the rules and regulations of the board of (~~examiners for the licensing~~) nursing home administrators of the state of Washington, and are hereby promulgated pursuant to the authority granted to said board pursuant to (~~RCW 18.52.100(11)~~) RCW 18.52.061(1).

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 217B, filed 11/27/91, effective 12/28/91)

WAC 246-843-010 General definitions. Whenever used in these rules and regulations, unless expressly otherwise stated, or unless the context or subject matter requires a different meaning, the following terms shall have the following meanings:

~~((1) "Board" means the state board of ((examiners for the licensing)) nursing home administrators representative of the professions and institutions concerned with the care of the chronically ill and infirm aged patients.~~

~~(2) "Nursing home" means any facility or portion thereof licensed under state law as a nursing home.~~

~~(3) "Nursing home administrator" means an individual in active administrative charge of nursing homes as defined herein, whether or not having an ownership interest in such homes, and although functions and duties may be shared with or delegated to other persons.)~~

~~((4)) (1) "Nursing home administrator-in-training" means an individual registered as such with the board, under and pursuant to these rules and regulations.~~

~~((5)) (2) "Person" or "individual" means an individual and does not include the terms firm, institution, public body, joint stock association or any other group of individuals.~~

~~((6)) (3) "Secretary" means the secretary of the department of health or the secretary's designee.~~

(4) "Active administrative charge" is the ongoing direct participation in the operating concerns of a nursing home. Operating concerns shall include, but not be limited to, interaction with staff and residents, liason with the community, liason with regulatory agencies, pertinent business and financial responsibilities, planning and other activities as identified in the most current role delineation study of the National Association of Boards of Examiners for Nursing Home Administrators.

(5) "On-site, full-time administrator" shall be defined as an individual in active administrative charge at the premises of only one nursing home facility, a minimum of four days and an average of 40 hours per week, except:

"On-site, full-time administrator with small resident populations", or in "rural areas", shall be defined as an individual in active administrative charge at the premises of only one nursing home facility:

a. a minimum of four days and an average of 20 hours per week at facilities with 1-30 beds, or

b. a minimum of four days and an average of 30 hours per week at facilities with 31-49 beds.

(6) "Collocated facilities" means that more than one licensed nursing facility is situated on a single contiguous piece of property, intersecting streets or roads allowing pedestrian crossing notwithstanding.

(7) "Nursing homes temporarily without an administrator." Upon the administrator's position becoming vacant a nursing home may operate up to two continuous weeks under a responsible person authorized to act as administrator designee. such person shall be qualified by experience to assume delegated duties. The nursing home shall have a written agreement with a licensed administrator who shall be available to consult with such person.

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.

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

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 217B, filed 11/27/91, effective 12/28/91)

WAC 246-843-090 Preexamination requirements.

After July 1, 1993 no person shall be admitted to or permitted to take an examination for licensure as a nursing home administrator without having first submitted evidence satisfactory to the board that the applicant meets the following requirements:

(1) All applicants shall be at least twenty-one years of age, and in addition, shall otherwise meet the requirements of suitability and character set forth in WAC 246-843-200.

(2) All applicants shall complete an application for licensure provided by the division of professional licensing, department of health, and shall include all information requested in said application.

(3) ~~((a))~~ All applicants shall submit documentation demonstrating that they meet the minimum requirements set forth in RCW ~~((18.52.070(2)))~~ 18.52.071 ~~((relative to training and experience in nursing home or health facility administration. Applicants who, when graded according to the criteria set forth in (c) of this subsection, accumulate a total of eight points, including at least three points in each management and health care, shall be deemed to have satisfied the statutory requirements.~~

(b) For the purposes of applying the evaluation criteria set forth below, the following definitions apply:

HEALTH CARE EXPERIENCE

~~Experience in health care can include employment in any job position which would permit the person to become acquainted with the typical duties, functions of health care personnel and to otherwise become familiar with the terms and language unique to the field of health care. This may include employment as a nurse, physician, pharmacist, orderly, corpsman, etc.~~

MANAGEMENT EXPERIENCE

~~Management is considered to be an upper level of supervision which includes directing and guiding the operations of the organization towards established goals.~~

(c) The following criteria shall be utilized to determine if an individual applicant's prior training and/or experience meets the qualification requirement set forth in RCW ~~18.52.070(2)~~. Training or experience acquired more than seven years prior to the date of application shall accumulate points at one half the value listed.

1. ~~TRAINING: (NOTE: Courses which incorporate principles of both management and health such as hospital or health care administration accumulate points only in one field.)~~

A. MANAGEMENT

~~College Credit related to management~~ College courses in management, including business administration, finance, public administration, etc. Four points shall be allowed for a bachelor's degree, with a major in this area. Undergraduate courses specifically related to this area not leading to a degree shall receive one point for each 45 quarter hours or the equivalent. Graduate courses specifically related to this area shall be allowed one point for each academic year or the equivalent up to a maximum of two points for a graduate degree

~~Noncredit courses related to management~~ Noncredit courses specifically related to management such as courses offered by the military or industry. Points allowed shall be one half for each 100 classroom and/or correspondence hours with a maximum of one point (1/2-1)

~~Board approved courses related to management~~ One half point shall be allowed for each fifty classroom hours of instruction with a maximum of one point (1/2-1)

B. HEALTH CARE

~~College Credit related to health care~~ College courses in the field of health care such as nursing, medicine, public health, social services, etc. Four points shall be allowed for a bachelor's degree, with a major in this area. Undergraduate courses specifically related to this area not leading to a degree shall receive one point for each 45 quarter hours or the equivalent. Graduate courses specifically related to this area shall be allowed one point for each academic year or the equivalent up to a maximum of two points for a graduate degree

~~Noncredit courses related to health care~~ Noncredit courses specifically related to health. Points allowed would be one half for each 100 classroom and/or correspondence hours with a maximum of one point

~~Board approved courses related to health care~~ One half point would be allowed for each 50 classroom hours of instruction with a maximum of one point (1/2-1)

C. UNRELATED TO HEALTH CARE OR MANAGEMENT

~~College Credit related to management or health care~~ College courses not specifically related to either management or health care, such as education, science, etc. shall receive a maximum of two points for baccalaureate degree, or one half point for each 45 quarter hours

or the equivalent, whether at the undergraduate or graduate level. Points shall accumulate toward satisfaction of the management requirement (1/2-2 1/2)

H. EXPERIENCE:

A. HEALTH CARE MANAGEMENT

One point for each six months of experience in a management position requiring expertise in the health care field. Examples include, but are not limited to, the following: Nursing home administrator, hospital administrator, assistant administrator of a large health care facility, executive in health care related industry, director of nursing services in a health care facility. Points accumulate in management and health care

B. NONHEALTH CARE MANAGEMENT

One point for each six months of experience in management not involving health care as an essential element

C. RELATED HEALTH CARE

One point for each six months of experience in the field of health care not involving substantial managerial responsibility))

(4) Applicants not ~~((meeting the minimum requirements set forth in subsection (3) of this section may apply to the board for permission to))~~ having completed at least a 1000 hour practical experience requirement in a nursing home, included in a degree program, shall undertake and complete ((an) a 1500 hour administrator-in-training program ((as a substitute for said criteria.)) in a nursing home. Such a program shall ~~((be on such terms as the board feels necessary to assure that the applicant meets the minimum statutory requirements for licensure set forth in RCW 18.52.070, and shall))~~ include, without limitations, the following:

(a) The program shall be under the guidance and supervision of a licensed nursing home administrator, as preceptor, and shall be conducted for a period of ~~((not less than six months and not more than two years))~~ 1500 hours;

(b) The program shall be designed to provide for individual learning experiences and instruction based upon the person's academic backgrounds, training, and experience;

(c) The prospectus for the program shall be signed by the preceptor, submitted and approved by the board prior to its commencement. Any changes in the program shall be immediately reported in writing to the board, and the board may withdraw the approval given, or alter the conditions under which approval was given, if the board finds that the program as originally submitted and approved has not been or is not being followed;

(d) The program shall include the following components:

(i) A planned systematic rotation through each department of a nursing home;

(ii) Planned reading and ~~((written))~~ writing assignments;

(iii) Project assignment including at least one problem-solving assignment to be submitted in writing to the board

or a designated board member. Problem-solving project should indicate the definition of an acknowledged problem, the method of approach to the problem such as data gathering, the listing of possible alternatives, the conclusions, and final recommendations to improve the facility or procedure.

(iv) Other planned learning experiences including acquisition of knowledge about other health and welfare agencies in the community; and

(v) A quarterly written report to the board by the applicant including a detailed outline of activities and learning experiences of the reporting period.

(e) The program shall provide for a broad range of experiences with a close working relationship between preceptor and trainee. Toward that end, as a general rule, no program shall be approved which would result in an individual preceptor supervising more than two trainees, or if the facility in which the program is to be implemented has a capacity of fewer than 50 beds. Exceptions to this general rule may be granted by the board in unusual circumstances.

~~((f) In addition, the board may in an individual case, require up to 150 contact hours of board approved education, based upon the individual applicant's background, experience, and training.))~~

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 216B, filed 11/25/91, effective 12/26/91)

WAC 246-843-180 Registration of licenses. (1) Every person who holds a valid nursing home administrator's license, active or inactive, shall reregister ~~((it annually with the secretary))~~ on dates specified by the secretary ~~((by making application for reregistration on forms provided by the secretary)).~~ Such ~~((reregistration))~~ relicensure shall be granted ~~((automatically))~~ upon receipt of the annual fee, ~~((provided, however, that the requirement of continuing education as described in WAC 246-843-150 is fully met))~~ and upon fulfilling the continuing competency requirements by submitting proof of completing 54 hours of continuing education as described in WAC 246-843-150.

(2) Any active or inactive license holder not relicensed ~~((reregistered within thirty days after the date for reregistration specified by the secretary.))~~ will be charged a penalty fee as set forth in WAC 246-843-990 ~~((annually))~~ in addition to the annual ~~((registration))~~ fee and all delinquent fees that are in arrears. In the event that the license of an individual is not ~~((reregistered))~~ relicensed within two years from the most recent date for ~~((reregistration))~~ relicensure, such license shall lapse and the individual must again apply for licensing and meet all the requirements for a new applicant.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

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

AMENDATORY SECTION (Amending Order 217B, filed 11/27/91, effective 12/28/91)

WAC 246-843-205 Standards of conduct. Licensed nursing home administrators shall be in active administrative charge of the nursing home (~~(or homes)~~) in which they have consented to serve as administrator.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 93-08-106
PROPOSED RULES
DEPARTMENT OF HEALTH
(Dental Disciplinary Board)
[Filed April 7, 1993, 10:36 a.m.]

Original Notice.

Title of Rule: Rules related to delegation of duties to unlicensed persons, amending WAC 246-816-220 Acts that may be performed by unlicensed persons; and new section WAC 246-816-225 An act that may be performed by dental lab technicians outside the treatment facility.

Purpose: To amend the existing rule contained in chapter 246-816 WAC and create a new section related to an act that may be performed by dental lab technicians outside the treatment facility.

Statutory Authority for Adoption: RCW 18.32.640.

Statute Being Implemented: RCW 18.32.640.

Summary: The purpose of the amendment is to clarify the existing rule. The purpose of the new section is to allow dental lab technicians to select shade and mold for dentures, crowns or prosthesis.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Linda McCue, 1112 S.E. Quince Street, P.O. Box 47867, Olympia, WA 98504-7867, (206) 753-1150.

Name of Proponent: Dental Disciplinary Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To amend WAC 246-816-220 Acts that may be performed by unlicensed persons. Subsection (21) Select denture shade and mold, needs to be revised. The proposed new section establishes a requirement for an act that may be performed by dental lab technicians outside the treatment facility. It is in violation of the dental laws to direct a patient to a laboratory technician to select a shade. The dentist must go with the patient to the laboratory or the laboratory technician is to go to the dentist's office. In creating a new section, it will allow dental lab technicians to select shade and mold for dentures, crowns or prosthesis with the use of a technique which does not contact the oral cavity to avoid contamination with blood or saliva.

Proposal Changes the Following Existing Rules: Clarification of the existing rule, and creating a new rule related to dental lab technicians.

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

There is no small business economic impact. The dentist would not have to go with the patient to the laboratory or the lab technician to go to the dentist's office.

Hearing Location: WestCoast SeaTac Hotel, Seattle Room, 18220 Pacific Highway South, Sea Tac, WA 98188, on May 14, 1993, at 3:30 p.m.

Submit Written Comments to: Linda McCue, Program Manager, P.O. Box 47867, Olympia, WA 98504-7867, by May 4, 1993.

Date of Intended Adoption: May 14, 1993.

April 7, 1993
Linda McCue
Program Manager

AMENDATORY SECTION (Amending Order 106B, filed 12/27/90)

WAC 246-816-220 Acts that may be performed by unlicensed persons. A dentist may allow an unlicensed person to perform the following acts under the dentist's close supervision:

- (1) Oral inspection, with no diagnosis.
- (2) Patient education in oral hygiene.
- (3) Place and remove the rubber dam.
- (4) Hold in place and remove impression materials after the dentist has placed them.
- (5) Take impressions solely for diagnostic and opposing models.
- (6) Take impressions and wax bites solely for study casts.
- (7) Remove the excess cement after the dentist has placed a permanent or temporary inlay, crown, bridge or appliance, or around orthodontic bands.
- (8) Perform coronal polish.
- (9) Give flouride [fluoride] treatments.
- (10) Place periodontal packs or sutures.
- (11) Remove periodontal packs and sutures.
- (12) Placement of a matrix and wedge for a silver restoration after the dentist has prepared the cavity.
- (13) Place a temporary filling (as ZOE) after diagnosis and examination by the dentist.
- (14) Apply tooth separators as for placement for Class III gold foil.
- (15) Fabricate, place, and remove temporary crowns or temporary bridges.
- (16) Pack and medicate extraction areas.
- (17) Deliver a sedative drug capsule to patient.
- (18) Place topical anesthetics.
- (19) Placement of retraction cord.
- (20) Polish restorations as a subsequent appointment.
- (21) ~~Select denture shade and mold.~~ Select shade and mold for dentures, crowns or prosthesis.
- (22) Acid etch.
- (23) Apply sealants.
- (24) Place dental x-ray film and expose and develop the films.
- (25) Take intra-oral and extra-oral photographs.
- (26) Take health histories.
- (27) Take and record blood pressure and vital signs.
- (28) Give preoperative and postoperative instructions.
- (29) Assist in the administration of nitrous oxide analgesia or sedation, but shall not start the administration of

PROPOSED

the gases and shall not adjust the flow of the gases unless instructed to do so by the dentist. Patients must never be left unattended while nitrous oxide-oxygen analgesia or sedation is administered to them. The dentist must be present at chairside during the entire administration of nitrous oxide and oxygen analgesia or sedation if any other central nervous system depressant has been given to the patient. This regulation shall not be construed to prevent any person from taking appropriate action in the event of a medical emergency.

- (30) Select orthodontic bands for size.
- (31) Place and remove orthodontic separators.
- (32) Prepare teeth for the bonding or orthodontic appliances.
- (33) Fit and adjust headgear.
- (34) Remove fixed orthodontic appliances.
- (35) Remove and replace archwires and orthodontic wires.
- (36) Take a facebow transfer for mounting study casts.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

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

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 246-816-225 An act that may be performed by dental lab technicians outside the treatment facility. Select shade and mold for dentures, crowns or prosthesis with the use of a technique which does not contact the oral cavity to avoid contamination with blood or saliva.

WSR 93-08-107
PROPOSED RULES
DEPARTMENT OF HEALTH
 [Filed April 7, 1993, 10:38 a.m.]

Original Notice.

Title of Rule: Pharmacy assistants.

Purpose: To clarify and establish requirements for pharmacy assistants.

Statutory Authority for Adoption: RCW 18.64.005.

Statute Being Implemented: RCW 18.64.005.

Summary: This rule clarifies requirements for foreign graduates, delineates responsibility for address changes and specifies procedure for reinstatement or reactivation.

Reasons Supporting Proposal: This would clarify procedures for allowing foreign graduates to work as pharmacy assistants, would place responsibility for address changes on the licensees and would specify the procedures to follow to reinstate or reactivate a pharmacy assistant license.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Donald H. Williams, 1300 Quince S.E., Olympia, WA, (206) 753-6834.

Name of Proponent: Board of Pharmacy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule deals with pharmacy assistants. It would clarify requirements for foreign graduates to be licensed. It would place responsibility on licensees for supplying the board office with changes of address and allowing the board to proceed on a license even though orders, etc., are returned for lack of current address. It would also list procedures for reinstatement or reactivation of a certificate.

Proposal Changes the Following Existing Rules: It adds procedures for foreign graduates and delineates responsibility for changes of address.

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

Hearing Location: Wyndham Garden Hotel, 18118 Pacific Highway South, Seattle, WA, on May 12, 1993, at 10:00 a.m.

Submit Written Comments to: Donald H. Williams, 1300 Quince S.E., Olympia, WA 98504-7863, by May 10, 1993.

Date of Intended Adoption: May 12, 1993.

April 6, 1993
 Donald H. Williams
 Executive Director

AMENDATORY SECTION (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-901-030 Level A education and training. (1) The education and/or training of Level A pharmacy assistants shall be obtained in one of the following (~~man-~~ners):

(a) Formal academic program for pharmacy assistant training approved by the board.

(b) On-the-job training program (~~following guidelines~~) approved by the board.

(2) The minimum educational (~~requirement~~) prerequisite for entering a training program shall be high school graduation or G.E.D.

(3) Applicants whose academic training has been obtained in foreign countries shall meet certification requirements in one of the following:

(a) Foreign pharmacy school graduates. Approval of program completed for the degree.

(b) Foreign medical school graduates. Board approval of program completed for the degree.

(c) All foreign graduates are required to provide proof of passing the Test of English as a Foreign Language (TOEFL) with a score of at least 500 or an equivalent exam.

AMENDATORY SECTION (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-901-060 Level A certification. Any person completing an approved pharmacy assistant training program and who wishes to perform in that capacity shall apply to the board for certification as a Level A pharmacy assistant, on forms to be supplied by the board, which shall include a

verification of program competency by a notarized statement of the program director and a declaration ((~~by~~)) of the applicant ((~~that he~~)) indicating whether he or she has ((~~never~~)) at any time been found guilty by any court of competent jurisdiction of any violation of any laws relating to drugs or the practice of pharmacy.

It is the responsibility of the pharmacy assistant to maintain a current mailing address with the board. Pharmacy assistants shall notify the state board of pharmacy of any change of mailing address within thirty days of the change. The board may rely upon the last mailing address for purposes of service or delivery of any official board documents, including the service of adjudicative proceeding documents. If charges against the pharmacy assistant are mailed by certified mail to the address on file with the board and returned unclaimed or are unable to be delivered for any reason, the board may proceed against the assistant by default under RCW 34.05.440.

NEW SECTION

WAC 246-901-065 Reinstatement or reactivation of certificate. A pharmacy assistant who desires to reinstate or reactivate his or her certificate shall meet the following requirements, as applicable, in addition to paying the fee required by RCW 18.64A.030:

(1) If the pharmacy assistant has allowed his or her certificate to lapse for less than five years, the pharmacy assistant shall pay the renewal fee for the present year and the penalty fee equal to the current original certification fee.

(2) If the pharmacy assistant has allowed his or her certificate to lapse for five years or more, the pharmacy assistant shall, within one year of application to the board for certification, complete a training program approved by the board and pay the original licensure fee.

(3) If the pharmacy assistant has been working as an assistant in another state, his or her certificate may be reinstated according to subsection (1) of this section upon presenting evidence from his or her employer verifying their duties.

WSR 93-08-108
PROPOSED RULES
DEPARTMENT OF HEALTH
 (Board of Pharmacy)
 [Filed April 7, 1993, 10:39 a.m.]

Original Notice.

Title of Rule: Adding Aminorex to Schedule I.

Purpose: To place Aminorex, a dangerous drug with high abuse potential and no medical use, in Schedule I, making it illegal to possess and manufacture.

Statutory Authority for Adoption: RCW 18.64.005.

Statute Being Implemented: RCW 18.64.005.

Summary: This rule would place Aminorex, a dangerous designer drug with high potential for abuse, which has been found being manufactured by illegal drug operations, in Controlled Substance Schedule I, imposing criminal sanctions and regulatory controls consistent with this class of drug on it.

Reasons Supporting Proposal: The Federal Register published 21 CFR Part 1308, which temporarily placed Aminorex in Schedule I, pending further action to make this permanent in the future.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Donald H. Williams, 1300 Quince S.E., P.O. Box 47863, Olympia, WA, (206) 753-6834.

Name of Proponent: [Department of Health, Board of Pharmacy], governmental.

Rule is necessary because of federal law, 21 CFR 1308.

Explanation of Rule, its Purpose, and Anticipated Effects: Aminorex has been placed in Schedule I on a temporary basis by the federal government. This is a dangerous drug with high abuse potential, which has been found manufactured by illegal operations. There have been deaths contributed to this drug, both in the U.S. and in Europe.

Proposal does not change existing rules.

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

Hearing Location: Wyndham Garden Hotel, 18118 Pacific Highway South, Seattle, WA, on May 12, 1993, at 10:00 a.m.

Submit Written Comments to: Donald H. Williams, P.O. Box 47863, Olympia, WA 98504-7863, by May 10, 1993.

Date of Intended Adoption: May 12, 1993.

April 6, 1993
 Donald H. Williams
 Executive Director

NEW SECTION

WAC 246-887-132 Adding Aminorex to Schedule I. The Washington state board of pharmacy finds that Aminorex (also called aminoxaphen, 2-amino-5-phenyl-2-oxazoline or 4.5-dihydro-5-phenyl-2-oxazolamine) its salts, optical isomers and salts of optical isomers has high potential for abuse and has no medical use in treatment in the United States or lacks accepted safety for use in treatment under medical supervision and hereby places that substance in Schedule I.

WSR 93-08-109
PROPOSED RULES
DEPARTMENT OF HEALTH
 [Filed April 7, 1993, 10:40 a.m.]

Original Notice.

Title of Rule: Exempted steroid compounds.

Purpose: Lists steroid compounds that are exempt from recordkeeping, refill restrictions and other Controlled Substance Act requirements.

Statutory Authority for Adoption: RCW 18.64.005.

Statute Being Implemented: RCW 18.64.005.

Summary: This lists anabolic steroid products which contain compounds, mixtures or preparations which are exempt from some of the Controlled Substance Act requirements in response to a federal rule.

Reasons Supporting Proposal: 21 CFR Part 1308 identified these fourteen products as exempt.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Donald H. Williams, 1300 Quince S.E., Olympia, 753-6834.

Name of Proponent: Board of Pharmacy, governmental.

Rule is necessary because of federal law, 21 CFR Part 1308.

Explanation of Rule, its Purpose, and Anticipated Effects: This exempts some anabolic steroid compounds from some of the requirements of the Controlled Substance Act in compliance with federal rule.

Proposal Changes the Following Existing Rules: Lists exempted compounds from some requirements of the Controlled Substance Acts due to federal rules.

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

Hearing Location: Wyndham Garden Hotel, 18118 Pacific Highway South, Seattle, WA, on May 12, 1993, at 10:00 a.m.

Submit Written Comments to: Donald H. Williams, P.O. Box 47863, Olympia, WA 98504-7863, by May 10, 1993.

Date of Intended Adoption: May 12, 1993.

April 6, 1993

Donald H. Williams
Executive Director

AMENDATORY SECTION (Amending Order 343B, filed 3/3/93, effective 4/3/93)

WAC 246-887-160 Schedule III. The board finds that the following substances have a potential for abuse less than the substances listed in Schedules I and II, and have currently accepted medical use in treatment in the United States and that the abuse of the substances may lead to moderate or low physical dependency or high psychological dependency. The board, therefore, places each of the following substances in Schedule III.

(a) The drugs and other substances listed in this section, by whatever official name, common or usual name, chemical name, or brand name designated, are included in Schedule III.

(b) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Those compounds, mixtures, or preparations in dosage unit form containing any stimulant substances listed in Schedule II which compounds, mixtures, or preparations are referred to as excepted compounds in Schedule III as published in 21 CFR 1308.13(b)(1) as of April 1, 1984, and any other drug of the ((quantitative)) quantitative composition shown in that list for those drugs or which is the same except that it contains a lesser quantity of controlled substances;

(2) Benzphetamine;

(3) Chlorphentermine;

(4) Clortermine;

(5) Phendimetrazine.

(c) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

(1) Any compound, mixture, or preparation containing:

(i) Amobarbital;

(ii) Secobarbital;

(iii) Pentobarbital;

or any salt thereof and one or more other active medicinal ingredients which are not listed in any schedule;

(2) Any suppository dosage form containing:

(i) Amobarbital;

(ii) Secobarbital;

(iii) Pentobarbital;

or any salt of any of these drugs and approved by the Food and Drug Administration for marketing only as a suppository;

(3) Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid;

(4) Chlorhexadol;

(5) Lysergic acid;

(6) Lysergic acid amide;

(7) Methyprylon;

(8) Sulfondiethylmethane;

(9) Sulfonethylmethane;

(10) Sulfonmethane;

(11) Tiletamine and zolazepam or any salt thereof—some trade or other names for a tiletamine-zolazepam combination product: Telazol some trade or other names for tiletamine: 2-(ethylamino)-2-(2-thienyl) cyclohexanone—some trade or other names for zolazepam: 4-(2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-[3,4-e] [1,4] diazepin 7 (1H)-one flupyrazapon.

(d) Nalorphine.

(e) Anabolic steroids. The term "anabolic steroid" means any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, and corticosteroids) that promotes muscle growth, and includes:

(1) Boldenone;

(2) Chlorotestosterone;

(3) Clostebol;

(4) Dehydrochloromethyltestosterone;

(5) Dihydrotestosterone;

(6) Drostanolone;

(7) Ethylestrenol;

(8) Fluoxymesterone;

(9) Formebolone;

(10) Mesterolone;

(11) Methandienone;

(12) Methandranone;

(13) Methandriol;

(14) Methandrostenolone;

(15) Methenolone;

(16) Methyltestosterone;

(17) Mibolerone;

(18) Nanrolone;

(19) Norethandrolone;

- (20) Oxandrolone;
- (21) Oxymesterone;
- (22) Oxymetholone;
- (23) Stanolone;
- (24) Stanozolol;
- (25) Testolactone;
- (26) Testosterone;
- (27) Trenbolone; and

(28) Any salt, ester, or isomer of a drug or substance described or listed in this paragraph, if that salt, ester, or isomer promotes muscle growth. Except such term does not include an anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species and which has been approved by the secretary of health and human services for such administration. If any person prescribes, dispenses, or distributes such steroid for human use such person shall be considered to have prescribed, dispensed, or distributed an anabolic steroid within the meaning of this paragraph.

The following are implants or pellets which are exempt:

| Ingredients | Trade Name | Company |
|--|------------|---|
| Testosterone Propionate, Oestradiol Benzoate | F-TO | Animal Health Div. Upjohn International Kalamazoo, MI |
| Trenbolone Acetate | Finaplix-H | Hoechst-Roussel Agri-Vet Co., Somerville, NJ |
| Trenbolone Acetate | Finaplix-S | Hoechst-Roussel Agri-Vet Co., Somerville, NJ |
| Testosterone Propionate, Estradiol Benzoate | Heifer-oid | Anchor Division Boehringer Ingelheim St. Joseph, MO |
| Testosterone Propionate, Estradiol Benzoate | Heifer-oid | Bio-Ceutic Division Boehringer Ingelheim St. Joseph, MO |
| Testosterone Propionate, Estradiol Benzoate | Heifer-oid | Ivy Laboratories, Inc. Overland Park, KS |
| Trenbolone Acetate, Estradiol | Revalor-s | Hoechst-Roussel Agri-Vet Co., Somerville, NJ |
| Testosterone Propionate, Estradiol Benzoate | Synovex H | Syntex Laboratories Palo Alto, CA |

(f) The following anabolic steroid products containing compounds, mixtures, or preparations are exempt from the recordkeeping, refill restrictions, and other Controlled Substances Act requirements:

| Ingredients | Trade Name | Company |
|--|------------------|---|
| Testosterone enanthate 90 mg/ml Estradiol valerate 4 mg/ml | Androgyn L.A. | Forest Pharmaceuticals St. Louis, Mo |
| Testosterone enanthate 90 mg/ml Estradiol valerate 4 mg/ml | Andro-Estro 90-4 | Rugby Laboratories Rockville Centre, NY |
| Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml | depANDROGYN | Forest Pharmaceuticals St. Louis, MO |

| | | |
|---|--|--|
| Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml | DEPO-T.E. | Quality Research Laboratories Carmel, IN |
| Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml | depTESTROGEN | Martica Pharmaceuticals Phoenix, AZ |
| Testosterone enanthate 90 mg/ml Estradiol valerate 4 mg/ml | Duomone | Wintec Pharmaceutical Pacific, MO |
| Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml | DURATESTRIN | W.E. Hauck Alpharetta, GA |
| Testosterone cypionate 50 mg/ml Esterified cypionate 2 mg/ml | DUO-SPAN II | Primedics laboratories Gardena, CA |
| Esterified estrogens 1.25 mg. Methyltestosterone 2.5 mg. | Estratest | Solvay Pharmaceuticals Marietta, GA |
| Esterified estrogens 0.525 mg. Methyltestosterone 1.25 mg. | Estratest HS | Solvay Pharmaceuticals Marietta, GA |
| Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml | PAN ESTRA TEST | Pan American Labs Covington, LA |
| Conjugated estrogens 1.25 mg. Methyltestosterone 10 mg. | Premarin with Methyltestosterone | Ayerst Labs, Inc. New York, NY |
| Conjugated estrogens 0.625 mg. Methyltestosterone 5 mg. | Premarin with Methyltestosterone | Ayerst Labs, Inc. New York, NY |
| Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml | TEST-ESTRO Cypionates | Rugby Laboratories Rockville Centre, NY |
| Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml | Testosterone Cyp 50 Estradiol Cyp 2 | I.D.E.-Interstate Amityville, NY |
| Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml | Testosterone Cypionate-Estradiol Cypionate Injection | Best Generics No. Miami, Beach FL |
| Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml | Testosterone Cypionate-Estradiol Cypionate Injection | Schein Pharmaceuticals Port Washington, NY |
| Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml | Testosterone Cypionate-Estradiol Cypionate Injection | Steris Labs, Inc. Phoenix, AZ |

| | | |
|---|---|-------------------------------|
| <u>Testosterone enanthate</u> 90 mg/ml | <u>Testosterone Enanthate-Estradiol</u> | <u>Schein Pharmaceuticals</u> |
| <u>Estradiol valerate</u> 4 mg/ml | <u>Valerate Injection</u> | <u>Port Washington, NY</u> |
| <u>Testosterone enanthate</u> 90 mg/ml | <u>Testosterone Enanthate-Estradiol</u> | <u>Steris Labs, Inc.</u> |
| <u>Estradiol valerate</u> 4 mg/ml | <u>Valerate Injection</u> | <u>Phoenix, AZ</u> |

(g) Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof calculated as the free anhydrous base or alkaloid, in limited quantities as set forth in paragraph (e) of this section:

(1) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

(2) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(3) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;

(4) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(5) Not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(6) Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(7) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(8) Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

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 93-08-110
PROPOSED RULES
UNIVERSITY OF WASHINGTON
[Filed April 7, 1993, 10:50 a.m.]

Original Notice.

Title of Rule: Chapter 478-116 WAC, Parking and traffic regulations of the University of Washington.

Purpose: To change the current appeal process for traffic and parking violations, and impoundment regulations.
Statutory Authority for Adoption: RCW 28B.20.130.

Statute Being Implemented: RCW 28B.10.560.

Summary: The proposed amendments, repeals and addition of one section of the parking and traffic rules eliminate the current parking court system and provide for resolution of appeals of parking and traffic citations and impoundment by means of a brief adjudicative proceeding as provided by WAC 478-108-010.

Reasons Supporting Proposal: The current rules provide for the resolution of parking and traffic citations through the university parking court system. Proposed changes eliminate this system and implement a new system for resolving parking and traffic citation appeals and impoundment by means of a brief adjudicative proceeding consistent with chapter 34.05 RCW and provided by WAC 478-108-010.

Name of Agency Personnel Responsible for Drafting: Assistant Vice-President for Business and Personnel, 22 Administration, 543-6400; Implementation: Office of the Executive Vice-President, 306 Administration, 543-6410; and Enforcement: University Police Department, 1117 N.E. Boat Street, University of Washington, Seattle, 543-9331.

Name of Proponent: University of Washington, public.
Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Proposed changes reflect appeal provisions provided by RCW 34.05.482 through 34.05.494. It is anticipated that changing from the present parking court system to a brief adjudicative proceeding will expedite and simplify the citation appeal process.

Proposal Changes the Following Existing Rules: Repeal of WAC 478-116-410, 478-116-420, 478-116-430, 478-116-470, 478-116-480, 478-116-490, 478-116-500, 478-116-510, 478-116-511, 478-116-530, and 478-116-560 eliminates rules pertaining to the university parking court system and its related procedures; amendments to WAC 478-116-440, 478-116-450, 478-116-460, 478-116-520 and 478-116-540 implement resolution by means of a brief adjudicative proceeding as provided by WAC 478-108-010; a new section, WAC 478-116-589, and amendments to WAC 478-116-582 and 478-116-588 provide for impoundment for failure to comply with a final adjudication of a parking and traffic citation, and provide procedures for contesting impoundment; amendment to WAC 478-116-370 changes reference from "a final judgment of the university parking court" to "a final decision of the citation hearing office"; amendment to WAC 478-116-400 permits deduction of any unpaid fine for violation of chapter 478-116 WAC from any parking permit refund; amendment to WAC 478-116-550 changes references from "notice of traffic infraction" to "citation"; amendment to WAC 478-116-586 changes references from "parking violations office" to "parking violations division"; and amendment to WAC 478-116-586(18) changes authority for the fine from WAC 478-116-540 to 478-116-370.

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

Hearing Location: Husky Union Building, Room 209A, University of Washington, Seattle, Washington, on May 12, 1993, at 12:00 p.m.

Submit Written Comments to: Rules Coordination Office, AI-10, University of Washington, Seattle, Washington 98195, by May 12, 1993.

Date of Intended Adoption: May 21, 1993.

April 6, 1993

Melody Tereski

Administrative Procedures Officer

AMENDATORY SECTION (Amending Order 87-1, filed 7/28/87, effective 9/1/87)

WAC 478-116-370 Recall of permits. Permits are the property of the university, and may be recalled by the manager of the parking division for any of the following reasons:

- (1) When the purpose for which the permit was issued changes or no longer exists;
- (2) When a permit, area designator or gate key card is used by or on an unregistered vehicle or by an unauthorized person;
- (3) Falsification on a parking permit application;
- (4) Nonpayment of parking fees;
- (5) Counterfeiting or altering of permits, area designators or gate key cards;
- (6) Failure to comply with a final ~~((judgment of the university parking court))~~ decision of the citation hearing office;
- (7) Vehicles displaying recalled permits will be subject to impound on sight and the permit confiscated for return to the manager of the parking division.

AMENDATORY SECTION (Amending Order 75-2, filed 6/4/75)

WAC 478-116-400 Refund conditions. (1) Refunds will be made for unused portions of permits which were paid for in full at time of acquisition upon application and return of the permit to the parking division. The refund schedule will be established by the parking division and will be adjusted semimonthly on a declining scale with a zero balance for the final two weeks of the period.

(2) Upon termination of employment, or stopping of payroll deductions, the unexpired annual parking permit must be returned to the parking division. If the permit is being paid for by the payroll deduction plan, then a payroll deduction termination form must be completed.

(3) Any unpaid fine for a violation of these regulations will be deducted from any refund due, including refunds due to revocation of parking privileges.

AMENDATORY SECTION (Amending Order 89-1, filed 7/13/89, effective 8/13/89)

WAC 478-116-440 ((Procedure—Summons and service thereof)) Citation for violation. ~~((Upon probable cause to believe that a violation of these regulations has occurred, an appropriate summons or parking/traffic violation notice may be issued by the university police department setting forth the date, the approximate time, the locality, and the nature of the violation. Such summons may be served by delivering or mailing a copy thereof to the alleged violator, by attaching or affixing a copy thereof to the vehicle or bicycle allegedly involved in such violation, or by placing a copy thereof in some prominent place within such vehicle. Service by mail shall be accomplished by placing a copy of the summons in the mail addressed to the alleged~~

~~violator at the address shown on the records of the office of the registrar, the staff personnel office or academic personnel records, or the department of licensing in Olympia, Washington for that person or any other last known address of that person. Placing a copy of the summons in the mail with proper postage is prima facie evidence that the summons was served.))~~ The university police department may issue a citation for a violation of these regulations. The citation shall set forth the date, approximate time, locality, and nature of the violation and shall be served upon the person charged with the violation by delivery, mail, or placement upon the vehicle or bicycle involved.

AMENDATORY SECTION (Amending WSR 91-11-029 and 91-12-047, filed 5/8/91 and 6/5/91, effective 6/8/91 and 10/1/91)

WAC 478-116-450 Election to ((forfeit)) pay fine or contest citation. ~~((1) The summons or parking violation notice issued pursuant to WAC 478-116-440 shall advise the alleged violator that he or she may elect, within fifteen calendar days of receipt of the violation notice, either to pay and forfeit the fine applicable to the violation(s) charged or to contest the matter(s) in the university parking court.~~

~~(2) If the alleged violator chooses to forfeit the fine(s) he or she may do so by mail, forwarding the appropriate amount by check or money order or bringing such amount in cash to the university parking violations division. Such forfeiture shall constitute a waiver of the right to a hearing.~~

~~(3) If the alleged violator chooses to contest, he or she may do so by contacting the parking violations division and requesting a date to appear in court. Such request may be made by telephone, mail or in person. If a person believes that a personal court appearance would represent an unreasonable hardship, he or she may request to contest a matter in writing. If such a request is approved, the person who received the violation may submit written materials to be considered by the parking court judge as testimony in lieu of a personal court appearance. The parking court judge will then issue a final decision, a copy of which will be mailed to the person who received the violation.~~

~~(4) If an alleged violator has received one or more parking violation notice(s) amounting to \$28.00 or more and has neither paid the fines nor requested a court date, the parking violations division shall send a notice of election to forfeit or contest to the alleged violator not less than seven calendar days following service of the unanswered summons or parking violations notice. This notice shall direct the individual to either (a) pay the fine in the amount specified or, (b) request an appearance before the university parking court. Such action must be taken within fifteen calendar days of the date the notice of election to forfeit or contest was posted. Failure to comply with either (a) or (b) within the specified time limit will result in a default judgment, and the university parking judge may impose such penalty or fines appropriate under the schedule of fines established pursuant to WAC 478-116-520.~~

~~(5) Failure of an alleged violator to appear in the university parking court on the date set or to apply for a continuance of the hearing date or to pay and forfeit fines prior to the hearing date shall, unless lawful excuse is established before the university parking court, constitute a~~

plea of guilty to the complaint or information and such penalty or fine may be imposed by the parking judge as is appropriate under the schedule of fines established pursuant to WAC 478-116-520.)) (1) A person who receives a citation shall, within twenty days of the date thereof, either pay the applicable fine or contest the issuance of the citation in the manner prescribed in this section. Payment of the fine shall constitute a waiver of the right to contest the citation. Failure to either pay the fine or contest the citation within twenty days of the date of the citation shall automatically result in a final decision of the citation hearing office.

(2) A person wishing to contest a citation may do so by completing and submitting a parking and traffic citation petition (hereinafter "petition") to the citation hearing office within twenty days of the date of the citation. The petition shall include a statement explaining the reasons for contesting the citation. The presiding officer shall review the petition and provide written notification of his/her decision to the person submitting the petition within ten days of taking action on the petition. If the petition is denied, the notification shall include a brief statement of the reasons for the decision and information about the opportunity for further review. Any fine owed on a written decision on a petition not contested as provided in subsection (3) of this section shall be paid within twenty-one days after service of the decision.

(3) A person wishing to contest the written decision on the petition may request a review by contacting the citation hearing office orally or in writing within twenty-one days after service of the decision. The request for review shall contain an explanation of the alleged violator's position and a statement of reasons why the decision on the petition was incorrect. The reviewing officer shall, within twenty days of the date of the request, conduct a review and render a final written decision, which shall include a brief statement of the reasons for the decision and information about the opportunity to appeal the decision to the Seattle district court. Any final decision of the reviewing officer not appealed as provided in subsection (5) of this section shall be paid within ten days after service of the decision.

(4) If neither party has requested a review of the written decision on the petition, the citation hearing office may, within twenty days after service of the written decision, conduct a review and issue a final decision on its own motion and without notice to the parties, but it may not take any action on review less favorable to the alleged violator than the written decision on the petition without giving the alleged violator notice and opportunity to explain his or her view of the matter.

(5) A person wishing to appeal a final decision of the citation hearing office to the Seattle district court may, within ten days of service of the final decision, file a written notice with the university police department. Documents relating to the appeal shall immediately be forwarded to the Seattle district court, which shall have jurisdiction to hear the appeal de novo. No appeal to the Seattle district court may be taken unless the citation has been contested as provided in subsections (2) and (3) of this section.

(6) In the discretion of the presiding or reviewing officer, oral statements by the parties or others may be considered. A request to make an oral statement should be included in the petition, request for review, or any response

thereto, and may be granted by the presiding or reviewing officer if he/she determines that such a statement would benefit him/her in reaching a decision. If a request to make oral statements is granted, the presiding or reviewing officer shall provide reasonable notice of the time and place for receiving oral statements.

AMENDATORY SECTION (Amending Order 75-2, filed 6/4/75)

WAC 478-116-460 ((~~Procedure—Complaint and information~~) Presiding and reviewing officer. ((1) A summons served in accordance with the provisions of WAC 478-116-440 shall constitute the complaint or information against the person to whom delivered or mailed, the person to whom a permit was issued for the vehicle in which it was placed or to which it was attached, or if no permit for the vehicle has been issued, the registered owner of the vehicle in which it was placed or to which it was attached. If such person or owner desires a more particular and detailed statement of the alleged offense, he or she may within seven days after being served with a summons or parking violation notice request such a statement from the university police department. If such a statement in writing is issued by the university police department, it together with the original summons shall constitute the complaint or information. If such request is denied because it was not timely made, the alleged violator may, at any time prior to the date of the hearing, apply in writing to the parking judge for an order requiring the university police department to furnish him or her a more particular and detailed statement of the alleged offense. If, for good cause shown, the parking judge grants such an application and the university police department fails to furnish such a statement in writing within the time set by the parking judge, the prosecution for the alleged offense shall be dismissed with prejudice.

(2) The complaint or information may be amended at any time, either in writing delivered or mailed to the alleged violator or upon motion at trial in his or her presence, to include new charges of violations of these regulations. If such amendment prejudices or hampers the alleged violator in the presentation of his or her defenses, the parking judge shall grant a continuance of the hearing until such date as the alleged violator may present his or her defenses without undue prejudice.)) The presiding and reviewing officers shall be appointed in accordance with WAC 478-108-030 and shall have authority to hear and decide matters involving impoundment of vehicles and violations of these regulations including, but not limited to, the ability to issue warnings, dismiss citations, and reduce, suspend, or impose the fines set forth in WAC 478-116-601.

AMENDATORY SECTION (Amending WSR 91-11-029 and 91-12-047, filed 5/8/91 and 6/5/91, effective 6/8/91 and 10/1/91)

WAC 478-116-520 Fines and penalties. (1) The fines ((or penalties which)) that may be assessed for violations of these regulations are those detailed in WAC 478-116-601. The applicable fine for a citation must be paid within twenty days of the date of the citation unless the person charged with the violation elects to contest the citation as provided in WAC 478-116-450.

(2) Fines must be delivered in person to the citation hearing office or postmarked on or before the due date specified in these regulations to avoid additional penalties. An additional fine of ten dollars per offense shall be imposed for each citation which is not responded to within the time limits set forth in these regulations.

~~((a) Persons cited for violation of these regulations may respond either by arranging for a university parking court date or by paying and forfeiting a fine within fifteen calendar days of service of the citation in accordance with WAC 478-116-450. Forfeitures submitted by mail must be postmarked within fifteen calendar days of the date of issue of the citation in order to avoid additional penalties.~~

~~(b) An additional fine of ten dollars per offense shall be assessed for each parking citation which is not responded to within the fifteen calendar day limit provided in (a) of this subsection.))~~

~~(3) The ((manager of the parking division shall cause these regulations or a reasonable summary thereof to)) regulations contained in this chapter shall be:~~

~~(a) Published at the direction of the manager of the parking division in the University of Washington Daily at least twice each calendar year(-); and~~

~~(b) ((Prominently displayed in the offices of the university parking violations division)) Available in the citation hearing office, the university police department, and the parking division.~~

~~(4) The following information shall be printed on the parking citation:~~

~~(a) The fine schedule ((shall be printed on the parking violation notices served on alleged violators)) and instructions for payment;~~

~~(b) Instructions for contesting the citation, including where to obtain petitions; and~~

~~(c) Notice that failure to pay fines or contest the citation within the time specified in these regulations can result in the sanctions set forth in WAC 478-116-540.~~

AMENDATORY SECTION (Amending Order 76-3, filed 10/6/76)

WAC 478-116-540 Enforcement of ((judgments of the university parking court)) decisions of citation hearing office. In addition to the actions authorized pursuant to WAC 478-116-210(2), 478-116-370(6), and 478-116-520(2):

(1) Any parking fine which((-, without lawful excuse, is unpaid for a period of time in excess of the time specified for payment,)) remains unpaid after the due date set forth in these regulations constitutes a delinquent and unpaid debt due and owing the University of Washington and may be processed for collection in accordance with applicable statutes and university procedures(-); and

(2) ((If a parking permit holder refuses or fails without lawful excuse to comply with a final judgment in the parking court, the manager of the parking division may notify the individual concerned that his or her failure to comply with the judgment of the university parking court constitutes grounds for recall of his or her parking permit as provided in WAC 478-116-370(6) and/or may subject his or her vehicle to impoundment as provided in WAC 478-116-582. If there is no response to this notice, a parking permit

holder's parking privileges shall be revoked by the manager of the parking division and the vehicle made subject to impoundment if found parked on university lands.

~~(3) Any unpaid fine adjudged by the university parking court will be deducted from any refund due to revocation of parking privileges.~~

~~(4) Refusal or failure without lawful excuse to comply with a final judgment of the university parking court is a misdemeanor over which Seattle district court has jurisdiction.)) Any vehicle if found parked on university lands may be impounded for outstanding parking fines.~~

AMENDATORY SECTION (Amending Order 89-1, filed 7/13/89, effective 8/13/89)

WAC 478-116-550 Registered owner responsible for illegal parking. In any traffic infraction or case involving a violation of this title relating to the stopping, standing or parking of a vehicle, proof that the particular vehicle described in the ((notice of traffic infraction)) citation was stopping, standing, or parking in violation of any such provision of this title together with proof of registered ownership of the vehicle at the time of the violation, shall constitute ((in evidence)) a prima facie presumption that the registered owner of the vehicle was the person who parked or placed the vehicle at the point where, and for the time during which, the violation occurred.

AMENDATORY SECTION (Amending Order 87-1, filed 7/28/87, effective 9/1/87)

WAC 478-116-582 Impoundment for failure to pay fines. Any vehicle may be impounded for outstanding fines when, after ((fifteen)) ten calendar days after ((judgment of the university parking court)) service of a final decision of the citation hearing office imposing liability for fines, ((the owner has neither paid such fines nor requested a hearing before the university parking court to contest the judgment. In no case shall failure to comply with a judgment of the parking court constitute grounds for impoundment unless notice is sent to the registered owner or alleged violator prior to the hearing informing him of the violations with which he/she was charged and of his/her right to elect between paying the fine prior to the date set for hearing before the parking court or appearing on that date to contest such fines. Such notice shall clearly indicate that failure to respond by either payment of the fines or appearance in court will result in a judgment against the owner and that failure to comply with an order of the parking court will subject the vehicle to impoundment if it is found parked on university lands)) the owner has neither paid such fines nor appealed the decision to the Seattle district court. The final decision of the citation hearing office shall include notice that failure to pay outstanding fines within ten days after service will subject the vehicle to impoundment if it is found on university lands.

AMENDATORY SECTION (Amending WSR 91-11-029 and 91-12-047, filed 5/8/91 and 6/5/91, effective 6/8/91 and 10/1/91)

WAC 478-116-586 Impoundment of abandoned vehicles. (1) A parking enforcement or law enforcement officer discovering an apparently abandoned vehicle shall

attach to the vehicle a readily visible notification sticker. The sticker shall contain the following information:

- (a) The date and time the sticker was attached;
- (b) The identity of the officer;
- (c) A statement that if the vehicle is not removed within seventy-two hours from the time the sticker is attached, the vehicle will be impounded;
- (d) The address and telephone number where additional information may be obtained.

(2) If the vehicle has an annual or quarterly permit displayed, the officer or the parking violations ~~((office))~~ division shall check the records to learn the identity of the owner. The officer or the parking violations ~~((department))~~ division shall make a reasonable effort to contact the owner by telephone in order to give the owner the information on the notification sticker.

(3) If the vehicle is not removed within the seventy-two hours from the time the notification sticker is attached, the officer may impound the vehicle.

AMENDATORY SECTION (Amending WSR 91-11-029 and 91-12-047, filed 5/8/91 and 6/5/91, effective 6/8/91 and 10/1/91)

WAC 478-116-588 Notice and redemption of impounded vehicles. (1) Not more than twenty-four hours after impoundment of any vehicle, the University of Washington police department shall mail a notice to the registered owner of the vehicle, as may be disclosed by the vehicle license number, if such be obtainable, and to any other person who claims the right to possession of the vehicle, if such a claim is known to an officer, agent or employee of the University of Washington police department who has knowledge of the impoundment. The notice shall be mailed to the registered owner at the address provided by the Washington state department of licensing or the corresponding agency of any other state or province. If a police officer who has knowledge of the impoundment has reason to believe that an owner, or one who claims to be an owner, is residing or in custody at some different address which is known to the officer, a copy of the notice shall be mailed or personally delivered to such owner or claimant in a manner designed, as nearly as may be practicable, to give actual notice to the owner. The notice shall contain the full particulars of the impoundment, redemption, and an opportunity ~~((for a hearing))~~ to contest the propriety of the impoundment as ~~((hereinafter))~~ provided in WAC 478-116-589.

Similar notice shall be given to each person who seeks to redeem an impounded vehicle. If a vehicle is redeemed prior to the mailing of notice, the notice need not be mailed.

(2) Vehicles impounded shall be redeemed only under the following circumstances:

(a) Only the registered owner who has a valid driver's license or person authorized by the registered owner who has a valid driver's license and who produces proof of authorization and signs a receipt therefor, may redeem an impounded vehicle.

(b) Any person so redeeming a vehicle impounded shall pay the cost of such impoundment (towing and storage), together with such fines as are outstanding against the vehicle if impoundment was made pursuant to WAC 478-

116-582 prior to redemption, except as provided in (c) of this subsection.

(c) Any person seeking to redeem a vehicle impounded under WAC 478-116-582, 478-116-584 or 478-116-586 has a right ~~((to a hearing))~~ to contest the validity of impoundment or the amount of towing and storage charges and shall have the vehicle released upon ~~((making a written request for a hearing to the university parking court))~~ requesting a review as provided in WAC 478-116-589, paying any outstanding fines, and executing a promissory note, naming the University of Washington as payee, in an amount to include both the costs of towing and storage and a civil penalty of fifty dollars which promissory note shall immediately become due and owing in the event such person ~~((either:~~

~~(i) Fails to appear at the requested hearing; or~~

~~(ii) Fails to pay by 6:00 p.m. the next business day following the hearing))~~ fails to pay within ten business days after service of a final decision of the citation hearing office on the petition contesting impoundment any towing and storage charges for which such person may be found liable.

(3) In addition to any other penalty which may be imposed as a result of actions described in subsection (2)(c)(i) or (ii) of this section, campus parking privileges shall be suspended until all such debts are paid.

(4) The promissory note shall be automatically cancelled and discharged when a person either:

(a) Pays the towing and storage charges and cancels the request for a ~~((hearing))~~ review; or

~~(b) Pay((s the towing and storage charges by 6:00 p.m. the next business day after having been found liable therefor at the hearing provided for in this section)),~~ within ten business days after service of a final decision of the citation hearing office on the petition contesting impoundment, towing and storage charges for which such person may be liable.

NEW SECTION

WAC 478-116-589 Election to contest impoundment.

(1) A person wishing to contest impoundment of his/her vehicle may do so by completing and submitting a petition to the citation hearing office within twenty days of the date of the notice of impoundment. The petition shall include a statement explaining the reasons for contesting the impoundment. The presiding officer shall review the petition and provide written notification of his/her decision to the person submitting the petition within ten days of taking action on the petition. If the petition is denied, the notification shall include a brief statement of the reasons for the decision and information about the opportunity for further review.

(2) A person wishing to contest the decision of the presiding officer on a petition contesting impoundment may request a review by contacting the citation hearing office orally or in writing within twenty-one days after service of the decision. The request for review shall contain an explanation of the petitioner's position and a statement of reasons why the decision on the petition was incorrect. The reviewing officer shall, within twenty days of the date of the request, conduct a review and render a final written decision, which shall include a brief statement of the reasons for the decision and information about the opportunity to appeal the

decision to the Seattle district court in accordance with WAC 478-116-450(5).

(3) The presiding or reviewing officer shall automatically grant a request by any party to make an oral statement with respect to a petition contesting impoundment. Such a request may be included in the petition, request for review or any response thereto. The presiding or reviewing officer shall provide reasonable notice of the time and place for receiving oral statements.

AMENDATORY SECTION (Amending WSR 91-11-029 and 91-12-047, filed 5/8/91 and 6/5/91, effective 6/8/91 and 10/1/91)

WAC 478-116-601 Fines and penalties. The following schedule of fines for violations of the rules listed below is hereby established:

| OFFENSE | MAXIMUM FINE |
|---|--------------|
| 01 Obstructing traffic WAC 478-116-190 | \$ 25.00 |
| 02 Enter/exit without paying WAC 478-116-110 | 20.00 |
| 03 Failure to lock ignition WAC 478-116-200 | 5.00 |
| 04 Failure to set brakes WAC 478-116-200 | 5.00 |
| 05 Improper display of vehicle permit WAC 478-116-340 | 3.00 |
| 06 Permit not registered to this vehicle WAC 478-116-060 | 5.00 |
| 07 Occupying more than one stall or space WAC 478-116-140 | 10.00 |
| 08 Parking in restricted parking area WAC 478-116-110 | 25.00 |
| 09 Parking in prohibited area WAC 478-116-130 | 25.00 |
| 10 Parking on planted areas WAC 478-116-130 | 16.00 |
| 11 Parking out of assigned area WAC 478-116-130 | 5.00 |
| 12 Parking over posted time limit WAC 478-116-110 | 16.00 |
| 13 Parking with no valid permit displayed WAC 478-116-060 | 20.00 |
| 14 Parking within 15 feet of fire hydrant WAC 478-116-130 | 25.00 |
| 15 Parking at expired meter WAC 478-116-350 | 16.00 |
| 16 Parking outside cycle area WAC 478-116-070 | 5.00 |
| 17 Parking in space/area not designated for parking WAC 478-116-130 | 12.00 |
| 18 Parking while privilege suspended WAC ((478-116-540)) 478-116-370 | 50.00 |
| 19 Use of forged/stolen vehicle permit WAC 478-116-060 and 478-116-370 | 100.00 |
| 20 Impound WAC 478-116-580 | At cost |
| 21 Other violations of the university parking and traffic regulations | 25.00 |

- 22 Failure to transfer a valid permit (upon application to the parking violations division the fine may be waived for the first offense in a 12-month period.) 3.00
WAC 478-116-340
- 23 Parking in space designated for wheelchair 50.00

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 478-116-410 Establishment of court and appointment of judges.
- WAC 478-116-420 Compensation for judges not based on fines.
- WAC 478-116-430 Jurisdiction of the university parking court.
- WAC 478-116-470 Procedure—Pleas at hearing.
- WAC 478-116-480 Procedure—Oath or solemn affirmation.
- WAC 478-116-490 Procedure—Rules of evidence.
- WAC 478-116-500 Procedure—Examination of witnesses.
- WAC 478-116-510 Procedure—Judgment.
- WAC 478-116-511 Procedure—Appeal of judgment.
- WAC 478-116-530 Mitigation and suspension of penalties.
- WAC 478-116-560 Certain violations—When complete.

WSR 93-08-113
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed April 7, 1993, 11:59 a.m.]

The Department of Social and Health Services is withdrawing WAC 388-95-310 and the repeal of chapter 388-34 WAC filed as a proposal with the Office of the Code Reviser under WSR 93-06-040 on February 24, 1993.

Rosemary Carr, Director
Administrative Services

WSR 93-08-003
PERMANENT RULES
DEPARTMENT OF HEALTH
 [Order 347—Filed March 24, 1993, 3:42 p.m.]

Date of Adoption: March 23, 1993.

Purpose: To establish rules for adjudicative proceedings authorized by boards having disciplinary authority.

Statutory Authority for Adoption: For all WACs it is RCW 18.130.050(1), as well as RCW 18.130.060(3) for WAC 246-11-110 and 246-11-140.

Other Authority: For WAC 246-11-001 is RCW 34.05.-220 and 4.24.250; for WAC 246-11-010 is RCW 34.05.220; for WAC 246-11-040 is RCW 34.05.220; for WAC 246-11-100 is RCW 4.24.250; for WAC 246-11-140 is RCW 34.05.-566; for WAC 246-11-160 is RCW 34.05.452(5); for WAC 246-11-200 is RCW 34.05.220; for WAC 246-11-210 is RCW 34.05.220; for WAC 246-11-220 is RCW 4.24.240, 4.-24.250 and 4.24.260; for WAC 246-11-250 is RCW 34.05.-220; for WAC 246-11-260 is RCW 34.05.220; for WAC 246-11-270 is RCW 34.05.220; for WAC 246-11-280 is RCW 34.05.220, 34.05.440 and 34.05.470; for WAC 246-11-290 is RCW 34.05.419; for WAC 246-11-300 is RCW 34.-05.422 and 34.05.479; for WAC 246-11-310 is RCW 34.05.422 and 34.05.479; for WAC 246-11-320 is RCW 34.05.473 and 34.05.479; for WAC 246-11-330 is RCW 34.05.479; for WAC 246-11-340 is RCW 34.05.479; for WAC 246-11-350 is RCW 34.05.479; for WAC 246-11-400 is RCW 34.05.446; for WAC 246-11-420 is RCW 34.05.482; for WAC 246-11-440 is RCW 34.05.455, 34.05.485, 34.05.-488 and 34.05.491; for WAC 246-11-450 is RCW 34.05.494; for WAC 246-11-470 is RCW 34.05.434; for WAC 246-11-530 is RCW 34.05.220; for WAC 246-11-550 is RCW 34.-05.464; for WAC 246-11-560 is RCW 34.05.464, 34.05.473 and chapter 42.17 RCW; for WAC 246-11-570 is RCW 34.-05.467; for WAC 246-11-580 is RCW 34.05.470; for WAC 246-11-590 is RCW 34.05.476 and chapter 42.17 RCW; for WAC 246-11-600 is RCW 34.05.510; and for WAC 246-11-610 is RCW 34.05.220.

Pursuant to notice filed as WSR 93-04-102 on February 2, 1993.

Effective Date of Rule: Thirty-one days after filing.
 March 23, 1993
 Bruce Miyahara
 Secretary

Chapter 246-11 WAC
MODEL PROCEDURAL RULES FOR BOARDS

SECTION I
PRELIMINARY MATTERS

NEW SECTION

WAC 246-11-001 Purpose and application of chapter. (1) This chapter contains model rules for adjudicative proceedings authorized to be conducted under the authority of a board having disciplining authority under the Uniform Disciplinary Act, chapter 18.130 RCW. Each board may adopt these rules as contained in this chapter or as modified.

(2) This chapter, as modified and adopted by the board, shall apply to adjudicative proceedings authorized to be conducted under the authority of the board.

(3) This chapter applies to adjudicative proceedings begun on or after the effective date of this chapter in programs administered by the board. For purposes of this section, "begun" shall mean the receipt by the appropriate office of an application for an adjudicative proceeding. These rules shall be the exclusive rules governing adjudicative proceedings under the jurisdiction of the board.

(4) To the extent that these rules differ by inclusion, deletion, or content from the model rules adopted by the chief administrative law judge pursuant to RCW 34.05.250, this chapter shall prevail in order to provide a process consistent with the organization of the department and the board.

(5) Where a provision of this chapter conflicts with another chapter of Title 246 WAC, the provision of this chapter shall prevail.

(6) Where a provision of this chapter conflicts with a provision of the Revised Code of Washington, the statute shall prevail.

NEW SECTION

WAC 246-11-010 Definitions. As used in these rules of practice and procedure, the following terms shall have the meaning set forth in this section unless the context clearly indicates otherwise. Other terms shall have their ordinary meaning unless defined elsewhere in this chapter.

"Adjudicative proceeding" or "hearing" shall mean a proceeding required by statute or constitutional right and conducted under the rules of this chapter, which provides an opportunity to be heard by the board prior to the entry of a final order under this chapter.

"Board" shall mean a disciplining authority under RCW 18.130.040 (2)(b).

"Brief adjudicative proceeding" shall mean an adjudicative proceeding or hearing, the scope or conduct of which is limited as provided in this chapter.

"Department" shall mean the Washington state department of health and, where appropriate, the secretary of the Washington state department of health.

"Filing" shall mean receipt by the office of professional standards.

"Hearings officer" shall mean a person appointed by the board to preside over some proceedings as permitted by this chapter.

"Initiating document" shall mean a written agency document which initiates action against a license holder or applicant for license and which creates the right to an adjudicative proceeding. It may be denominated a statement of charges, notice of intent to deny, or by any other designation indicating the action or proposed action to be taken.

"License" shall have the meaning set forth in RCW 34.05.010 and includes license to practice the profession for which the board is the disciplining authority and any approval of school or curriculum required by law or rule to be obtained from the board.

"Office of professional standards" shall mean the unit responsible for prehearing adjudicative proceedings, whose address is:

Department of Health
 Office of Professional Standards
 2413 Pacific Avenue
 PO Box 47872
 Olympia, WA 98504-7872

"Presiding officer" shall mean the person who is assigned to conduct an adjudicative proceeding and may either be a member of the board or an administrative law judge employed by the office of administrative hearings.

"Program" shall mean the administrative unit within the department responsible for implementation of that chapter of Title 18 RCW establishing the board or its powers and responsibilities.

"Prompt adjudicative proceeding" or "prompt hearing" shall mean a hearing conducted at the request of the license holder or applicant for license following summary action taken in accord with this chapter against that license holder or applicant.

"Protective order" shall mean an order issued under this chapter which limits the use of, access to, or disclosure of information or evidence.

"Respondent" shall mean a license holder or applicant for license under the jurisdiction of the board who is named in an initiating document.

"Secretary" shall mean the secretary of the department of health or his/her designee.

"Summary action" shall mean an agency action to address an immediate danger to the public health, safety, or welfare and shall include, but not be limited to, a cease and desist order, an order of summary suspension, and an order of summary restriction of a license.

NEW SECTION

WAC 246-11-020 Signature authority. (1) A person designated by the board shall sign all initiating documents and orders issued under this chapter.

(2) Authority to sign shall be indicated by designation of the title of the person signing and shall not require any other affirmation, affidavit, or allegation.

NEW SECTION

WAC 246-11-030 Appearance of parties. If a respondent requests an adjudicative proceeding to contest the action, that party shall appear at all stages of the proceeding except as otherwise provided in this section.

(1) If the respondent is represented as provided in this chapter, the respondent shall appear personally at the hearing and at any scheduled settlement conference but need not appear at the prehearing conference or at presentation of motions.

(2) Parties may be represented by counsel at all proceedings.

(3) The respondent may appear by telephone at any portion of the proceedings conducted by telephone, in the discretion of the presiding officer or hearings officer following reasonable advance notice to the presiding officer or hearings officer and to the opposing party.

(4) The requirement of personal appearance may be waived for good cause in the discretion of the presiding officer or hearings officer.

(5) Failure to appear as provided in this chapter shall be grounds for taking final action by default.

NEW SECTION

WAC 246-11-040 Computation of time. (1) When computing a period of time prescribed or allowed by an applicable statute or rule, the day of the act, event, or default from which the designated period of time begins to run shall not be included.

(2) The last day of the computed period shall be included unless the last day is a Saturday, Sunday, or legal holiday.

(3) When the last day is a Saturday, Sunday, or legal holiday, the period shall run until the end of the next day which is not a Saturday, Sunday, or legal holiday.

(4) When the period of time prescribed or allowed is seven days or less, any intermediate Saturday, Sunday, and legal holiday shall be excluded from the computation.

NEW SECTION

WAC 246-11-050 Notarization, certification, and authentication. (1) A person's sworn written statement, declaration, verification, certificate, oath, or affidavit may be authenticated by an unsworn written statement which is executed in substantially the following form:

I certify (or declare) under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

 (date and place)

 (Signature)

(2) Documents or records may be authenticated by a certification, as provided in subsection (1) of this section, from the custodian of the records or other qualified person that the documents or records are what they purport to be.

(3) Signature of any attorney shall be accompanied by and authenticated by that attorney's Washington State Bar Association number.

(4) Documents prepared and submitted by a party who is not represented by an attorney shall be signed and dated by that party and shall include that party's current address.

(5) Signature by a party or an attorney on a document shall constitute a certificate by the party or attorney that he/she has read the document, believes there are grounds to support it, and has not submitted the document for delay, harassment, or needless increase in the cost of a proceeding.

(6) Compliance with certification requirements of subsections (1) and (2) of this section creates a rebuttable presumption that a document is authentic.

NEW SECTION

WAC 246-11-060 Current address. Each license holder and applicant shall provide current mailing address and all subsequent address changes to the program. Whenever service upon any such person is required by these rules, the most recent address provided may be used unless the program has actual knowledge that the person resides at a different address.

PERMANENT

NEW SECTION

WAC 246-11-070 Representation. (1) License holders, applicants for license, and recipients of benefits may be represented subject to the following conditions:

(a) A license holder or applicant for license may represent himself/herself or may be represented by an attorney who has complied with the admission to practice rules of the supreme court of the state of Washington;

(b) Every attorney representing a license holder or applicant for license shall file a notice of appearance with the board upon commencing representation, and shall file a notice of withdrawal of counsel with the board upon terminating representation.

(c) No license holder or applicant may be represented in an adjudicative proceeding by an employee of the department.

(2) No current or former employee of the department may appear as an expert, character witness, or representative of any party other than the state of Washington if he/she took an active part in investigating or evaluating the case or represented the agency in the matter, unless written permission of the secretary is granted. No current or former member of the attorney general's office staff who participated personally and substantially in investigating or evaluating the matter at issue while so employed may represent a party or otherwise participate in a related proceeding without first having obtained the written consent of the attorney general's office.

NEW SECTION

WAC 246-11-080 Service and filing. (1) A party filing a pleading, brief, or paper other than an initiating document or application for an adjudicative proceeding as required or permitted by these rules, shall serve a copy of the paper upon the opposing party or any designated representative of the opposing party prior to or simultaneous with filing.

(2) Unless otherwise provided by law, filing and service shall be made by personal service; first class, registered, or certified mail; or commercial parcel delivery company.

(3) Filing shall be complete upon actual receipt during normal business hours at the board's office, unless filing is directed in writing to be made to another address.

(4) Service shall be complete when personal service is made; mail is properly stamped, addressed, and deposited in the United States mail; or a parcel is delivered to a parcel delivery company with charges prepaid.

(5) Proof of service shall consist of filing as required by these rules, together with one of the following:

(a) An acknowledgement of service;

(b) A certificate of service including the date the papers were served, the parties upon whom served, the signature of the serving party, and a statement that service was completed by:

(i) Personal service; or

(ii) Mailing in the United States mail or shipping by commercial parcel service a copy properly addressed with postage and fees prepaid to each party and each designated representative.

NEW SECTION

WAC 246-11-090 Jurisdiction. (1) The board has jurisdiction over all licenses issued by the board and over all holders of and applicants for licenses. Such jurisdiction is retained even if an applicant requests to withdraw the application, or a licensee surrenders or fails to renew a license.

(2) The department has jurisdiction over unlicensed practice of any activity for which a license is required.

NEW SECTION

WAC 246-11-100 Telephone proceedings. (1) The presiding officer or hearings officer may conduct all or part of the proceedings or permit a party or witness to appear by telephone or other electronic means if each participant in the proceedings has an opportunity to participate in, hear, and, if technically and economically feasible, see the entire proceeding while it is taking place. Cost of such appearance may be assessed to the party so appearing or on whose behalf the witness appears.

(2) If all or part of the proceedings is conducted as provided in subsection (1) of this section, the parties shall file and serve copies of all documentary evidence no less than three days prior to the proceeding. The presiding officer or hearings officer may, for good cause, allow exceptions to this requirement.

NEW SECTION

WAC 246-11-110 Hearing location. The presiding officer or hearings officer shall designate sites for the conduct of proceedings taking into account accessibility, efficiency, and economy.

NEW SECTION

WAC 246-11-120 Good faith requirement. Good faith shall be the standard for compliance with these rules. Failure to make a good faith effort to comply with these rules shall be grounds for sanctions as provided in this chapter.

NEW SECTION

WAC 246-11-130 Public records. (1) All papers, exhibits, transcripts, and other materials required by or submitted in accordance with this chapter shall be considered public records.

(2) Release of information on a request for public records shall be subject to the following limitations:

(a) Release of health care information shall comply with chapter 70.02 RCW and rules promulgated thereunder;

(b) Protective orders issued pursuant to WAC 246-11-400 shall prevail;

(c) Initiating documents may be released after service upon the license holder or applicant but no other records shall be released until a final order is entered and served; and

(d) Chapter 42.17 RCW shall govern the release of records.

NEW SECTION

WAC 246-11-140 Expenses and witness fees. (1) Fees and expenses shall be paid at the following rates to witnesses appearing under subpoena by the party requesting the appearance:

(a) Fees shall be paid at the daily rate established for jurors in superior court of Thurston County; and

(b) Expenses shall be paid at the rate established for employees of the state of Washington, or as otherwise required by law.

(2) Fees for an expert witness shall be negotiated by and paid by the party requesting services of the expert.

(3) All expenses incurred in connection with proceedings under this chapter shall be paid by the party incurring the expense.

(4) The program shall pay expenses associated with:

(a) The facility in which proceedings are conducted; and

(b) Recording of the proceedings.

(5) Expenses related to preparation and distribution of the transcript of proceedings shall be paid by the party filing a motion or request for review of an initial order or petition for reconsideration, appealing a final order, or otherwise requesting the transcript.

NEW SECTION

WAC 246-11-150 Immunity. The legislature has determined that persons who file complaints with or provide information to the department or board regarding health care practitioners licensed by the board or department are immune from civil liability, provided that such persons have acted in good faith. RCW 4.24.240 through 4.24.260, 18.130.170, 18.130.180, and 18.130.300 set forth the provisions under which immunity is granted.

NEW SECTION

WAC 246-11-160 Official notice and agency expertise. (1) Official notice may be taken as provided in RCW 34.05.452(5).

(2) The board, through its designated presiding officer or hearings officer, may use its expertise and specialized knowledge to evaluate and draw inferences from the evidence presented to it.

NEW SECTION

WAC 246-11-170 Sanctions. (1) Orders may include sanctions against either party.

(2) Grounds for sanctions may include:

(a) Failure to comply with these rules or orders of the presiding officer; and

(b) Willful interference with the progress of proceedings.

(3) Sanctions may include:

(a) Dismissal of the matter;

(b) Proceeding in default; and

(c) Other sanctions as appropriate.

(4) The order shall state the grounds upon which any sanctions are imposed.

NEW SECTION

WAC 246-11-180 Intervention. (1) The presiding officer or hearings officer may grant a petition for intervention pursuant to RCW 34.05.443.

(2) A request to intervene shall be handled as a prehearing motion and shall be subject to the dates contained in the scheduling order. Within the sound exercise of discretion, the presiding officer may allow intervention if:

(a) The intervenor is not a party to the matter but has a substantial interest in outcome of the matter and the interest of the intervenor is not adequately represented by a party, or other good cause exists; and

(b) Any representative of the intervenor meets the requirements of WAC 246-11-070.

(3) A person shall not be allowed to intervene if that person had notice of the board's decision and, upon timely application, would have been able to appear as a party in the matter in which intervention is sought, but failed to make such timely application.

(4) If intervention is granted, the intervenor shall be subject to these rules on the same basis as the other parties to the proceeding, unless otherwise limited in the order granting intervention.

NEW SECTION

WAC 246-11-190 Form of pleadings and orders. (1) Pleadings, orders, and other papers filed, served, or entered under this chapter shall be:

(a) Captioned with the name of the state of Washington, the name of the board, and the title and cause number, if any, of the proceeding; and

(b) Signed by the person filing, serving, or entering the document. When that person is an attorney representing a party, the signature block shall include the attorney's Washington State Bar Association number.

(2) All orders shall comply with RCW 34.05.461 and the requirements of this chapter.

NEW SECTION

WAC 246-11-200 Notice to limited-English-speaking parties. When the program or the office of professional standards is notified or otherwise made aware that a limited-English-speaking person is a party in an adjudicative proceeding, all notices concerning the hearing, including notices of hearing, continuance, and dismissal, shall either be in the primary language of the party or shall include a notice in the primary language of the party which describes the significance of the notice and how the party may receive assistance in understanding and, if necessary, responding to the notice.

NEW SECTION

WAC 246-11-210 Interpreters. (1) A "hearing impaired person" means a person who, because of a hearing impairment or speech defect cannot readily understand or communicate in spoken language. A "hearing impaired person" includes a person who is deaf, deaf and blind, or hard of hearing.

(2) A "limited-English-speaking person" means a person who because of a non-English speaking cultural background cannot readily speak or understand the English language.

(3) If a hearing impaired person or a limited-English-speaking person is involved in an adjudicative proceeding and a need for an interpreter is made known to the office of professional standards, the presiding officer shall appoint an interpreter who is acceptable to the parties or, if the parties are unable to agree on an interpreter, the presiding officer shall select and appoint an interpreter.

(4) Before beginning to interpret, an interpreter shall take an oath or make affirmation that:

(a) A true interpretation shall be made to the impaired person of all the proceedings in a language or in a manner the impaired person understands; and

(b) The interpreter shall repeat the statements of the impaired person to the presiding officer, in the English language, to the best of the interpreter's skill and judgment.

(5) When an interpreter is used in a proceeding:

(a) The interpreter shall translate all statements made by other participants in the proceeding;

(b) The presiding officer shall ensure sufficient extra time is provided to permit translation; and

(c) The presiding officer shall ensure that the interpreter translates the entire proceeding to the hearing impaired person or limited-English-speaking person to the extent that the person has the same opportunity to understand the statements made as would a person not requiring an interpreter.

(6) An interpreter appointed under this section shall be entitled to a reasonable fee for services, including waiting time and reimbursement for actual necessary travel expenses. The program shall pay the interpreter fee and expenses incurred for interpreters for license holders, applicants, or recipients of benefits. The party on whose behalf a witness requiring an interpreter appears shall pay for interpreter services for that witness.

(7) All proceedings shall be conducted consistent with chapters 2.42 and 2.43 RCW.

NEW SECTION

WAC 246-11-220 Subpoenas. (1) The board, through the presiding officer, hearings officer, or other designated person, and attorneys for parties may issue subpoenas to residents of the state of Washington, to license holders and applicants for license, and to other persons or entities subject to jurisdiction under RCW 4.28.185.

(2) The presiding officer or hearings officer shall issue subpoenas pursuant to RCW 34.05.446(1) for parties not represented by counsel upon request of the party and upon a showing of relevance and reasonable scope of the testimony or evidence sought.

(3) The person on whose behalf the subpoena is issued shall pay any witness fees and expenses as provided in WAC 246-11-140 or costs for interpreters for such witnesses as provided in WAC 246-11-210.

(4) Attendance of persons subpoenaed and production of evidence may be required at any designated place in the state of Washington.

(5) Every subpoena shall:

(a) Comply with WAC 246-11-190;

(b) Identify the party causing issuance of the subpoena;

(c) State the title of the proceeding; and

(d) Command the person to whom the subpoena is directed to attend and give testimony and/or produce designated items under the person's control at a specified time and place.

(6) A subpoena may be served by any suitable person eighteen years of age or older by:

(a) Giving a copy to the person to whom the subpoena is addressed;

(b) Leaving a copy at the residence of the person to whom the subpoena is addressed with a person of suitable age and discretion;

(c) Sending a copy by mail to the current address on file with the program if the person is licensed by the board or has filed an application for a license with the board; or

(d) Sending a copy by certified mail with proof of receipt if the person is neither licensed by nor has applied for a license with the board.

(7) Proof of service may be made by:

(a) Affidavit of personal service;

(b) Certification by the person mailing the subpoena to a license holder or applicant; or

(c) Return or acknowledgment showing receipt by the person subpoenaed or his/her representative. Any person accepting certified or registered mail at the last known address of the person subpoenaed shall be considered an authorized representative.

(8) The presiding officer or hearings officer, upon motion made promptly and before the time specified for compliance in the subpoena, may:

(a) Quash or modify the subpoena if the subpoena is unreasonable or requires evidence not relevant to any matter at issue; or

(b) Condition denial of the motion upon just and reasonable conditions, including advancement of the reasonable cost by the person on whose behalf the subpoena is issued of producing the books, documents, or tangible things; or

(c) Issue a protective order under RCW 34.05.446.

(9) The board may seek enforcement of a subpoena under RCW 34.05.588(1) or proceed in default pursuant to WAC 246-11-280.

NEW SECTION

WAC 246-11-230 Hearings officer. (1) The board may appoint one or more persons as hearings officer to preside over some or all proceedings under this chapter not required by statute to be conducted by the presiding officer.

(2) Any person appointed as hearings officer shall be an employee of the department.

(3) Decisions and rulings of the hearings officer shall become final rulings unless appealed to the presiding officer as provided in WAC 246-11-550.

SECTION II INITIATING ACTIONS

NEW SECTION

WAC 246-11-250 Form and content of initiating documents. (1) Initiating documents shall include a clear and concise statement of the:

- (a) Identity and authority of the person issuing the document;
- (b) Factual basis for the action or proposed action set forth in the document;
- (c) Statutes and rules alleged to be at issue;
- (d) Identity of the party against whom the action is taken or proposed to be taken;
- (e) Action or proposed action or penalties, including the statutory or rule authority for those actions or penalties; and
- (f) Signature of the person issuing the document and the date signed.

(2) Initiating documents shall be accompanied by the following documents:

- (a) Notice that the respondent may defend against the action or proposed action; and
 - (b) Form for requesting adjudicative proceeding.
- (3) Initiating documents shall be served as described in WAC 246-11-080.

NEW SECTION

WAC 246-11-260 Amendment of initiating documents. (1) Prior to the hearing date, initiating documents may be amended subject to the following conditions:

- (a) Amended initiating documents shall meet the requirements of WAC 246-11-250(1);
- (b) Amended initiating documents shall be accompanied by the documents described in WAC 246-11-250(2);
- (c) Whenever amended initiating documents are issued, a new interval for response will begin, as described in WAC 246-11-270, unless the amendment benefits the respondent; and
- (d) Issuance of amended initiating documents ends all obligations of the parties under the prior initiating documents.

(2) On the hearing date, the initiating documents may be amended subject to the following conditions:

- (a) The documents may be amended upon motion of the state;
- (b) The documents may not be amended without the approval of the presiding officer; and
- (c) Upon motion of a party or upon his/her own initiative, the presiding officer may grant a continuance on all or part of the matter if necessary to afford the respondent an opportunity to prepare a defense to the amended documents.

NEW SECTION

WAC 246-11-270 Request for adjudicative proceeding. A respondent may respond to an initiating document by filing an application for an adjudicative proceeding or by waiving the opportunity for adjudicative proceeding.

(1) If the respondent wishes to file an application for an adjudicative proceeding:

- (a) An application for adjudicative proceeding must be filed in accordance with the following time periods:

(i) For matters under chapter 18.130 RCW, the Uniform Disciplinary Act, within twenty days of service of the initiating documents; and

(ii) For all other matters, within twenty-eight days of service of the initiating documents, unless otherwise provided by statute.

(b) The application for adjudicative proceeding shall be made on the Request for Adjudicative Proceeding form accompanying the initiating documents or by a written document including substantially the same information.

(c) By filing a request for adjudicative proceeding, the responding party agrees to appear personally at the adjudicative proceeding or, if otherwise approved by the presiding officer, by telephone, unless appearance is waived as authorized in WAC 246-11-130(4).

(d) The application for adjudicative proceeding shall contain a response to the initiating documents, indicating whether each charge is admitted, denied or not contested, and responses shall be subject to the following conditions:

- (i) Once admitted or not contested, an allegation may not be denied; and
- (ii) An allegation denied or not contested may later be admitted.

(e) When an allegation is admitted or not contested, it shall be conclusively deemed to be true for all further proceedings. No proof of the allegation need be submitted.

(f) The application for adjudicative proceeding shall specify the representative, if any, designated pursuant to WAC 246-11-070 and any request for interpreter. The responding party shall amend the name of the representative and need for interpreter immediately if circumstances change prior to the hearing.

(g) The application for adjudicative proceeding shall be filed at the board's office.

(2) A respondent may waive an adjudicative proceeding and submit a written statement and other documents in defense or in mitigation of the charges. Such waiver and documents shall be filed:

(a) In accordance with the timelines in subsection (1)(a) of this section; and

(b) At the address indicated in subsection (1)(g) of this section.

NEW SECTION

WAC 246-11-280 Default. (1) If a party fails to respond to initiating documents according to WAC 246-11-270, that party will be deemed to have waived the right to a hearing, and the board shall enter a final order without further contact with that party.

(2) If a party requests an adjudicative proceeding but fails to appear, without leave to do so, at a scheduled settlement or prehearing conference, the presiding officer or hearings officer may issue an order of default. The order shall include notice of opportunity to request that the default order be vacated pursuant to RCW 34.05.440(3).

(3) If a party requests an adjudicative proceeding but fails to appear at the hearing, the presiding officer may issue an order of default in the same manner as subsection (2) of this section, or may proceed to hear the matter in the absence of the party and issue a final order.

(4) Final orders entered under this section shall contain:

(a) Findings of fact and conclusions of law based upon prima facie proof of the allegations contained in the initiating documents;

(b) A finding that there is no reason to believe that the party in default is in active military service;

(c) The penalties or conditions imposed by the order; and

(d) Notice of the opportunity to request reconsideration pursuant to RCW 34.05.470.

(5) Final and default orders entered under this section shall be served upon the parties in accordance with WAC 246-11-080.

NEW SECTION

WAC 246-11-290 Scheduling orders. (1) Within thirty days after receipt of the application for adjudicative proceeding, the board or designee thereof, shall:

(a) Examine the application;

(b) Notify the respondent of any obvious errors or omissions;

(c) Request any additional information the board or designee wishes or is permitted by law to require; and

(d) Notify the respondent of the name, mailing address, and telephone number of an office that may be contacted regarding the application.

(2) Within ninety days after receipt of any additional information required to be submitted under subsection (1)(c) of this section or receipt of an application without obvious errors or omissions, whichever comes later, the board or designee shall:

(a) Approve the application for full adjudicative procedure and issue and serve on the parties a notice of the date, time, and place of the hearing; or

(b) Approve the application for a brief adjudicative procedure and issue and serve a notice of the date by which any additional written materials are to be submitted for consideration; or

(c) Deny the application according to RCW 34.05.416.

(3) The presiding officer or hearings officer may issue a scheduling order governing the course of the proceeding and the scheduling order may be modified by order of the presiding officer or hearings officer.

SECTION III

EMERGENCY ADJUDICATIVE PROCEEDINGS

NEW SECTION

WAC 246-11-300 Conduct of emergency adjudicative proceedings. (1) Summary action may be taken only after a review by the board or designee of such evidence, including affidavits, if appropriate, to establish:

(a) The existence of an immediate danger to the public health, safety, or welfare;

(b) The board's ability to address the danger through a summary action, and

(c) The summary action necessary to address the danger.

(2) No notice to any person potentially affected by a summary action shall be required prior to issuance of a summary action.

NEW SECTION

WAC 246-11-310 Effect of summary action. (1) Summary action takes effect upon entry of the order.

(2) No person shall be required to comply with a summary action until service has been made or the person has knowledge of the order, whichever occurs first.

(3) A summary action shall be served as promptly as practicable, in accordance with WAC 246-11-080.

(4) A summary action shall not be subject to the post hearing process provided in WAC 246-11-550 through 246-11-610, but a summary action may be appealed to superior court as provided by law.

NEW SECTION

WAC 246-11-320 Form and content of summary actions. (1) A summary action shall be entered in the form of an order containing findings of fact, conclusions of law, and the summary action imposed, as well as a statement of policy reasons for the decision.

(2) A summary action imposed by emergency adjudicative proceeding shall be limited to those actions necessary to alleviate an immediate danger to the public health, safety, or welfare.

(3) Initiating documents, and all other documents required by WAC 246-11-250 shall accompany a summary action order when served.

NEW SECTION

WAC 246-11-330 Adjudicative proceedings upon summary action. Following summary action taken by the board, the respondent may:

(1) Request a prompt adjudicative proceeding conducted in accordance with this chapter; or

(2) Waive the prompt adjudicative proceeding and request an adjudicative proceeding conducted in accordance with this chapter;

(3) Waive the right to an adjudicative proceeding and submit a written statement to be considered prior to the entry of the final order; or

(4) Waive the opportunity to be heard.

NEW SECTION

WAC 246-11-340 Opportunity for prompt adjudicative proceeding. (1) Any respondent affected by a summary action shall be provided the opportunity to request a prompt adjudicative proceeding. Notice of the opportunity shall be provided in the notice of opportunity to defend against the allegations that are the basis for the summary action. The form for requesting an adjudicative proceeding shall include the option of requesting a prompt adjudicative proceeding.

(2) Any respondent affected by a summary action may request a prompt adjudicative proceeding, may elect a regularly scheduled adjudicative proceeding in lieu of a prompt adjudicative proceeding, or may waive the opportunity for adjudicative proceeding in accord with WAC 246-11-270.

(3) Any request for a prompt adjudicative proceeding must be filed within ten days of the service of the summary action.

(4) If requested by the respondent, a prompt adjudicative proceeding shall be conducted within twenty days of service of a summary action.

(5) Regardless whether a prompt adjudicative proceeding is requested, the matter shall be resolved as quickly as feasible in accordance with all other applicable rules.

NEW SECTION

WAC 246-11-350 Proceedings prior to prompt adjudicative proceeding. A settlement conference may be requested, a settlement may be offered, and a prehearing conference may be conducted prior to a prompt adjudicative proceeding. Prehearing proceedings shall not delay a prompt adjudicative proceeding except by mutual agreement of the parties.

SECTION IV

SETTLEMENT AND PREHEARING PROCEDURE

NEW SECTION

WAC 246-11-360 Settlement conference. (1) Following a request for an adjudicative proceeding, the presiding officer or hearings officer may schedule a settlement conference. The parties shall be notified of the date, time, and place of the settlement conference.

(2) The purpose of the settlement conference shall be to attempt to reach agreement on the issues and the order to be entered. Any agreement of the parties is subject to final approval by the board.

(3) The respondent shall attend the settlement conference as scheduled and may also be represented as provided in WAC 246-11-070. Representatives of the board and/or department will also attend. Other persons may attend by agreement of the parties.

(4) Either party may bring documents or other materials to the settlement conference for the purpose of settlement negotiations. No testimony will be taken. No documents or information submitted at the settlement conference will be admitted at the adjudicative proceeding unless stipulated by the parties or otherwise admitted into evidence by the presiding officer.

(5) If a settlement offer has been made in writing to the respondent and it is signed and returned by the respondent to the board prior to the settlement conference, all subsequent scheduled dates are continued pending final review of the settlement by the board.

NEW SECTION

WAC 246-11-370 Discovery. The parties are encouraged to exchange information and documents related to the case prior to the adjudicative proceeding. Formal discovery may be had at the discretion of the presiding officer.

NEW SECTION

WAC 246-11-380 Motions. (1) The presiding officer shall rule on motions or may appoint a hearings officer to rule on motions. The presiding officer or hearings officer may rule on motions without oral argument or may request or permit the parties to argue the motion in person or by

telephone. Oral argument may be limited in time at the discretion of the presiding officer.

(2) All prehearing motions, including discovery and evidentiary motions, shall be made in writing to the presiding officer or hearings officer prior to the dates set in the scheduling order.

(3) Motions for continuance must be made in writing within forty-five days following service of the scheduling order. If the adjudicative proceeding is scheduled to take place fewer than forty-five days from service of the scheduling order, motions for continuance must be made within ten days of service of the scheduling order. In no event shall a motion for continuance be made fewer than five days prior to the hearing.

(4) The presiding officer or hearings officer may grant a continuance when a motion for continuance is not submitted within the time limits contained in subsection (3) of this section in a bona fide emergency.

NEW SECTION

WAC 246-11-390 Prehearing conference. (1) The presiding officer or hearings officer may schedule a prehearing conference to be held prior to the hearing. Parties shall be notified of the time and place of the conference in the scheduling order.

(2) The presiding officer or hearings officer shall conduct the prehearing conference and shall issue rulings related to prehearing motions and evidentiary issues. The rulings shall govern the conduct of subsequent proceedings.

(3) The prehearing conference shall be recorded unless recording is waived by the parties. All offers of proof and objections concerning matters raised at the prehearing conference must be made on the record at the prehearing conference.

(4) Following the prehearing conference, the presiding officer or hearings officer shall issue a written prehearing order which will:

(a) Identify the issues to be considered at the hearing and indicate which party has the burden of proof on these issues;

(b) Specify the facts which are admitted or not contested by the parties;

(c) Identify those documents and exhibits that will be admitted at hearing and those which may, by agreement, be distributed prior to hearing;

(d) Identify expert and lay witnesses that may be called at hearing and the issues to which those witnesses may testify;

(e) Rule on motions;

(f) Accept amendments to the pleadings;

(g) Address such other issues or matters as may be reasonably anticipated to arise and which may aid in the disposition of the proceedings; and

(h) Rule on objections made in any preserved testimony.

(5) Following the prehearing conference, the presiding officer or hearings officer may issue an order directing that the matter be heard as a brief adjudicative proceeding, pursuant to WAC 246-11-420 through 246-11-450.

(6) Documentary evidence not offered in the prehearing conference shall not be received into evidence at the adjudicative proceeding in the absence of a clear showing that the

offering party had good cause for failing to produce the evidence at the prehearing conference.

(7) Witnesses not identified during the prehearing conference shall not be allowed to testify at the adjudicative proceeding in the absence of a clear showing that the party offering the testimony of such witness had good cause for failing to identify the witness at the prehearing conference.

(8) If the authenticity of documents submitted at the prehearing conference is not challenged at the prehearing conference, the documents shall be deemed authentic. However, a party shall be permitted to challenge such authenticity at a later time upon a clear showing of good cause for failure to object at the prehearing conference.

(9) Nothing in these rules shall prohibit the presiding officer or hearings officer from conducting a conference at any time, including during the hearing. The presiding officer or hearings officer shall state on the record the results of such conference.

(10) A party bound by a stipulation or admission of record may withdraw it in whole or in part only upon a determination by the presiding officer or hearing officer that:

(a) The stipulation or admission was made inadvertently or as a bona fide mistake of fact or law; and

(b) The withdrawal will not unjustly prejudice the rights of the other parties.

(11) In an appeal to superior court involving issues addressed in the prehearing order, the record of the prehearing conference, the prehearing order and any orders issued by the presiding officer pursuant to WAC 246-11-380, shall be the record.

NEW SECTION

WAC 246-11-400 Protective orders. The presiding officer or hearings officer may issue a protective order at his or her discretion:

(1) To protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense;

(2) To preserve confidentiality related to health care records or provider-client information;

(3) To protect examination processes;

(4) To protect the identity of a person supplying information to the department or board where the person indicates a desire for nondisclosure unless that person testifies or has been called to testify at an adjudicative proceeding; or

(5) To comply with applicable state or federal law.

SECTION V

BRIEF ADJUDICATIVE PROCEDURES

NEW SECTION

WAC 246-11-420 Application of brief adjudicative proceedings. (1) If an adjudicative proceeding has been requested, a brief adjudicative proceeding will be conducted where the matter involves one or more of the following:

(a) A determination of whether an applicant for a license meets the minimum criteria for an unrestricted license and the board proposes to deny such a license or to issue a restricted license;

(b) A determination as to whether a person is in compliance with the terms and conditions of a final order previously issued by the board; and

(c) Any approval of a school or curriculum when such approval by the board is required by statute or rule.

(2) If an adjudicative proceeding has been requested, a brief adjudicative proceeding may be conducted at the discretion of the presiding officer when it appears that:

(a) Only legal issues exist; or

(b) Both parties have agreed to a brief proceeding; and

(c) The protection of the public interest does not require that the board provide notice and an opportunity to participate to persons other than the parties.

NEW SECTION

WAC 246-11-430 Conduct of brief adjudicative proceedings. (1) Brief adjudicative proceedings shall be conducted by a presiding officer or hearings officer designated by the board. The presiding officer or hearings officer shall have agency expertise in the subject matter but shall not have personally participated in the decision to issue the initiating document.

(2) The parties or their representatives may present written documentation. The presiding officer or hearings officer shall designate the date by which written documents must be submitted by the parties.

(3) The presiding officer or hearings officer may, in his or her discretion, entertain oral argument from the parties or their representatives.

(4) No witnesses may appear to testify.

(5) In addition to the record, the presiding officer or hearings officer may consider health care expertise as a basis for decision.

(6) Within fifteen days of the final date for submission of materials or oral argument, if any, the presiding officer or hearings officer shall enter an initial order in accordance with WAC 246-11-540.

NEW SECTION

WAC 246-11-440 Effectiveness of orders on brief adjudicative proceedings. (1) Initial orders on brief adjudicative proceedings shall become final twenty-one days after service of the order unless:

(a) Review has been requested pursuant to WAC 246-11-550; or

(b) On its own initiative, the board determines to review the matter and provides notice to the parties of the date by which a determination shall be made.

(2) If review is taken under subsection (1) of this section, a written order containing findings of fact, conclusions of law, and order shall be entered and served upon the parties.

NEW SECTION

WAC 246-11-450 Agency record in brief proceedings. The agency record of brief adjudicative proceedings shall consist of:

(1) All initiating documents including the notice of opportunity to defend;

(2) The request for adjudicative proceeding;

- (3) All documents submitted in the proceeding;
- (4) Any transcript or recording of any testimony or arguments presented; and
- (5) All orders issued in the case.

SECTION VI HEARING

NEW SECTION

WAC 246-11-470 Notice of adjudicative proceeding. Notice of an adjudicative proceeding shall be issued pursuant to RCW 34.05.434.

NEW SECTION

WAC 246-11-480 Conduct of adjudicative proceeding. (1) The adjudicative proceeding shall be conducted as provided in RCW 34.05.449 through 34.05.455.

(2) The presiding officer may take the following actions to the extent not already determined in a prehearing order:

- (a) Conduct the hearing de novo;
- (b) Determine the order of presentation of evidence;
- (c) Administer oaths and affirmations;
- (d) Issue subpoenas;
- (e) Rule on procedural matters, objections, motions, and offers of proof;
- (f) Receive relevant evidence;
- (g) Interrogate witnesses called by the parties in an impartial manner to develop any facts necessary to fairly and adequately decide the matter;
- (h) Call additional witnesses and request additional exhibits deemed necessary to complete the record and receive such evidence subject to full opportunity for cross-examination and rebuttal by all parties;
- (i) Take any appropriate action necessary to maintain order during the adjudicative proceeding;
- (j) Determine whether to permit or require oral argument or briefs and determine the time limits for submission thereof;
- (k) Permit photographic and recording equipment at hearing subject to conditions necessary to preserve confidentiality and prevent disruption;
- (l) Permit a person to waive any right conferred upon that person by chapter 34.05 RCW or this chapter, except as precluded by law; and
- (m) Take any other action necessary and authorized by applicable law or rule.

(3) The presiding officer shall:

- (a) Apply as the first source of law governing an issue those statutes and rules deemed applicable to the issue;
- (b) If there is no statute or rule governing the issue, resolve the issue on the basis of the best legal authority and reasoning available, including that found in federal and Washington Constitutions, statutes, rules, and court decisions; and
- (c) Not declare any statute or rule invalid.
- (4) If the validity of any statute or rule is raised as an issue, the presiding officer may permit arguments to be made on the record concerning the issue for the purpose of subsequent review.
- (5) A party may move to disqualify the presiding officer pursuant to RCW 34.05.425(3).

NEW SECTION

WAC 246-11-490 Evidence. (1) The presiding officer shall rule on objections to the admissibility of evidence pursuant to RCW 34.05.452 unless those objections have been addressed in the prehearing order.

(2) The refusal of a witness to answer any question ruled proper shall be grounds for the presiding officer, at his/her discretion, to strike some or all prior testimony by that witness on related matters or to grant a continuance to allow a party to seek a court order to compel the witness to answer.

(3) Each person called as a witness in an adjudicative proceeding shall swear or affirm that the evidence about to be given in the adjudicative proceeding shall be the truth under the provisions of RCW 5.28.020 through 5.28.060.

NEW SECTION

WAC 246-11-500 Proposed order. At the conclusion of the hearing or by a date specified by the presiding officer, each party shall submit to the presiding officer proposed findings of fact and conclusions of law and a proposed order, except as may be ordered by the presiding officer.

NEW SECTION

WAC 246-11-510 Issuance of final order. If the adjudicative proceeding is conducted by a presiding officer authorized to make the final decision, the presiding officer shall:

- (1) Issue a final order containing findings of fact and conclusions of law and an order; and
- (2) Serve a copy of the order on each party and any designated representative of the party.

NEW SECTION

WAC 246-11-520 Standard of proof. The order shall be based on the kind of evidence upon which reasonably prudent persons are accustomed to rely in the conduct of their affairs. In all cases involving an application for license the burden shall be on the applicant to establish that the application meets all applicable criteria. In all other cases the burden is on the department to prove the alleged factual basis set forth in the initiating document. Except as otherwise provided by statute, the burden in all cases is a preponderance of the evidence.

NEW SECTION

WAC 246-11-530 Consolidated proceedings. (1) When two or more applications for adjudicative proceeding involve a similar issue, the applications may be consolidated by the presiding officer or hearings officer and the hearings conducted together. The presiding officer or hearings officer may consolidate on his/her own motion or upon the request of a party.

(2) A party scheduled for a consolidated proceeding may request to withdraw from the consolidated proceeding in favor of an individual proceeding. A request to withdraw from a consolidated proceeding shall be granted if the motion is filed before the presiding officer or hearings officer has made any discretionary ruling in the matter and

before the hearing date. The presiding officer or hearings officer may grant a motion to withdraw from a consolidated proceeding at any time when good cause is shown.

(3) Each respondent in a consolidated proceeding shall retain the right to representation.

NEW SECTION

WAC 246-11-540 Initial order. If the adjudicative proceeding is conducted by a presiding officer who is not authorized to make the final decision, the presiding officer shall:

- (1) Issue an initial order containing proposed findings of fact, conclusions of law, and a proposed order;
- (2) Serve a copy of the initial order on each party and any designated representative of a party; and
- (3) Forward the initial order and record of the adjudicative proceeding to the office of the board.

SECTION VII POST HEARING PROCESS

NEW SECTION

WAC 246-11-550 Appeal from initial order. (1) Any party may file a written petition for administrative review of an initial order issued under WAC 246-11-430 or WAC 246-11-540 stating the specific grounds upon which exception is taken and the relief requested.

(2) Petitions for administrative review must be served upon the opposing party and filed with the office of the board within twenty days of service of the initial order.

(3) Within twenty days of service of a petition for administrative review is filed as provided in this section, the opposing party may file a response at the place specified in subsection (2) of this section. The party filing the response shall serve a copy of the response upon the party requesting administrative review.

NEW SECTION

WAC 246-11-560 Final orders. (1) The form and content of final orders shall be as follows:

(a) Final orders shall contain findings of fact, conclusions of law, and an order, and shall be signed by the presiding officer.

(b) Final orders may adopt by reference the initial order in whole or in part.

(c) Final orders may modify or revise the initial order in whole or in part.

(2) Final orders shall be served upon the parties and their representatives as provided in WAC 246-11-080.

(3) Final orders shall be issued following:

- (a) A review of the record;
- (b) A review of the initial order, if any;
- (c) A review of any request for review of the initial order and any response thereto; and
- (d) Consideration of protection of the public health and welfare.

(4) Unless a later date is stated in the final order, final orders shall be effective when entered but a party shall not be required to comply with a final order until the order is served upon that party.

(5) Final orders may contain orders that specified portions of the agency record shall not be disclosed as public records if necessary to protect privacy interests, the public welfare, or vital governmental functions. Such orders shall include but are not limited to protective orders issued during the proceeding or pursuant to WAC 246-11-400.

NEW SECTION

WAC 246-11-570 Stay of final orders. No final order will be stayed except by its own terms or by order of a court of competent jurisdiction.

NEW SECTION

WAC 246-11-580 Reconsideration of final orders. (1) Within ten days of service of a final order, either party may file a petition for reconsideration, stating the specific grounds upon which reconsideration is requested and the relief requested.

(2) Grounds for reconsideration shall be limited to:

- (a) Specific errors of fact or law; or
- (b) Implementation of the final order would require department activities inconsistent with current department practice.

(3) Petitions for reconsideration must be served upon the opposing party and filed with the office of the board within ten days of service of the final order.

(4) If reconsideration is requested based on an error of fact, the request for reconsideration shall contain specific reference to the record. If reconsideration is requested based on testimony of record, the party requesting consideration shall submit a copy of the transcript of the adjudicative proceeding or shall specify the date by which the transcript will be submitted, and shall submit specific reference to the transcript by a date determined by the presiding officer.

(5) The petition for reconsideration is denied if, within twenty days of the date the petition is filed, the presiding officer:

- (a) Denies the petition;
- (b) Does not act upon the petition; or
- (c) Does not serve the parties with notice of the date by which he/she will act on the petition.

(6) If the presiding officer determines to act upon the petition, the opposing party shall be provided at least ten days in which to file a response to the petition.

(7) Disposition of petitions for reconsideration shall be in the form of a written order denying the petition, granting the petition and dissolving or modifying the final order, or granting the petition and setting the matter for further proceedings.

NEW SECTION

WAC 246-11-590 Agency record of adjudicative proceedings. (1) The department shall maintain an official record of each adjudicative proceeding.

- (2) The record shall include:
 - (a) Notices of all proceedings;
 - (b) Any prehearing order;
 - (c) Any motions, pleadings, briefs, petitions, requests, and rulings thereon;
 - (d) Evidence received or considered;

- (e) A statement of matters officially noted;
 - (f) Offers of proof and objections and rulings thereon;
 - (g) Any proposed findings, requested orders, and exceptions;
 - (h) Any recording of the hearing and any transcript of all or part of the hearing considered before final disposition of the matter;
 - (i) Any final order, initial order, or order on reconsideration; and
 - (j) Matters placed on the record following an ex parte communication, if any.
- (3) The record shall be subject to disclosure as provided by RCW 42.17.250 through 42.17.340, and by WAC 246-11-130, except as limited by protective orders and orders contained in the final order.

NEW SECTION

WAC 246-11-600 Judicial review. (1) Judicial review of actions taken under this chapter shall be as provided in RCW 34.05.510 et seq.

(2) Notice of the opportunity for judicial review shall be provided in all final orders.

NEW SECTION

WAC 246-11-610 Vacating an order for reason of default or withdrawal. (1) A party against whom an order for reason of default is entered shall have the right to file a written petition requesting that the order be vacated.

(2) The petition to vacate shall state the grounds relied upon.

(3) The petition shall be filed at the office of the board.

(4) If, in the opinion of the presiding officer, good cause to grant the motion to vacate is shown, the presiding officer shall grant the motion and reinstate the application for adjudicative proceeding and may impose conditions on licensure pending final adjudication of the matter.

WSR 93-08-004**PERMANENT RULES****DEPARTMENT OF HEALTH**

[Order 346—Filed March 24, 1993, 3:45 p.m.]

Date of Adoption: March 23, 1993.

Purpose: To define programs in Department of Health and to describe means for public to obtain information, make submissions or referrals.

Statutory Authority for Adoption: RCW 43.70.050.

Pursuant to notice filed as WSR 93-01-007 on December 3, 1992.

Changes Other than Editing from Proposed to Adopted Version: Changed name of one program in WAC 246-01-040.

Effective Date of Rule: Thirty-one days after filing.

March 23, 1993

Bruce Miyahara

Secretary

Chapter 246-01 WAC
DESCRIPTION AND ORGANIZATION

NEW SECTION

WAC 246-01-001 Purpose and authority. (1) The purpose of this chapter is to describe the department of health and the general course and method of its operations. This chapter is adopted pursuant to RCW 34.05.220 and 42.17.250, and chapter 43.70 RCW.

(2) The department of health is charged with preserving public health, monitoring health care costs, maintaining minimal standards for quality in health care delivery, and generally overseeing and planning the state's activities as they relate to the health of its citizenry.

NEW SECTION

WAC 246-01-010 Definitions. As used in this chapter:

(1) "Department" means the department of health.

(2) "Secretary" means the secretary of the department of health or the secretary's designee.

NEW SECTION

WAC 246-01-020 Functions. The department balances its three core functions to accomplish its mission:

(1) Assessment. To regularly assess state health needs and resources, the department shall:

(a) Collect data on health status, personal health services, and the environment;

(b) Address major health problems in the state or community and population groups at greatest risk; availability and quality of service; resource availability; and the primary concerns of both citizens and providers; and

(c) Make budget and program revisions based on this assessment.

(2) Policy development. To develop and implement sound public policy, the department includes:

(a) Knowledge gained from assessment;

(b) Consideration of the political, organizational, and community environments;

(c) Citizen participation; and

(d) Cooperation with the state board of health and other state and local agencies.

(3) Assurance. To ensure the capacity of public health agencies to manage day-to-day operations and to respond to public health emergencies, the department shall:

(a) Provide direct support when costs to replicate services in each local area would be prohibitive;

(b) Provide technical assistance when services can be provided more effectively by local health agencies; and

(c) Provide quality service.

NEW SECTION

WAC 246-01-030 Secretary. (1) The secretary is appointed by, and serves at the pleasure of, the governor. In addition to other powers, the secretary may:

(a) Adopt rules;

(b) Appoint advisory committees on areas of emerging concern;

(c) Undertake studies, research, and analyses;

(d) Delegate powers, duties, and functions;

(e) Enter into contracts on behalf of the department; and
 (f) Act for the state in the initiation of, or the participation in, intergovernmental programs.

(2) In case of the absence or disability of the secretary, or in case the office of secretary becomes vacant, the deputy secretary shall have full charge and supervision of the department and shall have the same power and authority to act as the secretary.

(3) In the case of the absence or disability of the secretary and the deputy secretary, the person designated "acting secretary" shall have the same power and authority to act as the secretary. If no person has been so designated, then the power to act as acting secretary shall be vested in any of the assistant secretaries designated in WAC 246-01-080, in the order in which they are listed therein.

NEW SECTION

WAC 246-01-040 Department and professional boards—Relationship. The department works with the following professional boards, committees, and councils which have varying degrees of statutory authority, ranging from advisory powers to rule adoption and disciplinary powers:

- (1) Acupuncture advisory committee.
- (2) Board of chiropractic examiners.
- (3) Chiropractic disciplinary board.
- (4) Dental disciplinary board.
- (5) Dental hygiene examining committee.
- (6) Dental examining board.
- (7) Dietician/nutrition board advisory committee.
- (8) Dispensing opticians examining committee.
- (9) Health care assistants.
- (10) Hearing aid council.
- (11) Marriage and family therapist advisory committee.
- (12) Massage examining board.
- (13) Medical examining board.
- (14) Medical disciplinary board.
- (15) Mental health counselor advisory committee.
- (16) Midwifery advisory committee.
- (17) Naturopathic advisory committee.
- (18) Nursing assistants advisory committee.
- (19) Nursing home administrators board.
- (20) Board of nursing.
- (21) Board of occupational therapy.
- (22) Ocularists advisory committee.
- (23) Optometry board.
- (24) Board of osteopathic medicine and surgery.
- (25) Board of pharmacy.
- (26) Board of physical therapy.
- (27) Podiatry board.
- (28) Board of practical nursing.
- (29) Examining board of psychology.
- (30) Radiologic technical advisory committee.
- (31) Respiratory care practice advisory committee.
- (32) Sex offender treatment provider advisory committee.
- (33) Social worker advisory committee.
- (34) Veterinary board of governors.

NEW SECTION

WAC 246-01-050 Department and state board of health—Relationship. (1) The secretary serves as a member of the state board of health.

(2) The state board of health may advise the secretary on health policy issues pertaining to the department and the state.

(3) The state board of health has statutory authority to adopt rules to protect the public health, and may delegate this authority to the secretary and rescind such delegated authority.

(4) The department enforces the rules, regulations, and orders of the state board of health.

NEW SECTION

WAC 246-01-060 Department and local health departments/districts—Relationship. (1) The department works with local health departments/districts in partnership to promote public health.

(2) The department provides notification of outbreaks and epidemics of disease that may occur and advises local departments/districts of the measures necessary to prevent and control such outbreaks and epidemics.

(3) Upon the request of a local health officer, the department may take legal action to enforce public health laws, rules, and regulations of the state board of health or local rules and regulations within the jurisdiction served by the local health department, and may institute any civil legal proceeding authorized by state law.

NEW SECTION

WAC 246-01-070 Department and health professions resource committee—Relationship. (1) The health professions resource committee is comprised of representatives of the department, department of social and health services, higher education coordinating board, state board for community and technical colleges, and office of the superintendent of public instruction.

(2) The department serves as the lead administrative agency for the health professions resource committee.

(3) The health professions resource committee shall develop a state-wide plan which identifies health personnel shortages and contains policies, designs, and strategies to implement activities to address and alleviate those shortages.

NEW SECTION

WAC 246-01-080 Organization. (1) The department is headed by the secretary. The office of the secretary provides overall agency management, and is comprised of the secretary, deputy secretary, state health officer, local health and community services, legislative and congressional relations, and the media relations office.

(2) Seven assistant secretaries direct specific programs within the department.

(a) *The assistant secretary for health information:*

(i) Collects and analyzes data that provides information about the health of the population, hospital costs, hospital diagnosis and procedures, disease and birth defect incidence and trends, and specific illnesses occurring within the state; and

(ii) Collects information on all births, deaths, marriages, and divorces within the state and makes official documentation of these events available to the public.

(b) *The assistant secretary for health promotion and disease prevention:*

(i) Implements programs to control the complications of diabetes, assists low income kidney dialysis and transplant patients pay for treatment, and identifies and develops interventions for the prevention of death and disability from intentional and unintentional injury;

(ii) Identifies needs in rural areas and by undeserved populations for preventive and restorative health services. Develops policies to increase availability of needed health services and the resources required to provide them and to empower community based health system development. Assures access to prevention, primary care, and other restorative health services by purchasing services and providing technical and financial assistance to support local delivery systems. Assures availability of personnel and capital facilities and equipment to stabilize and improve health systems;

(iii) Conducts high visibility public education and marketing campaigns on a full spectrum of health related topics; develops and supplies health and safety educational materials to schools, local health, and community agencies;

(iv) Provides surveillance, programs, and services designed to reduce death and disease related to cancer, heart disease and stroke by providing public education/awareness programs, screening projects, professional education, and development of community coalitions;

(v) Interrupts the transmission of human immunodeficiency virus (HIV) and other sexually transmitted diseases (STD), and reduces associated morbidity and mortality by planning, implementing, and evaluating prevention and intervention programs targeting persons at risk of HIV/STD infection, as well as supporting the individual rights and human dignity of those infected and those considered at risk; and

(vi) Reduces the morbidity and mortality due to tuberculosis and vaccine-preventable diseases.

(c) *The assistant secretary for licensing and certification:*

(i) Administers laws and enforces rules, regulations, and standards for the following professions:

Acupuncturists
Airway management technicians
Animal technicians
Chiropractic x-ray technicians
Controlled substance researchers
Counselors/registered & certified
Dental hygienists
Dentists
Dieticians/nutritionists
Dispensing opticians
Doctors of chiropractic
Drug manufacturers & wholesalers
Emergency medical technicians
First responders
Health care assistants
Hearing aid fitters
Intravenous technicians

Legend drug sample distributors
Massage practitioners
Midwives
Naturopathic physicians
Nursing assistants
Nursing home administrators
Nursing pools
Occupational therapists
Occupational therapists' assistants
Ocularists
Optometrists
Osteopathic physicians and surgeons
Osteopathic physicians' assistants
Osteopathic physicians' acupuncture assistants
Pharmacists
Paramedics
Pharmacy assistants
Physical therapists
Physicians and surgeons
Physician assistants
Podiatric physicians and surgeons
Practical nurses
Psychologists
Radiological technologists
Registered nurses
Respiratory care practitioners
Sex offender treatment providers
Veterinarians
X-ray technicians

(ii) Reviews and approves plans and specifications for construction of new buildings, alterations, additions, and conversions of health and residential care facilities; and sets standards, inspects, licenses, or certifies, and provides consultation to:

Acute care hospitals
Adult residential rehabilitation centers
Alcoholism treatment facilities
Alcoholism hospitals
Ambulatory surgery centers
Boarding homes
Childbirth centers
Child day care centers
Comprehensive outpatient rehabilitation
Department of corrections facilities
Department of juvenile rehabilitation facilities
Domestic violence centers
End state renal disease
Eye banks
Farm worker housing
Ferries systems
Hotels/motels
Home health care agencies
Home care agencies
Hospice agencies
Hospice care facilities
Induction term centers
Mammography
Occupational therapist-independent practice
Outpatient physical therapy/speech pathology
Physical therapist-independent practice
Private adult treatment homes

Psychiatric hospitals
 Psychiatrically impaired children & youth
 Rural health care facilities
 Rural health care clinics
 Soldiers' home
 State residential schools
 Veterans' home
 Work training release

(iii) Regulates the development of various new health care facilities and services based on community need, financial feasibility, cost containment, and quality of care;

(iv) Establishes and promotes a system of emergency medical and trauma services, which includes: Developing, evaluating, and monitoring training programs; licensing and inspection; and technical assistance for a comprehensive state-wide integrated emergency medical system; and

(v) Regulates clinical laboratory testing sites and practices.

(d) *The assistant secretary for environmental health* provides training, public education services, and technical assistance to local health agencies and other agencies; and provides direct surveillance, monitoring, and enforcement activities to prevent, control, and abate health hazards and nuisances related to:

- (i) Contaminated shellfish;
- (ii) Contamination due to illegal drug manufacturing and storage;
- (iii) Disease-carrying insects and rodents;
- (iv) Disposal of solid and liquid wastes;
- (v) Food service sanitation;
- (vi) On-site sewage disposal;
- (vii) Public drinking water systems;
- (viii) Ionizing radiation;
- (ix) Schools, campgrounds, and parks;
- (x) Toxic substance exposure; and
- (xi) Water recreation facilities.

(e) *The assistant secretary for public health laboratories* oversees laboratories that aid in the diagnosis, treatment, and prevention of various diseases by:

- (i) Testing and analyzing clinical and environmental specimens and samples including food, food products, shellfish, drinking water, and seawater;
- (ii) Testing to detect certain treatable metabolic disorders in newborns;
- (iii) Testing for radioactivity in materials, mine tailings, and ores; and
- (iv) Performing inorganic and organic chemical analyses on drinking water, and other environmental samples such as soil, paint chips, ceramics and potteries, beverages, food, and others.

(f) *The assistant secretary for parent and child health services* is responsible for assuring access to quality maternal and child health care services for children and families who have limited availability to those services, including access to:

- (i) Nursing assessment, intervention and follow-up, parenting education, nutrition consultation, system planning, and dental health programs for children, adolescents, and their primary caretakers;

(ii) A continuum of services designed for infants or children with, or at risk for, special health care needs and their families;

(iii) High quality, low cost, comprehensive family planning and reproductive health care services;

(iv) Health and support services for pregnant and post-partum women and infants; and

(v) Supplemental foods, nutrition education, and referral for health services for eligible pregnant women, infants, and children at risk.

(g) *The assistant secretary for management services* provides administrative, financial, contracting, rule-making, information processing, and human resource services to the department's operating programs.

NEW SECTION

WAC 246-01-090 Consumer assistance. (1) The department provides a consumer assistance state-wide toll-free hotline. Consumer assistance personnel assist the public with information, concerns, or complaints about the department and serve as advocates for consumers who are complainants or witnesses in a licensing or disciplinary proceeding. The health consumer assistance line is 1-800-525-0127; its mailing address is P.O. Box 47891, Olympia, WA 98504-7891.

(2) The public may send submissions or written requests for information concerning the course and method of the department's operation to: Rules Coordinator, Management Services, 1300 S.E. Quince Street, P.O. Box 47902, Olympia, WA 98504-7902.

NEW SECTION

WAC 246-01-100 Current address. (1) Each person having a license issued by the department, each applicant for such a license, each recipient of benefits administered by the department, and each applicant for such benefits shall provide a current mailing address at the time of making application or reapplication.

(2) It is the responsibility of any such person to advise the appropriate office of the department in writing of any change in the address provided to the department.

(3) All official correspondence between the department and persons covered in this section shall be addressed to the most recent address provided to the department in writing by such person.

(4) For the purpose of this section, the term "license" shall have the meaning set forth in WAC 246-10-102.

NEW SECTION

WAC 246-08-420 Public records—Access and exemptions. (1) Public records shall be available for inspection and copying during the department's normal business hours.

(2) The location of specific public records may be obtained by contacting the program where the records are maintained or the rules coordinator in the management services division.

(3) Requests for copies of public records shall be in writing and include:

- (a) The name and address of the person requesting the record;
- (b) A detailed description of the requested material; and
- (c) If a list of names of individuals is being requested, an explanation of the purpose for which the request is made.
- (4) No fee shall be charged for the inspection of public records, however the department may charge for reimbursement of the costs incurred by providing copies.
- (5) The department reserves the right to determine that a public record is exempt from public disclosure under the provisions of chapter 42.17 RCW.
- (6) The department reserves the right to delete identifying details when disclosing public records if there is reason to believe that disclosure of such details would be an invasion of personal privacy.
- (7) The department, when denying a request for a public record, shall provide a statement of the specific exemption which authorizes the withholding of the record and a brief explanation of how the exemption applies to the record withheld.
- (8) Upon receipt of such denial, the requesting party may seek review of the decision by letter addressed to the deputy secretary, 1112 S.E. Quince Street, P.O. Box 47890, Olympia, WA 98504-7890.

NEW SECTION

WAC 246-08-440 Protection of public records.

Access to the record storage areas shall be restricted to insure that essential functions of the agency are carried out and public records are not damaged, altered, disorganized, or lost. Inspection shall be in the presence of an authorized department employee. Inspection shall be denied and the records withdrawn if the individual inspecting the records is doing so in a manner likely to damage, alter, or substantially disorganize them; or attempts to remove them from the prescribed location; or is excessively interfering or will unduly interfere with other essential functions of the department.

NEW SECTION

WAC 246-08-450 Final orders, declaratory orders, interpretive statements and policy statements—Indexes.

(1) In accordance with RCW 42.17.260, the department shall index:

- (a) Final orders that are issued in adjudicative proceedings as defined in RCW 34.05.010(1) and contain an analysis or decision of substantial importance to the department in carrying out its duties;
- (b) Declaratory orders that contain an analysis or decision of substantial importance to the department in carrying out its duties;
- (c) Interpretive statements as defined in RCW 34.05.-010(8); and
- (d) Policy statements as defined in RCW 34.05.010(14).
- (2) The department shall maintain indexes of:
- (a) Final orders meeting the criteria in subsection (1)(a) of this section, issued by the department and the disciplining authorities identified in RCW 18.130.040;
- (b) Declaratory orders meeting the criteria in subsection (1)(b) of this section issued by the department and the state board of health; and

(c) Interpretive and policy statements issued by the department and state board of health.

(3) The indexes shall, at a minimum, contain the case or document number; type of document; name of parties, if applicable, unless such names are exempt from public disclosure; brief description of subject, program; pertinent legal citation; and location of the document.

(4) Any person may nominate a final adjudicative order or declaratory order to be evaluated for indexing by writing to the administrative hearings unit, 1300 S.E. Quince Street, P.O. Box 47851, Olympia, WA 98504-7851, and attaching a copy of the nominated order. The department shall make a final decision as to whether to index the nominated order, and that decision is not appealable.

(5) The department shall update the indexes on an ongoing basis and conduct an annual review to verify that the indexed documents continue to meet the criteria in subsection (1) of this section. The department may, at any time, delete a document from an index. Pursuant to RCW 42.17.260(6), a public record may not be cited in a proceeding if it has not been indexed.

(6) The indexes are public records and are available for public inspection and copying in accordance with WAC 246-08-420 and 246-08-440. Indexes are located at 1300 Quince Street, Olympia, WA, as follows:

(a) The index of final adjudicative orders is located in the administrative hearings unit; and

(b) The index of declaratory orders, interpretive and policy statements issued by the department and the state board of health is located in the management services division.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-08-520 ((Nondiscrimination)) Equal opportunity/affirmative action. The department is firmly committed to equal opportunity and nondiscrimination both in the work force and in the delivery of services and makes every good faith effort to achieve the objectives of the affirmative action plan.

(1) EMPLOYMENT - The department recruits, hires, develops, and promotes persons in all job classifications without regard to race, creed, color, sex, age, national origin, marital status, or presence of a mental, physical, or sensory handicap. The department seeks to maintain a working environment free of harassment or intimidation, and to reasonably accommodate persons of disability.

(2) AFFIRMATIVE ACTION - The department strives to correct deficiencies regarding the utilization of protected groups, consistent with WAC 356-05-327, according to the timetables set forth in the department's affirmative action plan.

(3) SERVICES - The department provides services, programs, and lets contracts in a fair and impartial manner. No person ((in the state of Washington)) shall, on the grounds of sex, race, creed, color, ((or)) age, national origin, marital status, or handicap be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity administered or supervised by the ((Washington state)) department ((of health)) as required by the federal government as a prerequisite for fiscal grants-

in-aid (Sec. 601, Civil Rights Act of 1964; 78 Stat. 252; 42 U.S.C. 2000d) and chapter 49.60 RCW.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-08-560 ((Refund of)) Fees—Payment—Refunds. (1) Fees are due with applications for initial licensing and renewals. The department will not proceed on applications until required fees are paid.

(2) Fee payments may be made in person or by mail. Payment shall be by check, draft, or money order made payable to the department of health.

(3) If a license is denied, revoked, or suspended, fees shall not be refunded.

(4) Application for license after denial or revocation shall include fees as provided for in this title.

(5) Failure to pay fees when due shall invalidate the license/certification/registration and all privileges granted by the license/certification/registration. A late penalty fee shall be remitted in addition to the annual renewal fee.

(6) The department of health shall refund fees it collects that are paid in excess of the stated fee, or paid erroneously.

((2)) (7) The payee ((must provide)) shall submit to the department ((with)) a cancelled check or a cash receipt as proof of payment when requesting a refund.

((3)) (8) The department shall make refunds of five dollars or less only upon written request within ((13)) thirteen months from date of payment.

WSR 93-08-005

PERMANENT RULES

**SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Order 93-02—Filed March 24, 1993, 4:02 p.m.]

Date of Adoption: January 20, 1993.

Purpose: To change language on value of the academic cash grant administered by the Higher Education Coordinating Board.

Citation of Existing Rules Affected by this Order: Amending WAC 392-202-110.

Statutory Authority for Adoption: RCW 28A.625.050.

Pursuant to notice filed as WSR 92-23-013 on November 9, 1992.

Effective Date of Rule: Thirty-one days after filing.

March 24, 1993
Judith A. Billings
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending Order 14, filed 9/14/89, effective 10/15/89)

WAC 392-202-110 Awards for teachers, principals, and administrators. The award for educational excellence for teachers, principals, and administrators shall include:

- (1) A certificate presented by the governor and superintendent of public instruction in public ceremony(ies); and
- (2) The recipients' choice of one of the following:

(a) ~~((A waiver of tuition and fees for one full academic year of study at any Washington state institution of higher education plus a stipend of not more than one thousand dollars to cover costs incurred in taking courses, or))~~ An academic cash grant worth up to forty-five quarter or thirty semester credits, reimbursable at a rate not to exceed the part-time, resident, graduate cost per credit at the University of Washington. The grant may be used at eligible private schools in Washington provided the school matches the state grant dollar-for-dollar with actual cash or a tuition waiver;

(b) A grant not to exceed one thousand dollars, which shall be used for educational purposes; or

(c) A recognition stipend not to exceed one thousand dollars.

WSR 93-08-007

PERMANENT RULES

STATE BOARD OF EDUCATION

[Filed March 24, 1993, 10:42 a.m.]

Date of Adoption: March 19, 1993.

Purpose: To amend chapter 180-20 WAC to reflect modifications to the rules for regulating school district employees and contractors who transport children. To explain the authorization process for the newly designated Type 1 school bus driver and Type 2 school activities driver. To repeal WAC 180-20-100 through 180-20-230.

Citation of Existing Rules Affected by this Order: Repealing WAC 180-20-100 through 180-20-230.

Statutory Authority for Adoption: RCW 28A.160.210.

Pursuant to notice filed as WSR 93-04-117 on February 3, 1993.

Changes Other than Editing from Proposed to Adopted Version: WAC 180-20-034 Definition—Student, changed to "person enrolled in a school program" from "youth under twenty-one years of age" to include special education students who are older than 21 years of age; WAC 180-20-050 Definition—Temporary Type 1 school bus driver's authorization, eliminated this definition because it was unnecessary, and it was adequately explained in the section where it was used; WAC 180-20-115 Issuing procedures for temporary Type 1 school bus driver's authorization—Effective period, changed this section to allow temporary authorization for both Type 1 and Type 2 drivers. Expanded the authority for the temporary to include Type 2 authorization and allowed extension for extenuating circumstances which include delays for receiving reports on fingerprint background checks; WAC 180-20-135 Reporting, this was changed so that employees of contractors would not be directly contacting school district administrators. The change requires employees of contractors to notify their employer, and then the contractor notifies the school district administration; and WAC 180-20-155 Type 2 authorization—Implementation date, added language to the implementation date that clearly states the State Board of Education's intent with regard to implementing Type 2 authorizations.

Effective Date of Rule: Thirty-one days after filing.

March 24, 1993
Dr. Monica Schmidt
Executive Director/Secretary

NEW SECTION

WAC 180-20-005 Authority. RCW 28A.160.210 authorizes the state board of education to adopt rules and regulations governing the training, qualifications, and eligibility requirements for school bus drivers.

NEW SECTION

WAC 180-20-030 Purpose and application. (1) The purpose of this chapter is to set minimum standards and qualifications as are reasonably necessary for public school district employees and contractors operating motor vehicles for the transportation of school children.

(2) School buses shall be operated by authorized drivers when transporting students.

(3) The requirements in this chapter shall not limit discharge, nonrenewal of contracts, or other employment action by employers of such drivers.

NEW SECTION

WAC 180-20-031 Application to contractors. (1) Every contract between a school district and a private school bus contractor for pupil transportation services shall provide for compliance with the requirements of this chapter and establish the responsibility of the contractor or school district, or both, to assure compliance with such requirements.

(2) Each driver employed by a private school bus contractor under contract with a school district to provide pupil transportation services shall meet the requirements of this chapter, and shall be subject to the denial, suspension, and revocation of authority to operate a motor vehicle under this chapter.

(3) Every contract between a school district and a charter bus carrier or excursion carrier shall require a carrier profile report from the Washington utilities and transportation commission before any service is provided. No driver under this subsection shall have unsupervised access to children. Supervision of children under this subsection shall be provided by a responsible employee of the school district.

NEW SECTION

WAC 180-20-034 Definition—Student. As used in this chapter, the term "student" means the following:

(1) Any person enrolled in a school program who is under the supervision, direction, or control of the motor vehicle operator authorized under this chapter;

(2) Any person enrolled in a school program in any public school served by the motor vehicle operator;

(3) Any person enrolled in a school program in any public school while attending a school related activity at which the motor vehicle operator is performing professional duties; or

(4) Any former student who is under eighteen years of age and who has been under the supervision, direction, or control of the motor vehicle operator. Former student, for the purpose of this section, includes but is not limited to drop outs, graduates, and students who transfer to other districts or schools.

NEW SECTION

WAC 180-20-035 Definition—School bus driver. As used in this chapter, "school bus driver" means a person, who is employed by a school district including contracted drivers under WAC 180-20-031 (1) and (2) and as part of that employment or contract, operates a motor vehicle for the transportation of children between home and school or for school related activities. A school bus driver includes both Type 1 and Type 2 drivers.

(1) A "Type 1 school bus driver" means a person who operates a school bus as defined in WAC 392-143-010, as well as other motor vehicles for the transportation of students between home and school routinely on scheduled routes. An authorized Type 1 school bus driver may also transport students on field trips and other school related activities.

(2) A "Type 2 school activities driver" means a person employed by the school district, other than a Type 1 school bus driver, who transports students for school activities in a district or private vehicle with a seating capacity of ten persons or less including the driver as defined in WAC 392-143-070. It is not the intent of this chapter to affect the assignment of work between Type 1 and Type 2 drivers.

NEW SECTION

WAC 180-20-040 Definition—Type 1 school bus driver's authorization. As used in this chapter, "Type 1 school bus driver's authorization" means an authorization issued by the superintendent of public instruction indicating that the person has met state board of education requirements to operate a school bus or other motor vehicle for the purpose of transporting students to and from school routinely on scheduled routes and for school activities.

NEW SECTION

WAC 180-20-045 Definition—Type 2 school activities driver's authorization. As used in this chapter, "Type 2 school activities driver's authorization" means an authorization issued by the superintendent of public instruction indicating that the person employed by a school district has met state board of education requirements to operate a district or private motor vehicle with a seating capacity of ten or less, including the driver for the purpose of transporting students to and from school related activities, but not for scheduled routes between home and school. This authorization is not required of an employee who transports students in response to an emergency affecting health and/or safety.

NEW SECTION

WAC 180-20-055 Definition—School bus driver instructor's endorsement. As used in this chapter, "school bus driver instructor's endorsement" means an endorsement issued by the superintendent of public instruction to a person successfully completing the superintendent of public instruction approved school bus driver instructor course. This endorsement qualifies a person to train and verify the training of Type 1 school bus drivers and Type 2 school activities drivers. This endorsement shall lapse unless the holder successfully completes an annual school bus driver instructor's in-service course.

NEW SECTION

WAC 180-20-060 Definition—Type 1 school bus driver training course. As used in this chapter, "Type 1 school bus driver training course" means a course established by the superintendent of public instruction and taught by a qualified school bus driver instructor. This course shall be successfully completed by all applicants for a continuing Type 1 school bus driver's authorization.

NEW SECTION

WAC 180-20-065 Definition—Type 2 school activities driver training course. As used in this chapter, "Type 2 school activities driver training course" means a course established by the superintendent of public instruction and taught by a qualified school bus driver instructor. This course shall be successfully completed by all applicants for a continuing Type 2 school activities driver's authorization.

NEW SECTION

WAC 180-20-070 Definition—Type 1 school bus driver annual in-service training course. As used in this chapter, "Type 1 school bus driver annual in-service training course" means an annual course taught by a qualified school bus driver instructor. The content and minimum time requirements of such course shall be annually determined by the superintendent of public instruction and shall be required to be completed by the end of the school year by all authorized Type 1 school bus drivers.

NEW SECTION

WAC 180-20-075 Definition—Type 1 school bus driver and Type 2 school activities driver instructor's course. As used in this chapter, "Type 1 school bus driver and Type 2 school activities driver instructor's course" means a training program authorized by the superintendent of public instruction to qualify a person as a Type 1 school bus driver and Type 2 school activities driver instructor.

NEW SECTION

WAC 180-20-080 Definition—Instructor's annual in-service course. As used in this chapter, "instructor's annual in-service course" means an annual required course, the content of which shall be determined by the superintendent of public instruction. Successful completion of this course prevents the instructor's qualification from lapsing.

NEW SECTION

WAC 180-20-090 Authorization required. Every Type 1 school bus driver and Type 2 school activities driver shall meet the requirements for Type 1 or Type 2 authorization or temporary Type 1 school bus driver's authorization issued in accordance with the provisions of this chapter. An authorization is no longer valid if suspended, lapsed, or revoked. An authorization is not required of an employee who operates a motor vehicle to transport students in an emergency affecting health and/or safety.

NEW SECTION

WAC 180-20-095 Duration of authorization. A Type 1 or Type 2 authorization shall continue in effect from year to year as long as the person continues to meet the requirements of this chapter or until the authorization lapses or is suspended or revoked.

NEW SECTION

WAC 180-20-101 Minimum qualifications of Type 1 school bus drivers and Type 2 school activities drivers.

(1) Every Type 1 school bus driver and Type 2 school activities driver must meet and continue to meet the following minimum requirements:

- (a) Be at least twenty-one years of age.
- (b) Have a valid driver's license or commercial driver's license, as required by law, issued by the state department of licensing.
- (c) Have at least one year of experience as a driver of a truck or commercial vehicle requiring a special endorsement or, in the alternative, at least three years of experience as a driver of a passenger vehicle.
- (d) Hold a current and valid first aid card or equivalent which certifies that the applicant has completed a course in the basic principles of first aid.
- (e) Submit to the school district a disclosure of all crimes against children or other persons and all civil adjudications in a dependency action or in a domestic relation action and all disciplinary board final decisions of sexual abuse or exploitation or physical abuse as required by RCW 43.43.834(2) and disclosure of all convictions which may be grounds for denial of authorization under (h), (i), and (j) of this subsection.
- (f) Submit to a criminal record check according to chapter 28A.400 RCW (for new employees) which shows that no offenses have been committed which would be grounds for denial of an authorization.
- (g) Shall not have misrepresented or concealed a material fact in obtaining a Type 1 or Type 2 authorization or in reinstatement thereof in the previous five years.
- (h) Shall not have had a driving license privilege suspended or revoked within the preceding three years; a certified copy of the suspension or revocation order issued by the department of licensing being conclusive evidence of the suspension or revocation.
- (i) Shall not have incurred three or more speeding tickets in excess of ten miles per hour over the speed limit within any twelve-month period, within the last thirty-six months.
- (j) Shall not have been convicted of any misdemeanor, gross misdemeanor, or felony (including instances in which a plea of guilty or nolo contendere is the basis for the conviction) or any proceedings in which the charge has been deferred from prosecution under chapter 10.05 RCW or the sentence has been deferred or suspended, and is related to the occupation of a Type 1 school bus driver or the duties of a Type 2 school activities driver, including but not limited to the following:
 - (i) Any felony crime involving the physical neglect of a child under chapter 9A.42 RCW, the physical injury or death of a child under chapter 9A.32 or 9A.36 RCW, sexual exploitation of a child under chapter 9.68A RCW; sexual

offenses under chapter 9A.44 RCW where a minor is the victim; promoting prostitution of a minor under chapter 9A.88 RCW; the sale or purchase of a minor child under RCW 9A.64.030, or violation of similar laws of another jurisdiction;

(ii) Any crime involving the use, sale, possession, or transportation of any controlled substance or prescription within the last seven years: *Provided*, That in the case of felony convictions, the applicable time limit shall be ten years;

(iii) Any crime involving driving when a driver's license is suspended or revoked, hit and run driving, driving while intoxicated, being in physical control of motor vehicle while intoxicated, reckless driving, negligent driving of a serious nature, vehicular assault or vehicular homicide, within the last three years;

(iv) Any crime against children or other persons as defined in RCW 43.43.830(5) when the date of the conviction or prison release, which ever is more recent, is within ten years of the date of the job application for felonies and within seven years for other crimes.

(k) Shall not have been found in any dependency action under RCW 13.34.040 to have sexually assaulted or exploited any minor or to have physically abused any minor, within the last seven years.

(l) Shall not have been found by a court in a domestic relation proceeding under Title 26 RCW, to have sexually abused or exploited any minor or to have physically abused any minor, within the last seven years.

(m) Shall not have been found in any disciplinary board final decision to have sexually or physically abused or exploited any minor or developmentally disabled person, within the last seven years.

(n) Shall not have intentionally and knowingly transported public school students within the state of Washington within the previous five years with an expired, lapsed, surrendered, or revoked authorization in a position for which authorization is required under this chapter.

(o) Shall not have a serious behavioral problem which endangers the educational welfare or personal safety of students, teachers, bus drivers, or other colleagues. For the purpose of this chapter, a serious behavioral problem includes, but is not limited to, conduct which indicates unfitness to carry out the responsibilities related to the occupation or job performance of transporting children, such as: Dishonesty; immorality; or misuse of alcohol, a controlled substance, or a prescription drug; or furnishing alcohol or controlled substances to a minor or student.

(2) Every Type 1 school bus driver must also meet and continue to meet the following requirements:

(a) Be certified by a local school district that the person seeking a Type 1 school bus driver authorization:

(i) Is physically able to maneuver and control a school bus under all driving conditions; and

(ii) Is physically able to use all hand/or foot operated controls and equipment found on state minimum specified school buses; and

(iii) Is physically able to perform daily routine school bus vehicle safety inspections and necessary emergency roadside services; and

(iv) Has sufficient strength and agility to move about in a school bus as required to provide assistance to students in

evacuating the bus. The driver must be able to move from a seated position in a sixty-five passenger school bus, or the largest school bus the driver will be operating, to the emergency door, open the emergency door, and exit the bus through the emergency door, all within twenty-five seconds.

(b) Provide certification of passing a physical examination every twenty-four months in accordance with the standards established in 49 C.F.R. 391.41 through 391.49, of the Federal Motor Carrier Safety Regulations. Type 1 drivers must continue to meet these physical examination requirements during the time between examinations. This requirement does not prevent a school district from requesting a more frequent examination.

(c) Satisfactorily complete a Type 1 training course and each year thereafter, satisfactorily complete a Type 1 school bus driver in-service training course.

(3) Every Type 2 school activities driver must also meet and continue to meet the following requirements:

(a) Provide written assurance to the school district that the person possesses the physical health necessary to safely transport students prior to initial authorization and at intervals deemed appropriate by the local school district.

(b) Satisfactorily complete a Type 2 training course.

NEW SECTION

WAC 180-20-111 Issuing procedures for Type 1 and Type 2 authorizations. (1) Type 1 and Type 2 authorizations shall be issued by the superintendent of public instruction upon request by an authorized representative of the employing school district subject to compliance with the following provisions:

(2) The employing school district shall forward to the superintendent of public instruction an application for a Type 1 or Type 2 authorization prior to issuance. The following verifications relating to the applicant must be provided:

(a) Verification by a qualified training instructor of successful completion of the appropriate training course.

(b) Verification by the employing school district that it has on file a physical health certification or statement as required by this chapter.

(c) Verification by the employing school district that it has on file a current driver's abstract of the applicant's employment and nonemployment driving record issued by the department of licensing verifying compliance with all provisions of this chapter. The issue date of this abstract must be within sixty calendar days of the date the application is being submitted for authorization.

(d) Verification that the applicant has a current and valid first aid card or equivalent.

(e) Verification by the employing school district that it has on file a disclosure statement in compliance with preemployment inquiry regulations in WAC 162-12-140, signed by the applicant, specifying all convictions which relate to fitness to perform the job of Type 1 school bus driver or Type 2 school activities driver under WAC 180-20-101 and all crimes against children or other persons, that meets the requirements of RCW 43.43.834(2).

(f) Verification that the school district has on file the results of a criminal record check as required under chapter 28A.400 RCW for new employees and that such results establish that the applicant has not committed any offense

which constitutes grounds for denying, suspending, or revoking an authorization under this chapter.

(g) Verification by the school district that it has on file an applicant's disclosure of all serious behavioral problems which explains the nature of all such problems and/or conditions, a listing of the names, addresses, and telephone numbers of all doctors, psychologists, psychiatrists, counselors, therapists, or other health care practitioners of any kind or hospitals, clinics, or other facilities who have examined and/or treated the applicant for such problems and/or conditions and dates of examinations, therapy, or treatment and the school district has determined that any reported serious behavioral problem does not endanger the education welfare or personal safety of students, teachers, bus drivers, or other colleagues.

(h) Verification by the employing school district that the applicant complies with all of the requirements for Type 1 school bus drivers or Type 2 school activities drivers set forth in this chapter.

(3) Upon approval of an application, the superintendent of public instruction shall issue a notice of Type 1 school bus driver or Type 2 school activities driver authorization to the employing school district.

(4) Subsequent authorizations for an individual driver with new or additional employing school districts must be issued from the superintendent of public instruction to such districts prior to the operation of any motor vehicle for the transportation of children.

(5) On or before August 15 of each year, the superintendent of public instruction will provide each school district with a list of authorized drivers and their status.

NEW SECTION

WAC 180-20-115 Issuing procedures for temporary authorization—Effective period. Temporary authorizations, Type 1 and Type 2, may be issued by an educational service district superintendent upon application by an authorized representative of the employing school district subject to compliance with the following provisions:

(1) Issuing procedure.

(a) Application for a temporary authorization must be approved by an authorized representative of the employing school district, verified by said school official that the applicant meets the qualification requirements set forth in WAC 180-20-101 (except for a course in first aid and/or the results of a requested criminal record check), and further verified by a certified instructor that the applicant has satisfactorily completed the appropriate training course. The application shall be submitted to the educational service district superintendent for approval.

(b) Upon approval of the application by the educational service district superintendent, the temporary authorization will be transmitted to the employing school district.

(2) Effective period. The temporary authorization shall be valid for a period of sixty calendar days and shall be nonrenewable: *Provided*, That the issuing educational service district superintendent may extend such period for a reasonable number of days when extenuating circumstances exist.

NEW SECTION

WAC 180-20-120 Discipline—Grounds for denial, suspension, or revocation of authorization. (1) A request for an authorization may be denied or an authorization issued under this chapter may be suspended, or revoked for failure to meet any of the minimum requirements set forth in WAC 180-20-101, established by a preponderance of the evidence.

(2) Conduct, which by a preponderance of the evidence, amounts to a serious behavioral problem which endangers the educational welfare or personal safety of students, teachers, bus drivers, or other colleagues is grounds for denial, suspension, or revocation whether or not the conduct constitutes a crime. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to denial, suspension, or revocation action. Upon such conviction, however, the judgment and sentence is conclusive evidence at the ensuing hearing of the guilt of the authorized driver or applicant of the crime described in the indictment or information, and of the person's violation of the statute on which it is based.

(3) Any person in treatment for alcohol or other drug misuse shall have his or her Type 1 or Type 2 authorization temporarily suspended until successful treatment is satisfactorily confirmed by a state-approved alcohol or other drug treatment program, or by the court in deferred prosecution cases under chapter 10.05 RCW, at which time the authorization will be reinstated.

NEW SECTION

WAC 180-20-123 Applicability of chapter to off-duty hours. Nothing in WAC 180-20-101 (1)(o) shall be applied so as to deny, revoke, or suspend authorizations to any individual for the orderly exercise during off-duty hours of any rights guaranteed under the law to citizens generally, except where such conduct indicates a safety risk for the transportation of students.

NEW SECTION

WAC 180-20-125 Discipline—Emergency suspension. If the superintendent of public instruction finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, emergency suspension of an authorization may be ordered pending proceedings for revocation or other action. In such cases, the superintendent of public instruction shall expedite all due process actions as quickly as possible.

NEW SECTION

WAC 180-20-130 Discipline—Appeals—Adjudicative proceedings. (1) Any person desiring to appeal a denial, suspension, or revocation of a Type 1 school bus driver or a Type 2 school activities driver authorization, may do so to the superintendent of public instruction or designee in accordance with the adjudicative proceedings in RCW 34.05.413 through 34.05.494 and the administrative practices and procedures of the superintendent of public instruction in chapter 392-101 WAC.

(2) The superintendent of public instruction may assign the adjudicative proceeding to the office of administrative

hearings and may delegate final decision making authority to the administrative law judge conducting the hearing.

(3) The superintendent of public instruction may appoint a person to review initial orders and to prepare and enter final agency orders in accordance with RCW 34.05.464.

(4) Any person who disagrees with a school district's determination of failure to meet any Type 1 school bus driver or Type 2 school activities driver authorization qualifications may request that the school district forward the pertinent records to the superintendent of public instruction. After review or investigation, the superintendent of public instruction will grant, deny, suspend, or revoke the authorization.

NEW SECTION

WAC 180-20-135 Reporting. (1) Every person authorized under this chapter to operate a motor vehicle to transport children shall, within twenty calendar days, notify his or her employer in writing of the filing of any criminal charge involving conduct not meeting the standards in WAC 180-20-101(1). The authorized driver shall also notify his or her employer of any disqualifying traffic convictions, or license suspension or revocation orders issued by the department of licensing. In cases where the employer is providing transportation services through a contract with the school district, the contractor shall immediately notify the school district superintendent or designee.

(2) The notification in writing shall identify the name of the authorized driver, his or her authorization number, the court in which the action is commenced, and the case number assigned to the action.

(3) The failure of an authorized driver to comply with the provisions of this section is an act of unprofessional conduct and constitutes grounds for authorization suspension or revocation by the superintendent of public instruction.

NEW SECTION

WAC 180-20-140 School district—Reporting. (1) Every school district employing authorized drivers to transport children or contracting with a private firm who provides such authorized drivers as a part of a contract shall, within twenty calendar days, notify the superintendent of public instruction in writing of knowledge it may have of the filing of any criminal charge involving the conduct not meeting the standards in WAC 180-20-101 against any authorized driver.

(2) The notification in writing shall be by certified or registered mail and shall identify the name of the authorized driver, his or her authorization number, the court in which the action is commenced, and the case number assigned to the action.

NEW SECTION

WAC 180-20-145 School district—Verification of drivers continuing compliance. (1) Every school district shall evaluate each authorized driver for continuing compliance with the provisions of this chapter annually. The results of this evaluation of all drivers shall be forwarded to the superintendent of public instruction as follows:

(2) This report shall be added to the regular school bus driver status report (Report 1799) exchanged between all school districts and the superintendent of public instruction.

(3) Verification that each authorized driver's criminal history record contains no convictions or charges which would be grounds for revocation or suspension of a Type 1 school bus driver or Type 2 school activities driver authorization. This report shall verify that each authorized driver has made an updated disclosure in writing and signed and sworn under penalty of perjury which updates the disclosure required in WAC 180-20-101 (1)(e).

(4) This report shall be a written verification that the evaluation has been conducted in accordance with the requirements of this chapter and that all drivers are in compliance, or if all drivers are not in compliance, a list of drivers who are out of compliance and the reason for noncompliance shall be provided.

NEW SECTION

WAC 180-20-150 Training and qualifications of Type 1 school bus drivers and Type 2 school activities drivers—Administration. It shall be the responsibility of the superintendent of public instruction to administer the program of training and qualifications of Type 1 school bus drivers and Type 2 school activities drivers consistent with the provisions of this chapter.

NEW SECTION

WAC 180-20-155 Type 2 authorization—Implementation date. It is the intent of the state board of education that school districts will progressively work toward full implementation of the Type 2 authorization by January 1, 1995. All references in this chapter to Type 2 school activities driver authorization shall become fully implemented by January 1, 1995: *Provided*, That Type 2 drivers issued authorizations prior to January 1, 1995, must comply with all applicable provisions of this chapter from the date of the issuance of the Type 2 authorization.

NEW SECTION

WAC 180-20-160 Type 1 authorization—Conversion date. The expiration date of all active school bus driver's certificates will be extended to June 30, 1993. All existing school bus driver certificates will be converted to Type 1 school bus driver authorizations by July 1, 1993.

REPEALER

The following sections of the Washington Administrative Code are repealed:

| | |
|----------------|---|
| WAC 180-20-100 | Use of school buses—Promulgation. |
| WAC 180-20-105 | Use of school buses—Definition of curricular and extracurricular use. |
| WAC 180-20-106 | School bus operation for extracurricular use. |
| WAC 180-20-200 | Training and qualifications of school bus drivers—Promulgation. |

- WAC 180-20-205 Training and qualifications of school bus drivers—
Definitions.
- WAC 180-20-210 Training and qualifications of school bus drivers—Driver's license and school bus driver's certificate or temporary permit required.
- WAC 180-20-215 Training and qualifications of school bus drivers—Temporary school bus driver's permit.
- WAC 180-20-220 Training and qualifications of school bus drivers—Continuing school bus driver's certificate.
- WAC 180-20-225 Training and qualifications of school bus drivers—Annual physical examination required.
- WAC 180-20-230 Training and qualifications of school bus drivers—
Administration.

WSR 93-08-010
PERMANENT RULES
HIGHER EDUCATION
COORDINATING BOARD
[Filed March 25, 1993, 3:00 p.m.]

Date of Adoption: March 11, 1993.

Purpose: Adopt revised student eligibility criteria for the state need grant program; and adopt various technical corrections made necessary by the reauthorization of the Federal Higher Education Act.

Citation of Existing Rules Affected by this Order: Amending WAC 250-20-011, 250-20-015, 250-20-021, 250-20-031, 250-20-041, and 250-20-051.

Statutory Authority for Adoption: Chapter 28B.80 RCW.

Pursuant to notice filed as WSR 93-03-087 on January 19, 1993.

Effective Date of Rule: Thirty-one days after filing.

March 16, 1993

James C. Sainsbury
Acting Executive Director

AMENDATORY SECTION (Amending WSR 90-04-067, filed 2/5/90, effective 7/1/90)

WAC 250-20-011 Student eligibility. For a student to be eligible for a state need grant he or she must:

(1) Be a "needy student" or "disadvantaged student" as determined by the higher education coordinating board in accordance with RCW 28B.10.802.

(2) Be a resident of the state of Washington.

(3) Be enrolled or accepted for enrollment as an undergraduate student at a participating postsecondary institution or be a student under an established program designed to qualify him or her for enrollment as a full-time student at a postsecondary institution in the state of Washington.

(a) For purposes of need grant eligibility, the student must be enrolled, at time of disbursement, in a course load

of at least six credits per quarter or semester or, in the case of institutions which do not use credit hours, twelve clock hours per week.

(b) A student enrolled less than half time may not receive this grant for the term in question, but is eligible for reinstatement or reapplication for a grant upon return to at least a half-time status. Correspondence courses may not comprise more than one-half of the student's minimum credit load for which aid is being considered.

(4) ~~((The state need grant recipient is expected to))~~ Maintain satisfactory progress as defined in WAC 250-20-021(19).

(5) Not be pursuing a degree in theology.

(6) Not have received a state need grant for more than the equivalent of ten full-time semesters or fifteen full-time quarters or equivalent combination of these two. Upon receipt of a bachelor's degree, a student is no longer eligible.

(7) Have made a bona fide application for a Pell grant.

(8) Certify that he or she does not owe a refund on a state need grant, a Federal Pell Grant or a Federal Supplemental Educational Opportunity Grant, and is not in default on a loan made, insured, or guaranteed under the ~~((National Direct Student-))~~ Federal Family Education Loan Program, the Federal Perkins(()) Loan Program, or ((Guaranteed Student, and Income Contingent Loan)) the Federal Direct Loan Demonstration Program((s)).

AMENDATORY SECTION (Amending WSR 90-04-067, filed 2/5/90, effective 7/1/90)

WAC 250-20-015 Agreement to participate. In order to participate in the program a postsecondary institution must ~~((annually))~~ file an "agreement to participate" supplying the following information as appropriate: Name and address of school (including central office and all campus sites), name and address of owner(s), or if a corporation the name and addresses of stockholders holding more than twenty-five percent of the stock and percentage of stock held, the date on which the school officially began instruction if in the last five years, type and date of last accreditation, enrollment information (unless reported to the state of Washington or in the integrated postsecondary education data system) ~~((and such other information as may be required to assure proper administration of the program. Along with the "agreement," all)).~~ The institutions must also submit each year, for approval, a copy of their refund/repayment policy, student budgets, gift equity packaging policy and their satisfactory progress policy for state need grant recipients and such other information as may be required to assure proper administration of the program. In addition the "agreement to participate" will also indicate the institution's agreement to abide by all program rules, regulations, and guidelines, to maintain and provide all pertinent information, records, and reports requested by the board, and to notify the board within thirty days of any change (other than student enrollment) to information reported on the agreement form.

AMENDATORY SECTION (Amending WSR 92-11-022, filed 5/13/92, effective 6/13/92)

WAC 250-20-021 Program definitions. (1) The term "needy student" shall mean a post-high school student of an institution of postsecondary education who demonstrates to

the higher education coordinating board the financial inability, either parental, familial, or personal, to bear the total cost of education for any semester or quarter. The determination of need shall be made in accordance with federal needs analysis formulas and provisions as recognized and modified by the board.

(2) The term "disadvantaged student" shall mean a post-high school student who by reason[s] of adverse cultural, educational, environmental, experiential[,], or familial circumstance is unable to qualify for enrollment as a full-time student in a postsecondary institution, and who otherwise qualifies as a needy student and who is attending a postsecondary educational institution under an established program designed to qualify him or her for enrollment as a full-time student.

(3) The term "postsecondary institution" shall mean any public university, college, community college, or vocational-technical institute operated by the state of Washington political subdivision thereof, or any other university, college, school or institute in the state of Washington offering instruction beyond the high school level which is a member institution of one of the following accrediting associations: The Northwest Association of Schools and Colleges, the Career College Association (~~(of Independent Colleges and Schools)~~), or the Cosmetology Accrediting Commission, (~~or the National Association of Trade and Technical Schools,~~) and if such institution agrees to participate in the program in accordance with all applicable rules and regulations. Any institution, branch, extension or facility operating within the state of Washington which is affiliated with an institution operating in another state must be a separately accredited member institution of one of the above named accrediting associations.

(4) "Washington resident" shall be defined as an individual who satisfies the requirements of RCW 28B.15.-011 through 28B.15.013 and board-adopted rules and regulations pertaining to the determination of residency.

(5) "Dependent student" shall mean any post-high school student who does not qualify as an independent student in accordance with WAC 250-20-021(6).

(6) "Independent student" shall mean any student who qualifies as an independent student for the receipt of federal aid. These qualifications include a student who has either:

(a) Reached his or her twenty-fourth birthday before January 1st of the aid year; or,

(b) Is a veteran of the U.S. Armed Forces; or,

(c) Is an orphan or ward of the court; or,

(d) Has legal dependents other than a spouse; or,

(e) Is a married student or a graduate/professional student (~~(and will not be claimed by parents as a U.S. income tax exemption in the aid year)~~); or,

(f) (~~(Was not claimed by parents as a U.S. income tax exemption in either of the two calendar years prior to the academic year for which aid is being considered and had a total income and benefits for those two years sufficient to support his or herself; or,~~

(g)) Is determined to be independent for the receipt of federal aid on the basis of the professional judgment of the aid administrator.

(7) Definitions of "undergraduate students" will be in accord with definitions adopted for institutional use by the board.

(8) "Student budgets" shall consist of that amount required to support an individual as a student for nine months and may take into consideration cost factors for maintaining the student's dependents. This should be the amount used to calculate the student's total need for all state and federal funds.

(9) "State need grant cost-of-attendance" is ~~(([a] [the]))~~ the standard student cost per sector, as developed by the board (~~(, to determine the eligible [students'] [student's] exact award[.])~~).

(a) The costs-of-attendance for each sector are calculated by adding together a standard maintenance allowance for books, room, board, transportation and personal items, for all undergraduate students statewide as developed by the Washington Financial Aid Association, and the sector's regular tuition and fees for full-time, resident, undergraduate students.

(b) In no case may the costs-of-attendance exceed the statutory ceiling established by RCW 28B.10.808(4). The ceiling is calculated by adding together the same standard maintenance allowance used in determining the state need grant cost-of-attendance, plus the regular tuition and fees charged for a full-time resident undergraduate student at a research university, plus the current average state appropriation per student for operating expenses in all public institutions.

(c) For the 1992-93 academic year, the value of the statutory ceiling is \$13,783. This value is composed of the Washington Financial Aid Association's maintenance budget of \$6,964, plus the regular tuition and fees charged for a resident undergraduate student at a research university of \$2,274, plus the current average state appropriation per student for operating expenses in all public institutions of \$4,545.

(d) The value of each element used in the construction of the statutory ceiling will be updated annually.

The higher education coordinating board will consult with appropriate advisory committees and the representative association of student financial aid administrators, to annually review and adjust the costs-of-attendance. The costs-of-attendance for each sector will be published concurrent with annual guidelines for program administration.

(10) (~~("State need grant family contribution" for students with dependents shall mean the sum of the assumed [parents'] [parent's] contribution, contribution from student assets, and all income including student's earnings. For students without dependents, the state need grant ["family contribution"] shall mean the sum of contributions from all the student's [(and spouse's)] assets[,], and income, excluding student earnings.~~

(11) "Parents' contribution" shall mean the contribution toward college expenses expected from the student's parent(s) as related to the total financial strength of the parents.

(12) Funds administered by the institution[.] [such as] Pell grants, BIA grants, those portions of agency funds designated for tuition and fees, as well as funds available to the student because of his or her student status are to be used in calculating the student's overall need, but are not counted as part of the state need grant family contribution.) "Family income" is the student's family income for the calendar year prior to the academic year for which aid is being requested.

(a) Income means adjusted gross income and nontaxable income as reported on the federally prescribed application for federal student aid.

(b) For the dependent student family income means parental income.

(c) For the independent student family income means the income of the student and any other adult, if any, reported as part of the student's family.

(d) The institutional aid administrator may adjust the family's income up or down to more accurately reflect the family's financial situation during the academic year. When such adjustments are made they shall be consistent with guidelines for making changes to determine federal student aid eligibility.

(11) "Income cutoff" means the amount of family income below which a student is determined to be eligible for the state need grant. The cutoff shall be expressed as a percent of the state's median family income. The exact point of cutoff shall be determined each year by the board based on available funding. In no case will the minimum income cutoff be less than sixty-five percent of the state's median family income, regardless of program funding.

(12) "Median family income" is the median income for Washington state, adjusted by family size and reported annually in the federal register.

(13) "Maximum base grant" is a percentage of the state need grant costs-of-attendance for each sector. The percentage will be no less than fifteen percent and no more than twenty percent, dependent each year upon available funding. The maximum base grant may be further adjusted according to the student's family income level and rate of enrollment as described in WAC 250-20-041.

(14) "Dependent care allowance" is a flat grant amount, to be determined by the board, which is in addition to the student's eligibility for the base grant. The allowance is awarded to those students who have dependents in need of care. The dependent must be someone (other than a spouse) living with the student. Care must be that assistance provided to the dependent which is paid to and provided by someone outside of the student's household.

~~((13))~~ (15) "State need grant award" is the ~~((difference between the))~~ maximum base grant ~~((and the student's total state need grant family contribution))~~ adjusted according to level of family income, plus a dependent care allowance, if applicable.

(16) "Academic year" is that period of time between July 1 and the following June 30 during which a full-time student would normally be expected to complete the equivalent of two semesters or three quarters of instruction.

(17) "Clock hours" means a period of time which is the equivalent of either:

- (a) A 50 to 60 minute class, lecture, or recitation, or
- (b) A 50 to 60 minute period of faculty-supervised laboratory shop training or internship.

(18) "Gift equity packaging policy" is the institution's policy for assigning gift aid to all needy, eligible students.

(19) "Satisfactory progress" is the student's successful completion of a minimum number of credits for each term in which the grant was received. Each school's policy for measuring progress of state need grant recipients must define satisfactory as the student's completion of the minimum number of credits for which the aid was disbursed.

(a) The minimum satisfactory progress standard for full-time students is twelve credits per term or 300 clock hours per term. Satisfactory progress for three-quarter time students is nine credits per term or 225 clock hours per term. Satisfactory progress for half-time ~~((student(s)))~~ students is six credits per term or 150 clock hours per term.

(b) Each school's policy must deny further disbursements of the need grant at the conclusion of any term in which he or she fails to complete at least one-half (50%) of the minimum number of credits for which the aid was disbursed or otherwise fails to fulfill the conditions of the institution's satisfactory progress policy.

(c) The school may make disbursements to a student who is in a probationary status. "Probation" is defined as completion of at least one-half (50%), but less than all (100%) of the minimum number of credits for which the aid was calculated and disbursed. The school must have a probation policy, approved by the board, which limits the number of terms in which a student may receive the need grant while in a probationary status.

(d) The school's aid administrator may at any time, using professional judgment exercised on a case-by-case basis, reinstate a student back into a satisfactory progress status, in response to an individual student's extenuating circumstances.

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 90-04-067, filed 2/5/90, effective 7/1/90)

WAC 250-20-031 Application procedure. (1) Application for a state grant must be made each year.

(2) All applications will be ranked anew each year.

(3) Application for a state need grant is accomplished through a student's application for admission to, and financial aid from, the institution of his or her choice.

(4) Financial data must be generated in accordance with the method set forth by the higher education coordinating board to assure that information will be consistent on a state-wide basis.

The board shall each year develop criteria which shall be used to determine eligible need analysis processors in a multiple processor system. Further, the board shall each year specify the student data elements essential for determining state need grant eligibility and shall authorize the forms and processes for collecting and analyzing such data.

(5) The burden of proof of a grant recipient's eligibility is with the institution. At a minimum:

(a) The institution must be able, on request of the board, to reconstruct the calculations and rationale for the student's grant eligibility and award amounts.

(b) The financial aid form or comparable financial status documents, with the resulting financial need analysis must be on record in the financial aid office for all grant recipients.

(c) The institution must also have on record justification for reawarding a need grant to any student who failed to make satisfactory progress.

(6) The board shall establish annual criteria by which the eligible student is to be identified, ranked, and awarded. That criteria shall include the state need grant cost-of-

attendance for each sector, the maximum award, and the ~~((maximum state need grant family contribution))~~ income cutoff level.

(7) The institution shall examine the student's aid application to determine overall need and specific state need grant eligibility and the appropriate award, using the board-approved criteria.

(8) The board will make available to all participating institutions, a list of all students who owe state need grant repayments or have otherwise exhausted their state need grant eligibility. It is the institution's responsibility to ensure that no ineligible student receives a state need grant.

(9) The financial aid ~~((office))~~ administrator at each institution will be required to sign a statement attesting to the fact that all eligible financial aid applicants within state need grant parameters will be identified and served to the extent funds are available and that financial information will be determined in strict adherence to program guidelines.

(10) No group of students, such as single parents or part-time students, may be advantaged or disadvantaged in its access to the state need grant by any institutional awarding policy.

AMENDATORY SECTION (Amending WSR 90-04-067, filed 2/5/90, effective 7/1/90)

WAC 250-20-041 Award procedure. (1) The institution will offer grants to eligible students from funds reserved by the board. It is the institution's responsibility to ensure that the reserve is not over expended within each academic year.

(2) The state need grant award for an individual student should be the maximum base grant, appropriate for the sector attended, adjusted for the students level of family income, and a dependent care allowance, if applicable. Each eligible student receiving a grant must receive the maximum grant award for which he or she is eligible.

(3) The maximum state need grant award should not exceed the student's ~~(+)~~

~~(a)) overall need~~ ~~(+)~~

~~(b) The maximum base grant minus state need grant family contribution, plus a dependent care allowance if eligible; or~~

~~(c)) or the institution's approved gift equity packaging policy ((as determined by the institution)).~~

(4) Eligible students shall receive a prorated portion of their state need grant for any academic period in which they are enrolled at least half-time, as long as funds are available. Students enrolled at a three-quarter time rate, at the time of disbursement, will receive seventy-five percent of their full-time base grant plus, dependent care allowance. Half-time students will receive fifty percent of their full-time base grant, at disbursement plus, dependent care allowance. ~~((Students eligible for a dependent care allowance, who are enrolled less than full time will receive fifty percent of the full time allowance.))~~ Depending on the availability of funds, students may receive a need grant for summer session attendance.

(5) The institution will be expected, insofar as possible, to match the state need grant with other funds sufficient to meet the student's need. Matching moneys may consist of student financial aid funds and/or student self-help.

(6) All financial resources available to a state need grant recipient, when combined, may not exceed the amount computed as necessary for the student to attend a postsecondary institution. The student will not be considered overawarded if he or she receives additional funds after the institution awards aid, and the total resources exceed his or her financial need by \$200 or less by the end of the academic year.

(7) The institution will notify the student of receipt of the state need grant.

(8) Any student who has received at least one disbursement and chooses to transfer to another participating institution within the same academic year, may apply to the board for funds to continue receipt of the grant at the receiving institution.

AMENDATORY SECTION (Amending WSR 90-04-067, filed 2/5/90, effective 7/1/90)

WAC 250-20-051 Grants disbursement. (1) At intervals designated by the executive director, financial aid administrators from participating independent colleges and proprietary institutions will submit the appropriate warrant order form to the higher education coordinating board for each state need grant recipient certifying enrollment and grant eligibility.

(a) Upon receipt of the warrant order forms, the higher education coordinating board will forward warrants to the appropriate institution for each recipient.

(b) At private and proprietary schools, as long as the student remains eligible for the grant, the warrant must be given directly to the student ((must acknowledge receipt for the state need grant each term agreeing to the conditions of award)) without any other condition being placed on receipt of the warrant by the institution.

(c) All signed receipts for state need grants are to be ~~((returned to the board, along with))~~ retained by the institution. They must be made available for inspection upon request of the board. All unclaimed warrants must be returned to the board on or before the date specified by the board each term.

(d) A student-by-student reconciliation must be completed by the institution at the end of each term.

(2) All other institutions may request funds as necessary to make disbursements to students.

(a) Progress reports must be filed with the board ~~((at the end of each term))~~ as requested.

(b) A student-by-student reconciliation must be filed with the board at the end of each academic year.

(3) No institution may disburse nor claim more funds than that amount reserved by the board for the body of students at each institution.

(4) Should a student recipient withdraw from classes during the term in which he or she received a state need grant, he or she shall be required to repay the appropriate amount according to the institution's approved repayment policy.

The institution shall advise the student ~~((+))~~ and the board of amounts to be repaid.

(5) The board reserves the right, if funds are available, to pay to public institutions an administrative expense allowance for the shared responsibility of administering the

program on the board's behalf. The allowance shall be calculated annually as a percentage of the need grant funds disbursed by the institution.

WSR 93-08-011
PERMANENT RULES
DEPARTMENT OF HEALTH
[Order 352B—Filed March 25, 1993, 3:49 p.m.]

Date of Adoption: March 10, 1993.

Purpose: To incorporate changes in federal rule regarding surface water treatment and to amend existing WAC sections to be consistent with new requirements. Also, some clarification and reorganization.

Citation of Existing Rules Affected by this Order:
Repealing WAC 246-290-210, 246-290-400 and 246-290-450; and amending WAC 246-290-001, 246-290-010, 246-290-020, 246-290-030, 246-290-040, 246-290-050, 246-290-060, 246-290-100, 246-290-110, 246-290-120, 246-290-130, 246-290-200, 246-290-230, 246-290-250, 246-290-300, 246-290-310, 246-290-320, 246-290-330, 246-290-420, 246-290-440, 246-290-470, and 246-290-480.

Statutory Authority for Adoption: RCW 43.20.050.

Pursuant to notice filed as WSR 93-04-122 on February 3, 1993.

Changes Other than Editing from Proposed to Adopted Version:

PERMANENT

RECOMMENDED BOARD MOTIONS

The Drinking Water Program recommends that the Board move for the adoption of amendments to Chapter 246-290 WAC as filed with the code reviser 2/3/93, with the following clarification changes, we do not consider any of these changes to be substantial:

1. WAC 246-290-010 Definitions.

Page 4, modify definition of "Standard methods" as follows:

"Standard methods" means the ~~((most recently published))~~ 16th 18th edition ...

This change clarifies which edition of "Standard Methods" should be used.

2. WAC 246-290-250 Treatment design.

Page 24, modify subsection (5) as follows:

~~((4)) (5) The minimum level of treatment for surface water ((supplies shall be coagulation, flocculation, filtration and disinfection. In certain cases, alternative treatment designs followed by disinfection may be acceptable to the department, provided there is adequate engineering justification)). Group A systems with surface water sources and GWI sources shall provide treatment ((be)) as specified under WAC 246-290-630.~~

Some of the original wording that was proposed to be eliminated needs to go back in to clarify the requirements for systems other than Group A which would require treatment.

3. WAC 246-290-310 Maximum contaminant levels (MCLs).

Page 35, modify subsection (5) as follows:

(c) The MCL~~((s))~~ for turbidity ~~((are:~~

~~((i))~~ (i) One NTU, ~~((based on))~~ as determined by a monthly average of the ~~((maximum))~~ daily turbidity, where the ~~((maximum))~~ daily turbidity is defined as the average of the:

~~((A))~~ (i) Highest two hourly readings over a twenty-four hour period when continuous monitoring is used; or

~~((B))~~ (ii) Daily grab samples taken ~~((within one))~~ the same hour every day when daily monitoring is used.

~~((The department may increase the MCL to five NTUs if the purveyor can show the source is within a controlled watershed and the source meets the requirements under WAC ((246-290-210 and 246-290-450)) 246-290-135.~~

~~(ii) Five NTUs based on an average of the maximum daily turbidity for two consecutive days.)~~

To clarify the turbidity standards that apply to systems not initially required to filter, but which later fail to meet the criteria to avoid.

4. WAC 246-290-440 ~~((Treatment facility))~~ Operations.

Page 48, modify subsection (3) as follows:

(3) ~~(b) Minimum free chlorine Detectable residual disinfectant concentration of 0.2 milligrams per liter (mg/L) in all active parts of the distribution system, measured as total chlorine, free chlorine, combined chlorine, or chlorine dioxide.~~

(c) Water in the distribution system with an HPC level less than or equal to 500/ml is considered to have a detectable residual disinfectant concentration.

This change is necessary to make this requirement consistent for both surface water and ground water systems. Leaving this in would mean that ground water sources would be subject to stricter requirements than surface water systems, which was not the department's intent.

5. WAC 246-290-610 Definitions relating to surface water treatment.

Page 52, modify definition as follows:

"Coagulation" means a process using coagulant chemicals and rapid mixing to destabilize colloidal and suspended particles and agglomerate them into flocs.

This definition is federally mandated and must be exactly the same as EPA's. The proposed additional wording will provide for the needed match.

6. WAC 246-290-640 Determination of GWI sources.

Page 60, modify subsection (1) as follows:

(1) For Group A systems ... the purveyor shall monitor in accordance with the requirements for ground water sources in WAC 246-290-300 or as directed ...

This change will clarify the intent that potential GWI sources should continue to monitor as ground water until notified by the department.

7. WAC 246-290-650 Compliance requirements for filtered systems.

Page 61, modify Table 9 as follows:

**Table 9
PART 6 COMPLIANCE REQUIREMENTS FOR
SYSTEMS WITH EXISTING WATER TREATMENT FACILITIES**

| REQUIREMENTS EFFECTIVE FROM | APPLICABLE PART 6 REQUIREMENTS | VIOLATION TYPE | |
|---|--|---------------------|---------------------|
| | | Turbidity MCL | Treatment Technique |
| Date specified in written department notification through June 28, 1993 | Subpart A Analytical, Subpart B Monitoring and Reporting requirements only | Still in effect | Not in effect yet |
| June 29, 1993 and thereafter | Part 6 Subparts A and B | No longer in effect | In effect |

This change is necessary to clarify which sections of Part 6 are applicable.

8. WAC 246-290-654 Treatment criteria for filtered systems.

Page 62, modify subsection (1) as follows:

(1) The purveyor shall operate filters ~~such that maximum~~ at flow rates ~~do not~~ exceed ...

Clarification that flow rates in Table 10 are maximums.

9. WAC 246-290-654 (cont.)

Page 63, modify Table 10 as follows:

**Table 10
FILTRATION OPERATION CRITERIA**

| FILTRATION TECHNOLOGY/MEDIA | MAXIMUM FILTRATION RATE (gpm/ft ²) |
|--|--|
| Conventional, Direct and In-Line | |
| Gravity filters with Single Media | 3 |
| Gravity filters with Deep Bed, Dual or Mixed Media | 6 |
| Pressure filters with Single Media | 2 |
| Pressure filters with Deep Bed, Dual or Mixed Media | 3 |
| Slow Sand | 0.1 |
| Diatomaceous Earth | 1.0 |

PERMANENT

Changes needed to clarify descriptions of filtration technology and media.

10. WAC 246-290-654 (cont.)

Page 63, modify subsection (3) as follows:

(a) Turbidity reduction method ~~where source and filtered water turbidity measurements are made in accordance with WAC 246-290-664(2) and (3) respectively:~~

(i) ...

(ii) When source turbidity is less than 2.5 NTU ~~but greater than 0.25 NTU~~, the purveyor shall achieve:

~~(A) An 80% reduction in source turbidity based on an average of the daily turbidity reductions measured in a calendar month; or~~

~~(iii)(B) When source turbidity is less than 0.25 NTU, the purveyor shall achieve A filtered water turbidity less than or equal to 0.05 0.1 NTU.~~

This change is needed to clarify that compliance with the turbidity reduction requirements is based on a monthly average of the daily turbidity reduction measurements and to be consistent with "Standard methods".

(b)(ii) Demonstrate ~~at a frequency acceptable to the department~~ at least ...

(c)(ii) Demonstrate ~~at a frequency acceptable to the department~~ at least ...

Changed to clarify the frequency of demonstrations for systems using alternate methods.

11. WAC 246-290-654 (cont.)

Page 64, modify subsection (4) as follows:

(4)(b) ... a plan detailing:

~~(i) How water delivered to the ... disinfected; and~~

~~(ii) The elements of an emergency notification plan to be implemented whenever the disinfectant residual at entry to distribution falls below 0.2 mg/L for more than one hour;~~

This change is needed to clarify what needs to be included in the emergency disinfection plan prepared by water systems.

12. WAC 246-290-662 Disinfection for filtered systems.

Page 68, modify subsection (5) as follows:

(5) Disinfectant residual entering the distribution system.

(a) The purveyor ... serves water to the public; ~~and~~

~~(b) Failure to provide a 0.2 mg/L residual at entry to distribution for more than one hour on any day shall be considered a treatment technique violation.~~

Clarification on what constitutes a treatment technique violation.

13. WAC 246-290-666 Reporting for filtered systems.

Page 71, modify subsection (1) as follows:

(1)(c) ... whether the residual was restored within ~~((four hours))~~ one hour to 0.2 mg/l or more;

Change is needed so there is consistency with the definition of a treatment technique violation.

14. WAC 246-290-668 Watershed control.

Page 71, modify subsection (2) as follows:

(2) ... completed at least every ~~((five))~~ six years. ~~Watershed evaluations shall be performed such that results of the survey are included in the purveyor's water system plan in accordance with WAC 246-290-100 or small water system management program in accordance with WAC 246-290-410, whichever is applicable.~~

This change is necessary to clarify when the deadline is for watershed control evaluations and the mechanism for submitting the reports to the department.

15. WAC 246-290-670 Compliance requirements for existing unfiltered systems installing filtration.

Page 72, modify subsection (1) as follows:

(1) The purveyor of an existing unfiltered system ~~installing a water treatment facility which first produces filtered water served to the public after January 1, 1991, shall be subject to install filtration by:~~

- (a) ~~The effective dates, compliance requirements, and treatment technique violations specified in Table 12 June 29, 1993, for systems notified by the department before December 30, 1991 to install filtration; and or~~
- (b) ~~All other applicable sections of this chapter~~ Eighteen months after department notification, for systems notified by the department after December 30, 1991 to install filtration.

(2) ... dates specified in Table 12 subsection (1) of this section.

Table 12
COMPLIANCE REQUIREMENTS FOR EXISTING UNFILTERED SYSTEMS NOTIFIED BY THE DEPARTMENT TO INSTALL FILTRATION

| EFFECTIVE DATE | APPLICABLE PART 6 REQUIREMENTS | VIOLATION TYPE | |
|--|--|---------------------|-------------------------------|
| | | Turbidity MCL | Treatment Technique |
| Until June 29, 1993 or until the new water treatment facility produces filtered water served to the public, whichever is later. | Subpart C treatment, monitoring and reporting requirements | Still in effect | As defined in WAC 246-290-632 |
| Beginning June 29, 1993 or when the new water treatment facility first serves filtered water to the public, whichever is later but no later than: a. June 29, 1993, for systems notified by the department before December 30, 1991 to install filtration; or b. 18 months after department notification, for systems notified by the department after December 30, 1991 to install filtration. | Subparts A and B | No longer in effect | As defined in WAC 246-290-632 |

These changes clarifies when turbidity is in effect and the different deadlines for installation of filtration.

16. WAC 246-290-676 Filtration technology and design criteria.

Page 76, modify subsection (4) as follows:

- (4)(b) (iii) ~~The purveyor shall ensure that all new filtration facilities comply in provisions for filtering to waste with appropriate measures for bacterial prevention.~~

Change is needed to clarify this design requirement for all new water treatment facilities.

PERMANENT

17. WAC 246-290-686 Compliance requirements for unfiltered systems.

Page 79, modify subsection (3) as follows:

- (3) ... shall comply with the disinfection monitoring and reporting requirements under WAC 246-290-692(5)(b), 246-290-694(6)(b) and 246-290-696(4), respectively.

Change is needed to clarify which disinfection requirements are applicable for systems purchasing completely treated surface or GWI water.

18. WAC 246-290-690 Criteria to remain unfiltered.

Page 81, modify subsection (2) as follows:

- (2)(b)(v) ... back on line, until the source water quality criteria listed in (a) and (b) of this subsection are met turbidity is 5.0 NTU or less.

Change clarifies when a source can be put back on line after a turbidity exceedance.

19. WAC 246-290-690 (cont.)

Page 83, modify subsection (3) as follows:

- (3)(h)(ii) A system with total coliform MCL violations failing to meet the criteria in (i) of this subsection, may remain unfiltered, if the purveyor demonstrates to the department's satisfaction that determines the total coliform MCL violations were not caused by a deficiency in source water treatment and the system had two or less MCL violations in the twelve previous calendar months the system served water to the public.

Changed to be consistent with federal SWTR, original language was more stringent than the federal rule which was not the department's intent.

20. WAC 246-290-692 Disinfection for unfiltered systems.

Page 84, modify subsection (4) as was done previously under section 662.

The change is also for the same reason as indicated in section 662.

21. WAC 246-290-694 Monitoring for unfiltered systems.

Page 85, modify subsection (1) as follows:

(1)(a) ... surface or GWI source are representative and:

This change is needed to be consistent with subsection 694(1)(c) and the mandatory federal language.

22. WAC 246-290-696 Reporting for unfiltered systems.

Page 87, modify subsection (1) as follows:

(1)(d) ... residual was restored to 0.2 mg/L or more within ~~((four hours))~~ one hour; or

This change makes the text consistent with the definition of a treatment technique violation.

Effective Date of Rule: Thirty-one days after filing.
March 23, 1993
Sylvia Beck
Executive Director

(f) Chapter 70.119A RCW, Public water ~~((supply))~~
systems—Penalties and compliance; and
(g) Chapter 70.142 RCW, Chemical contaminants and
water quality.

AMENDATORY SECTION (Amending Order 124B; filed 12/27/90, effective 1/31/91)

WAC 246-290-001 Purpose and scope. (1) The purpose of these rules is to define basic regulatory requirements and to protect the health of consumers using public drinking water supplies.

(2) The rules of this chapter are specifically designed to ensure:

(a) Adequate design, construction, sampling, management, maintenance, and operation practices; and

(b) Provision of high quality drinking water in a reliable manner and in a quantity suitable for intended use.

(3) Purveyors shall be responsible for complying with the regulatory requirements of this chapter.

(4) These rules are intended to conform with ~~((the intent of))~~ P.L. 93-523, the Federal Safe Drinking Water Act of 1974, and P.L. 99-339, the Safe Drinking Water Act Amendments of 1986~~((, P.L. 99-339))~~.

(5) The rules set forth are adopted under chapter 43.20 RCW. Other statutes relating to this chapter are:

(a) ~~((Chapter 43.20A))~~ RCW~~((,))~~ 43.20B.020, Fees for services—Department of health and department of social and health services;

(b) Chapter ~~((43-XXXXX))~~ 43.70 RCW ~~((chapter 9, Laws of 1989 1st Extraordinary Session))~~, Department of health;

(c) Chapter 70.05 RCW, Local health department, boards, officers—Regulations;

(d) Chapter 70.116 RCW, Public Water System Coordination Act of 1977;

(e) Chapter 70.119 RCW, Public water supply systems—Certification and regulation of operators; ~~((and))~~

AMENDATORY SECTION (Amending Order 241B; filed 2/4/92, effective 3/6/92)

WAC 246-290-010 Definitions. Abbreviations:

BAT - best available technology;

CSE - comprehensive system evaluation;

GWI - ground water under the direct influence of surface water;

kPa - kilo pascal (SI units of pressure);

m - meter;

MCL - maximum contaminant level;

mg/L - milligrams per liter;

~~((MID - maximum instantaneous demand;))~~

mL - milliliter;

mm - millimeter;

NTNC - nontransient noncommunity;

NTU - nephelometric turbidity unit;

pCi/L - picocuries per liter;

psi - pounds per square inch;

SAL - state advisory level;

SOC - synthetic organic chemical;

THM - trihalomethane;

TNC - transient noncommunity;

TNTC - too numerous to count;

ug/L - micrograms per liter;

umhos/cm - micromhos per centimeter;

VOC - volatile organic chemical; and

WFI - water facilities inventory and report form.

"Acute" means posing an immediate risk to human health.

"Best available technology (BAT)" means the best technology, treatment techniques, or other means which EPA finds, after examination for efficacy under field conditions,

are available (taking cost into consideration). For the purposes of setting MCLs for synthetic organic chemicals, any BAT must be at least as effective as granular activated carbon.

"Category red operating permit" means an operating permit identified as such pursuant to chapter 246-294 WAC. Placement in this category results in permit issuance with conditions and a determination that the system is inadequate.

"Coliform sample" means a sample of water collected from the distribution system at or after the first service and analyzed for coliform presence in compliance with this chapter.

"Composite sample" means a sample created in a certified laboratory by mixing equal parts of water from up to five different sources.

"Comprehensive system evaluation (CSE)" means a review, inspection, and assessment of a public water system, including but not limited to: Source; facilities; equipment; operation and administration; maintenance; records; planning documents and schedules; and monitoring, for the purpose of ensuring that safe and adequate drinking water is provided.

"Confirmation" means to demonstrate the results of a sample to be precise by analyzing a repeat sample. Confirmation occurs when analysis results fall within plus or minus thirty percent of the original sample.

"Confluent growth" means a continuous bacterial growth covering a portion or the entire filtration area of a membrane filter in which bacterial colonies are not discrete.

"Contaminant" means a substance present in drinking water which may adversely affect the health of the consumer or the aesthetic qualities of the water.

"Cross-connection" means a physical arrangement connecting a public water system, directly or indirectly, with anything other than another potable water system, and capable of contaminating the public water system.

"Department" means the Washington state department of health or health officer as identified in a joint plan of operation in accordance with WAC 246-290-030(1).

"Disinfection" means the use of chlorine or other agent or process the department approves for killing or inactivating microbiological organisms, including pathogenic and indicator organisms.

"Distribution system" means that portion of a public water ((supply)) system which ((stores, transmits, pumps, and distributes)) conveys water from the source and/or treatment facilities to consumers.

"Domestic or other nondistribution system plumbing problem," means contamination of a system having more than one service connection with the contamination limited to the specific service connection from which the sample was taken.

"Duplicate (verification) sample" means a second sample collected at the same time and location as the first sample and used for verification.

"Fire flow" means the rate of water flow needed to fight fires under WAC 246-293-640 or adopted city, town, or county standards.

"First customer" means the first service connection, i.e., the point where water is first withdrawn for human consumption, excluding connections where water is delivered to another water system covered by these regulations.

"Grab sample" means a water quality sample collected at a specific instant in time and analyzed as an individual sample.

"Ground water under the direct influence of surface water (GWI)" means any water beneath the surface of the ground, which the department determines has the following characteristics:

Significant occurrence of insects or other macroorganisms, algae, or large-diameter pathogens such as *Giardia lamblia*; or

Significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity, or pH closely correlating to climatological or surface water conditions.

"Guideline" means a department document assisting the purveyor in meeting a rule requirement.

"Health officer" means the health officer of the city, county, city-county health department or district, or an authorized representative.

"Hydraulic analysis" means the study of the water system network evaluating water flows within the distribution system under worst case conditions such as, ((~~maximum~~)) peak hourly design flow plus fire flow, when required(~~, or maximum instantaneous demand (MID), when fire flow is not required~~). Hydraulic analysis includes consideration of all factors affecting system energy losses.

"Maximum contaminant level (MCL)" means the maximum permissible level of a contaminant in water the purveyor delivers to any public water system user, measured at the locations identified under WAC 246-290-300, Table 4.

"Maximum contaminant level violation" means a confirmed measurement above the MCL and for a duration of time, where applicable, as outlined under WAC 246-290-310.

~~(("Maximum instantaneous demand (MID)" means the maximum rate of water use, excluding fire flow, which has occurred or is expected to occur within a defined service area at an instant in time.))~~

"Nonacute" means posing a possible or less than immediate risk to human health.

"Nonresident" means a person without a permanent home or without a home served by the system, such as travelers, transients, employees, students, etc.

"Peak hourly design flow" means the maximum rate of water use, excluding fire flow, which can be expected to ever occur within a defined service area over a sixty minute time period.

"Population served" means the number of persons, resident and nonresident, having immediate access to drinking water from a public water system, whether or not such persons have actually consumed water from that system. The number of nonresidents shall be the average number of persons having immediate access to drinking water on days access was provided during that month. In the absence of specific population data, the number of residents shall be computed by multiplying the number of active services by two and one-half.

"Potable" means water suitable for drinking by the public.

"Primary standards" means standards based on chronic, nonacute, or acute human health effects.

"Protected ground water source" means a ground water source the purveyor shows to the department's satisfaction as protected from potential sources of contamination on the basis of hydrogeologic data and/or satisfactory water quality history.

"Public water system" is defined and referenced under WAC 246-290-020.

"Purchased source" means water a purveyor purchases from a public water system not under the control of the purveyor for distribution to the purveyor's customers.

"Purveyor" means an agency ((or)), subdivision of the state ((or a)), municipal corporation, firm, company, mutual or cooperative association, institution, partnership, or person or other entity owning or operating a public water system. Purveyor also means the authorized agents of such entities.

"Regularly" means four hours or more per day for four days or more per week.

"Repeat sample" means a sample collected to confirm the results of a previous analysis.

"Resident" means an individual living in a dwelling unit served by a public water system.

"Residual disinfectant concentration" means the concentration of disinfectant in mg/L in a representative sample of disinfected water.

"Seasonal source" means a public water system source used on a regular basis, but not in use more than three consecutive months within a twelve-month period.

"Secondary standards" means standards based on factors other than health effects.

"Service" means a connection to a public water system designed to serve a single family residence, dwelling unit, or equivalent use. When the connection is a group home or barracks-type accommodation, two and one-half persons shall be equivalent to one service.

"Special purpose sample" means a sample collected for reasons other than the monitoring compliance specified in this chapter.

"Standard methods" means the ~~((most recently published))~~ 18th edition of the book, titled ~~((the))~~ *Standard Methods for the Examination of Water and Waste Water*, ~~((the))~~ jointly published by the American Public Health Association, American Water Works Association (AWWA), and Water Pollution Control Federation. This book is available through public libraries or may be ordered from AWWA, 6666 West Quincy Avenue, Denver, Colorado 80235.

"State advisory level (SAL)" means a department-established value for a chemical without an existing MCL. The SAL represents a level which when exceeded, indicates the need for further assessment to determine if the chemical is an actual or potential threat to human health.

"State board of health" and "board" means the board created by RCW 43.20.030.

"Surface water" means a body of water open to the atmosphere and subject to surface runoff.

"Synthetic organic chemical (SOC)" means a manufactured carbon-based chemical.

"Too numerous to count (TNTC)" means the total number of bacterial colonies exceeds 200 on a 47-mm diameter membrane filter used for coliform detection.

"Trihalomethane (THM)" means one of a family of organic compounds, named as derivatives of methane, where three of the four hydrogen atoms in methane are each

substituted by a halogen atom in the molecular structure. Trihalomethanes may occur when chlorine, a halogen, is added to water.

"Verification" means to demonstrate the results of a sample to be precise by analyzing a duplicate sample. Verification occurs when analysis results fall within plus or minus thirty percent of the original sample.

"Volatile organic chemical (VOC)" means a manufactured carbon-based chemical that vaporizes quickly at standard pressure and temperature.

"Waterborne disease outbreak" means the significant occurrence of acute infectious illness, epidemiologically associated with drinking water from a public water system, as determined by the appropriate local health agency or the department.

"Water facilities inventory form (WFI)" means the department form summarizing each public water system's characteristics.

"Watershed" means the region or area which: Ultimately drains into a surface water source diverted for drinking water supply; and

Affects the physical, chemical, microbiological, and radiological quality of the source.

"Well field" means a group of wells one purveyor owns or controls which:

Draw from the same aquifer or aquifers as determined by comparable inorganic chemical analysis; and

Discharge water through a common pipe and the common pipe shall allow for collection of a single sample before the first distribution system connection.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-290-020 Applicability. (1) Public water system shall mean 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:

(a) Collection, treatment, storage, or distribution facilities under control of the purveyor and used primarily in connection with such system; and

(b) Collection or pretreatment storage facilities not under control of the purveyor primarily used in connection with such system.

(2) The rules of this chapter shall apply to all public water systems except ~~((public water))~~ those systems meeting all of the following conditions:

(a) Consists only of distribution and/or storage facilities and does not have any source or treatment facilities;

(b) Obtains all ~~((of its))~~ water from, but is not owned by, a public water system where the rules of this chapter apply;

(c) Does not sell water directly to any person;

(d) ~~((The))~~ Has water distribution facilities that are subject to inspection or regulation by a state or local agency other than the department~~((Bottled water operations fall under Federal Food and Drug Administration regulations, but must obtain water from a source approved by the department or local health jurisdiction))~~; and

(e) Is not a passenger-conveying carrier in interstate commerce.

(3) Public water systems shall be categorized as follows:

(a) A **Group A** water system shall be a system:

(i) With fifteen or more service connections, regardless of the number of people; or

(ii) Serving an average of twenty-five or more people per day for sixty or more days within a calendar year, regardless of the number of service connections.

Group A water systems are further defined as **community** and **noncommunity** water systems.

(b) **Community** (residential) water system means any **Group A** public water system:

(i) With fifteen or more service connections used by residents for one hundred eighty or more days within a calendar year, regardless of the number of people; or

(ii) Regularly serving twenty-five or more residents for one hundred eighty or more days within the calendar year, regardless of the number of service connections.

Examples of a **community** (residential) water system might include a municipality, subdivision, mobile home park, apartment complex, college with dormitories, nursing home, or prison.

(c) **Noncommunity** water system means a **Group A** public water system which is not a **community** (residential) water system. **Noncommunity** water systems are further defined as:

(i) **Nontransient (NTNC)** (~~((school/business/industry)))~~) water system means a **noncommunity** water system regularly serving twenty-five or more of the same nonresidents for one hundred eighty or more days within a calendar year.

Examples of a **NTNC** water system might include a school, day care center, or a business, factory, motel, or restaurant with twenty-five or more employees on-site.

(ii) **Transient (TNC)** (~~((food/lodging/recreation)))~~) water system means a **noncommunity** water system:

(A) Having fifteen or more service connections used less than one hundred eighty days within a calendar year; or

(B) Serving twenty-five or more different nonresidents for sixty or more days within a calendar year; or

(C) Serving twenty-five or more of the same nonresidents for sixty or more days, but less than one hundred eighty days within a calendar year; or

(D) Serving twenty-five or more residents for sixty or more days, but less than one hundred eighty days within a calendar year.

Examples of a **TNC** water system might include a restaurant, tavern, motel, campground, state or county park, an RV park, vacation cottages, highway rest area, or church.

(d) A **Group B** water system means a public water system which is not a **Group A** water system. This would include a water system with less than fifteen service connections and serving:

(i) An average of less than twenty-five people for sixty or more days within a calendar year; or

(ii) Any number of people for less than sixty days within a calendar year.

(4) A public water system meeting more than one of the categories described in this section shall be classified by the department in the following order:

(a) **Community** water system;

(b) **NTNC** water system;

(c) **TNC** water system; and

(d) **Group B** water system.

(5) The rules of this chapter to apply to the source or supply of water used by bottled water plants to produce bottled water are as follows:

(a) If the bottled water plant is a **Group A** water system and the plant uses the system's source for the water that is bottled, the source and supply used for the bottled water shall meet the applicable **Group A** requirements;

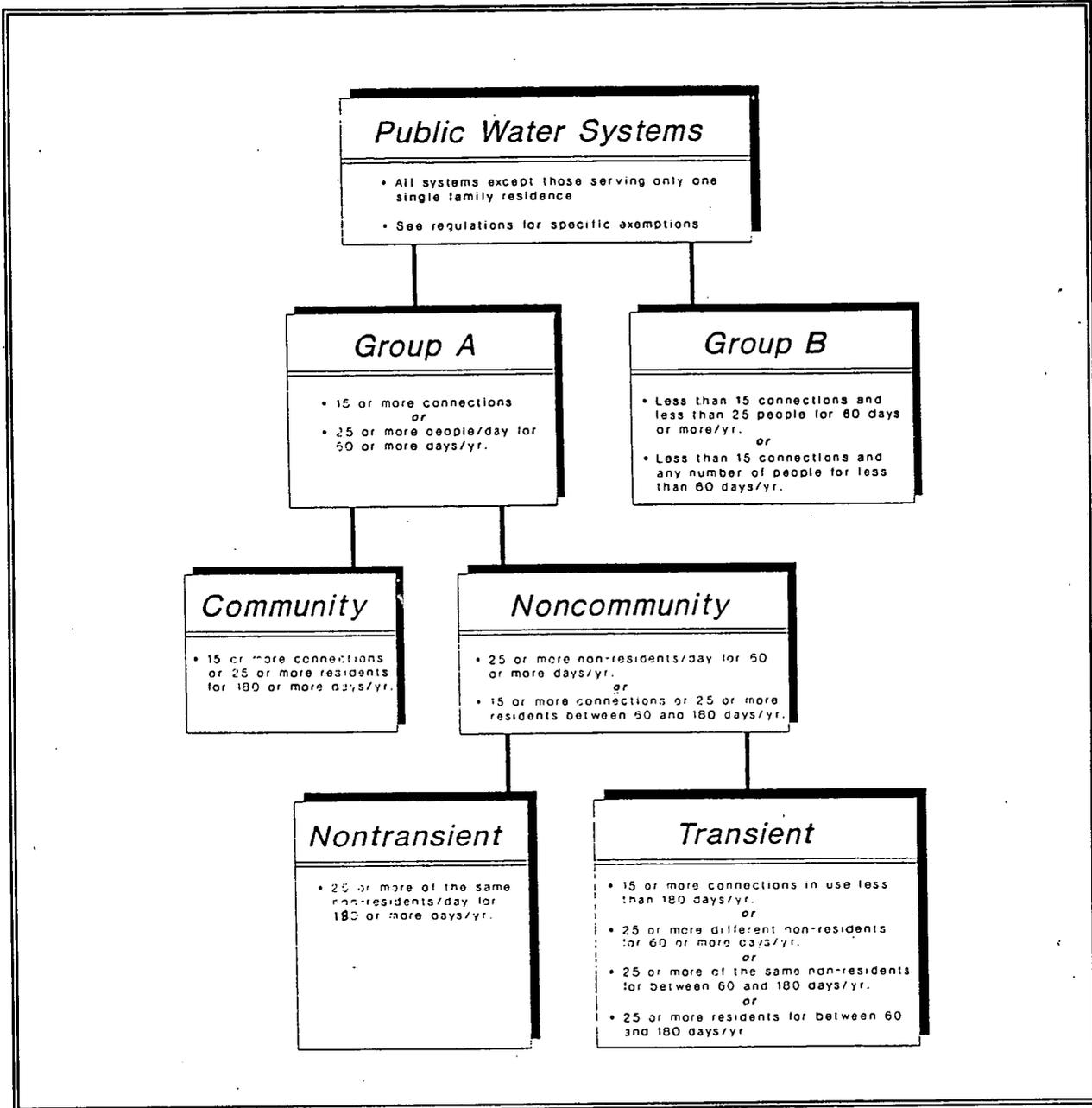
(b) If the bottled water plant uses its own source for the water that is bottled, and the plant is not a **Group A** system, the owner or operator shall obtain source approval from the department, and the water shall meet the minimum requirements for a **Group A** system;

(c) If the bottled water plant purchases the water for bottling from another source or supply, the water shall meet the minimum requirements for a **Group A** system, and the owner or operator of the plant shall ensure that the water meets such requirements;

(d) The source or supply for the water that is bottled shall be protected from contamination prior to the bottling process; and

(e) In addition to the requirements imposed under this subsection, the processing of bottled water shall be subject to regulation by the state department of agriculture and the United States Food and Drug Administration.

Table 1



PERMANENT

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-290-030 General administration. (1) The department and the health officer for each local health jurisdiction shall develop a joint plan of operation listing the roles of each agency for administering these rules. This plan shall:

(a) Specifically designate those systems for which the department and local health officer have primary responsibility;

(b) Provide for a minimum acceptable level of water system supervision;

(c) Be signed by the department and the chairperson of the local board of health; and

(d) Be updated as needed.

Wherever in these rules the term "department" is used, the term "health officer" may be substituted based on the terms of this plan of operation.

(2) The department shall, upon request, review and report on the adequacy of water supply supervision to both the state and local boards of health.

(3) The local board of health may adopt rules (~~covering~~) governing public water systems within its jurisdiction

for which the health officer has assumed primary responsibility. Adopted local board of health rules shall be:

(a) No less stringent than this chapter ((248-54-WAC)); and

(b) Revised, if necessary, within twelve months after the effective date of revised state board of health rules. During this time period, existing local rules shall remain in effect, except provisions of the revised state board of health rules which are more stringent than the local board of health rules shall apply.

(4) The health officer may waive any or all requirements of these rules for **Group B** water systems with two connections where the health officer has assumed primary responsibility for these systems.

(5) For those public water systems where the health officer has assumed primary responsibility, the health officer may approve project reports and construction documents in accordance with engineering criteria approved by the department.

(6) An advisory committee shall be established to provide guidance to the department on drinking water issues. ~~((The committee))~~ Members shall be appointed by the department and conform to department policies for advisory committees. The committee shall be composed of representatives of public water systems, public groups, agencies, and individuals having an interest in drinking water.

(7) The department may develop guidelines to clarify sections of the rules as needed and make these available for distribution.

(8) Fees may be charged by the department as authorized in chapter ~~((43-20A))~~ 43.20B RCW and by local health agencies as authorized in RCW 70.05.060 to recover all or a portion of the costs incurred in administering these rules.

(9) All state and local agencies involved in review, approval, surveillance, testing, and/or operation of public water systems, or issuance of permits for buildings or sewage systems shall be governed by these rules and any decisions of the department.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-290-040 Engineering requirements ((for engineers)). (1) Purveyors shall ensure that all water system plans, project reports, and construction documents ((shall be)) are prepared by a professional engineer;

(a) Licensed in the state of Washington under chapter 18.43 RCW; and

(b) Having specific expertise regarding design, operation, and maintenance of public water systems.

All documents shall bear the professional engineer's seal and signature. Tracer studies, where required by this chapter, shall also be prepared by a professional engineer licensed in accordance with chapter 18.43 RCW.

(2) Exceptions to ((this)) the professional engineer requirement in subsection (1) of this section are:

(a) Minor projects not requiring engineering expertise as determined by the department under WAC ((248-54-096(2))) 246-290-120 (2)(a) through (d); and

(b) Public water systems serving less than ten service connections consisting of a simple well and pressure tank with one pressure zone and not providing special treatment

or having special hydraulic considerations. These systems may be designed by a water system designer certified by the local health jurisdiction in those counties having a ~~((recognized))~~ water system designer program recognized by the department.

~~((2-))~~ (3) Purveyors shall submit a Construction Report For Public Water System Projects ((shall be submitted)) to the department ((on a form provided by the department)) within sixty days of completion and before use of any project approved by the department. The form shall:

(a) Be signed by:

(i) A professional engineer; or

(ii) In the case of projects ~~((not requiring engineering expertise as outlined in))~~ identified in subsection (2)(b) of this section, by the certified designer.

(b) State:

(i) The project is constructed and is substantially completed in accordance with approved construction documents; and

(ii) In the opinion of the engineer, based on information available, the installation, testing, and disinfection of the system was carried out per department ~~((rules))~~ guidelines.

~~((3-))~~ It shall be the responsibility of) (4) The purveyor ((to assure)) shall ensure the requirements of this section are fulfilled before the use of any completed project. When ((necessary)) required by the department, the purveyor shall submit an updated water facilities inventory ((shall accompany)) form with the ((2-)) Construction Report For Public Water System Projects((2-)) form.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-290-050 Enforcement. When any ~~((public water system))~~ purveyor is out of compliance with these rules, the department may initiate appropriate enforcement actions, regardless of any prior approvals issued by the department. These actions may include any one or combination of the following:

(1) ~~((Issuance of letters))~~ Notice of violation instructing or requiring appropriate corrective measures;

(2) ~~((Issuance of a))~~ Compliance schedule for specific actions necessary to achieve compliance status;

(3) ~~((Issuance of))~~ Departmental order((s)) requiring ~~((purveyors to submit))~~ submission of project reports, construction documents, and construction report forms;

(4) ~~((Issuance of))~~ Departmental order((s)) requiring specific actions or ceasing unacceptable activities within a designated time period;

(5) ~~((Issuance of))~~ Departmental order((s)) to stop work and/or refrain from using any public water system or improvements thereto until all written approvals required by statute or rule are obtained;

(6) Imposition of civil penalties for failure to comply with departmental orders may be issued for up to 5,000 dollars per day per violation under authority of chapter 70.119A RCW; and

(7) Legal action may be taken by the attorney general or local prosecutor. The legal action may be criminal or civil.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-290-060 Variances, exemptions, and waivers. (1) General.

(a) The state board of health may grant variances, exemptions, and waivers of the requirements of this chapter according to the procedures outlined in subsection (5) of this section. The procedures outlined in this section rather than the procedures outlined in WAC ((248-08-596)) 246-08-210 shall govern the board's consideration of requests for variances, exemptions, and waivers of the requirements of this chapter.

(b) Consideration by the board of requests for variances, exemptions, and waivers shall not be considered adjudicative proceedings as that term is defined in chapter 34.05 RCW.

(c) Statements and written material regarding the request may be presented to the board at or before the public hearing wherein the application will be considered. Allowing cross-examination of witnesses ((in such matters)) shall be within the discretion of the board.

(d) The board may grant a variance, exemption, or waiver if it finds:

(i) Due to compelling factors, the public water system is unable to comply with the requirements; and

(ii) The granting of the variance, exemption, or waiver will not result in an unreasonable risk to the health of consumers.

(2) Variances.

(a) MCL.

(i) The ((state)) board ((of health)) may grant a MCL variance to a public water system ((if)) that cannot meet the MCL requirements because of characteristics of the source water that is reasonably available to the system.

(ii) A MCL variance may only be granted after the system has applied the best available technology (BAT), treatment techniques, or other means as identified by the environmental protection agency (EPA) and still cannot meet ((an)) a MCL as specified in section 1415, P.L. 99-523 as amended by P.L. 99-339. ((Procedures for obtaining a variance are identified under subsection (5) of this section.))

(iii) A variance shall not be granted from the MCL for presence of total coliform under WAC 246-290-310(3).

(b) Treatment techniques.

(i) The board may grant a treatment technique variance to a public water system if the system demonstrates that the treatment technique is not necessary to protect the health of consumers because of the nature of the system's source water.

(ii) A variance shall not be granted from any treatment technique requirement under Part 6 of chapter 246-290 WAC.

(c) The board shall condition the granting of a variance upon a compliance schedule as described in subsection (6) of this section.

(3) Exemptions.

(a) The ((state)) board ((of health)) may grant ((an)) a MCL or treatment technique exemption to a public water system ((if the system)) that cannot meet an MCL or provide the required treatment in a timely manner, or both, as specified under section 1416, P.L. 93-523 as amended by P.L. 99-339.

~~((Procedures for obtaining an exemption are identified under subsection (5) of this section.))~~ (b) An exemption may be granted for up to one year if the system was:

(i) In operation on the effective date of the MCL or treatment technique requirement; or

(ii) Not in operation on the effective date, and no reasonable alternative source of drinking water is available.

(c) No exemption shall be granted from:

(i) The requirement to provide a residual disinfectant concentration in the water entering the distribution system under WAC 246-290-662 or 246-290-692; or

(ii) The MCL for presence of total coliform under WAC 246-290-310(2).

(d) The board shall condition the granting of an exemption upon a compliance schedule as described in subsection (6) of this section.

(4) Waivers. The ((state)) board ((of health)) may grant a waiver to a public water system if the system cannot meet the requirements of these regulations pertaining to any subject not covered by EPA regulations. ~~((Procedures for obtaining a waiver are identified under subsection (5) of this section.))~~

(5) Procedures.

(a) For variances and exemptions. The ((state)) board ~~((of health may grant))~~ shall consider granting a variance or exemption to a public water system ~~((after the purveyor completes))~~ upon completion of the following actions:

(i) The purveyor applies in writing to the department. The application, which may be in the form of a letter~~((It must state))~~ shall clearly state the reason for the request and what actions the purveyor ~~((took))~~ has taken to meet the requirement;

(ii) The purveyor provides notice of the purveyor's application to customers ~~((of the purveyor's application for a variance or exemption))~~ and provides proof of such notice to the department;

(iii) The department prepares ~~((a schedule of compliance and))~~ recommendations, including a compliance schedule for the ~~((state board of health to condition the granting of a variance or exemption. The schedule must address:~~

(A) ~~Actions the system must undertake within the time frame specified; and~~

~~(B) Implementation of such control measures the department may require in the interim until the purveyor completes the actions required in subsection (5)(a)(ii)(A) of this section.))~~ board's consideration;

(iv) The ((state)) board ((of health)) provides notice for and conducts a public hearing on the purveyor's request ~~((and the department's recommendation)).~~

(v) EPA reviews any variance or exemption granted by the board for concurrence, revocation, or revision as provided under sections 1415 and 1416 of P.L. 93-523.

(b) For waivers. The ((state)) board ~~((of health may grant))~~ shall consider granting a waiver ~~((to a public water system after completing))~~ upon completion of the following actions:

(i) The purveyor applies to the department in writing. The application, which may be in the form of a letter~~((It must))~~, shall clearly state the reason for the request;

(ii) The purveyor provides notice ~~((to customers))~~ of the purveyor's application ~~((for a waiver))~~ to customers and provides proof of such notice to the department;

(iii) The department prepares a recommendation to the ~~((state)) board ((of health for the granting or denial of the waiver request));~~ and

(iv) The ~~((state)) board ((of health))~~ provides notice for and conducts a public hearing on the purveyor's request.

~~((e)) (6) Compliance schedule.~~

~~(a) The ((state)) board ((of health)) shall ((not grant)) condition the granting of a variance((-)) or exemption((- of waiver unless the ((state)) board ((of health)) finds:~~

~~(i) Due to compelling factors, the public water system is unable to comply with the requirement;~~

~~(ii) The schedule of) based on a compliance ((for a variance or exemption will result in the public water system completing the required actions within the stated time frame; and~~

~~(iii) The granting of the variance, exemption, or waiver will not result in an unreasonable risk to the health of consumers served by the public water system.~~

~~(d) The EPA shall review any variance or exemption granted by the state board of health for concurrence, revocation, or revision provided under sections 1415 and 1416 of P.L. 93-523)) schedule. The compliance schedule shall include:~~

~~(i) Actions the purveyor must undertake to comply with a MCL or treatment technique requirement within a specified time period; and~~

~~(ii) A description and time-table for implementation of interim control measures the department may require while the purveyor completes the actions required in (a)(i) of this subsection.~~

~~(b) The purveyor shall complete the required actions in the compliance schedule within the stated time frame.~~

~~(7) Extensions to exemptions.~~

~~(a) The board may extend the final date of compliance prescribed in the compliance schedule for a period of up to three years after the date the exemption was granted upon a finding that the water system:~~

~~(i) Cannot meet the MCL or treatment technique requirements without capital improvements which cannot be completed within the original exemption period; or~~

~~(ii) Has entered into an agreement to obtain needed financial assistance for necessary improvements; or~~

~~(iii) Has entered into an enforceable agreement to become part of a regional public water system and the system is taking all practicable steps to meet the MCL.~~

~~(b) The board may extend the final date of compliance prescribed in the compliance schedule of an exemption for one or more additional two-year periods if the purveyor:~~

~~(i) Is a Group A community water system providing water to less than five hundred service connections; and~~

~~(ii) Needs financial assistance for the necessary improvements; and~~

~~(iii) Is taking all practicable steps to meet the compliance schedule.~~

~~(c) Procedures listed in subsection (5) of this section shall be followed in the granting of extensions to exemptions.~~

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-290-100 Water system plan. (1) The purpose of this section is to establish a uniform process for ~~((public water systems))~~ purveyors to:

(a) Identify present and future needs;

(b) Set forth means for meeting those needs; and

(c) Do so in a manner consistent with other relevant plans and local, state, and federal laws.

(2) Purveyors of the following categories of public water systems shall ~~((develop))~~ ensure the development and submittal of a water system plan for review and approval by the department:

(a) All public water systems having one thousand or more services;

(b) Public water systems located in areas utilizing the Public Water System Coordination Act of 1977, chapter 70.116 RCW and chapter 248-56 WAC;

(c) Any public water system experiencing problems related to planning, operation, and/or management as determined by the department; ~~((and))~~

(d) Any expanding Group A water system;

(e) Any Group A water system for which a change of ownership is proposed; and

(f) All new ((public)) Group A water systems ((as determined by the department)).

(3) The department shall work with the purveyor and other parties to establish the level of detail for a water system plan. In general, the scope and detail of the plan will be related to size and complexity of the water system. Project reports may be combined with a water system plan.

(4) The water system plan shall address the following elements as a minimum for a period of at least ~~((ten))~~ twenty years into the future. A department guideline titled *Planning Handbook* is available to assist the utility in adequately addressing these elements:

(a) Basic water system planning data((-));

(b) Existing system analysis((-);

(c) Planned improvements((-);

(d) Conservation program;

(e) Financial program((-);

~~((e)) (f) Relationship and compatibility with other plans, including local growth management plans and development policies;~~

~~((f)) (g) Supporting maps((-);~~

~~((g)) (h) Operations program((-);~~

~~((h)) (i) Ownership and management;~~

~~((i)) (j) State Environmental Policy Act((-); and~~

~~((j)) (k) Watershed control program when applicable ((see WAC 248-54-225))) under WAC 246-290-135.~~

(5) Department approval of a water system plan shall be in effect for ~~((five))~~ six years from the date of written approval unless:

(a) Major system improvements are contemplated which are not addressed in the plan((-);

(b) Changes occur in the basic planning data affecting improvements identified~~((and))~~; or

(c) The department requests an updated plan.

(6) The purveyor shall update the plan and submit it for approval every ~~((five))~~ six years. However, if only minor alterations to an existing plan are considered necessary, the

purveyor may submit (~~evidence supporting this conclusion in a letter~~) an amendment to the plan for department (~~(for)~~) approval.

(7) Project reports and construction documents submitted for approval per WAC (~~(248-54-086 and 248-54-096)~~) 246-290-110 and 246-290-120 by purveyors required to have a water system plan, will not be considered for approval unless there is a current approved water system plan and the plan adequately addresses the project.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-290-110 Project report. (1) The purpose of this section is to assure the following factors are taken into account for specific projects prior to construction:

- (a) Engineering concepts;
- (b) Design criteria;
- (c) Planning;
- (d) Source protection;
- (e) Water quality and quantity;
- (f) Results of the filtration facility pilot study;
- (g) Local requirements such as fire flow; (~~and~~ ~~(g)~~) (h) Facility operation;
- (i) Short-term and long-term financing; and
- (j) Other necessary department-determined considerations.

The project report shall document the reasons for carrying out the project and (~~WAC 248-54-096~~) construction documents shall identify how the project will be constructed.

(2) The purveyor shall submit project reports to the department for written approval prior to installation of any new water system, water system extension, or improvement with the following exceptions:

- (a) Installation of valves, fittings, and meters;
- (b) Installation of hydrants under WAC (~~(248-54-135(3))~~) 246-290-230;
- (c) Repair of a system component or replacement with a similar component;
- (d) Maintenance or painting of surfaces not contacting potable water; and
- (e) Distribution mains if (~~approved~~):
 - (i) Approved standard construction specifications are documented in the water system plan approved by the department; and
 - (ii) The purveyor provides documentation to the department that a professional engineer registered in Washington, certified the construction and that said construction complied with the standard specifications found in the current department-approved water system plan; and
 - (iii) The purveyor provides documentation to the department of the pressure test results, disinfection procedures used and tests performed, and water quality sample results obtained prior to placing the distribution pipe into service.

(3) Project reports shall be consistent with the standards identified under WAC (~~(248-54-105)~~) 246-290-200 and shall include, at a minimum, the following elements (information contained in a current approved water system plan or current project report need not be duplicated in the new project

report. Any planning information in a project report shall be project specific.):

(a) Project description. Identify what the project is intended to achieve, design considerations, approach, etc.;

(b) Planning. If the system has an approved water system plan, show the project's relationship to the plan. If a water system plan is not required, include:

- (i) General project background with population and water demand forecasts;
- (ii) Relationship between the project and other system components;
- (iii) Project schedule;
- (iv) Management program; and
- (v) How the project will impact neighboring water systems.

(c) Alternatives. Describe options, their impacts, and justify the selected alternative;

(d) Legal considerations. Identify legal aspects such as ownership, right-of-way, sanitary control area, and restrictive covenants. Include discussion of the project's relationship with the boundary review board and the utility and transportation commission;

(e) Engineering calculations. Describe how the project complies with the design considerations. Include the hydraulic analysis, sizing justification, and other relevant technical considerations necessary to support the project;

(f) Management. If the system has an approved management program, refer to that document. If not, describe:

- (i) System ownership and management responsibilities;
- (ii) Long-term management considerations;
- (iii) How the project will be operated; and
- (iv) How the project will be maintained over time.

(g) Implementation. Identify the schedule for completion of the project and implementation strategies, if any. Project phasing should also be discussed;

(h) State Environmental Policy Act (SEPA). Include an environmental impact statement, determination of nonsignificance, or justify why SEPA does not apply to the project. Refer to chapter (~~(248-06)~~) 246-03 WAC and the (~~(DSHS)~~) DOH Drinking Water SEPA Guide(~~(²)~~);

(i) Source development information. If the project involves source development, (~~refer to~~) address requirements (~~(per)~~) under WAC (~~(248-54-097)~~) 246-290-130; and

(j) Type of treatment. If the project involves treatment, refer to WAC (~~(248-54-155)~~) 246-290-250.

(k) The information required in this subsection shall be included in a letter addendum to the workbook for **Group B** water systems.

(4) Approval of project documents shall be in effect for two years unless the department determines a need to withdraw the approval. An extension of the approval may be obtained by submitting a status report and a written schedule for completion. Extensions may be subject to additional terms and conditions imposed by the department.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-290-120 Construction documents. (1) The purpose of this section is to assure detailed plans, specifications, drawings, and other documents are adequately pre-

pared for specific projects. ~~((These))~~ Construction documents shall identify how specific projects will be constructed while ~~((WAC 248-54-086))~~ the project report documents the reasons for carrying out the project.

(2) Purveyors shall submit construction documents ~~((shall be submitted))~~ to the department for written approval prior to installation of any new water system, or water system extension or improvement with the following exceptions:

(a) Installation of valves, fittings, and meters;

(b) Installation of hydrants per WAC ~~((248-54-135(3)))~~ 246-290-230(3);

(c) Repair of a system component or replacement with a similar component;

(d) Maintenance or painting of surfaces not contacting potable water; or

(e) Distribution mains if ~~((the))~~;

(i) Approved water system plan documents standard construction specifications approved by the department; and

(ii) The purveyor provides documentation to the department that a professional engineer registered in Washington, certified the construction and that said construction complied with the standard specifications found in the current department-approved water system plan; and

(iii) The purveyor provides documentation to the department of the pressure test results, disinfection procedures used and tests performed, and water quality sample results obtained prior to placing the distribution pipe into service.

(3) Construction documents shall be consistent with the standards identified in WAC ~~((248-54-105))~~ 246-290-200 and shall include, at a minimum, the following:

(a) Drawings. Include detailed drawings of each project component;

(b) Material specifications. List detailed material specifications for each project component;

(c) Construction specifications. List detailed construction specifications and assembly techniques for carrying out the project;

(d) Testing. Identify testing criteria and procedures for each applicable portion of the project;

(e) Disinfection. Identify specific disinfection procedures which must conform with American water works association standards or other standards acceptable by the department;

(f) Inspection. Identify provisions for inspection of the installation of each project component. See WAC ~~((248-54-035))~~ 246-290-040 for construction reporting requirements; and

(g) Change orders. All changes except for minor field revisions must be submitted to and approved by the department in writing. Identify who will be responsible for obtaining departmental approval and how change orders will be reported to the department.

(4) Approval of construction documents shall be in effect for two years unless the department determines a need to withdraw the approval. An extension of the approval may be obtained by submitting a status report and a written schedule for completion. Extensions may be subject to additional terms and conditions imposed by the department.

(5) A department guideline titled *Planning Handbook* is available to assist the utility in meeting the planning-related requirements of this section.

AMENDATORY SECTION (Amending Order 150B, filed 3/15/91, effective 4/15/91)

WAC 246-290-130 Source approval. (1) No new source, previously unapproved source~~((s))~~, or modification of an existing source~~((s))~~ shall be used as a public water supply without department approval. A party seeking approval shall provide the department:

(a) A copy of the water right permit, if required, obtained from the department of ecology for the source, quantity, type, and place of use;

(b) A hydrogeologic assessment of the proposed source along with a general description of the watershed, spring, and/or aquifer recharge area affecting the quantity or quality of flow. Seasonal variation shall also be included;

(c) Any information, in addition to (b) of this subsection, as requested by the department to determine whether a source is a GWI;

(d) For ~~((unfiltered))~~ surface water and GWI sources, the watershed control program identified under WAC ~~((246-290-450))~~ 246-290-135 and Part 6 of chapter 246-290 WAC;

~~((+))~~ (e) Upstream water uses affecting either water quality or quantity;

~~((+))~~ (f) A map showing the project location and vicinity;

~~((+))~~ (g) A map depicting topography, distances to the surface water intake, well or spring from existing property lines, buildings, potential sources of contamination, ditches, drainage patterns, and any other natural or man-made features affecting the quality or quantity of water;

~~((+))~~ (h) The dimensions and location of the sanitary control area under WAC 246-290-210;

~~((+))~~ (i) Copies of the recorded legal documents for the sanitary control area under WAC 246-290-210;

~~((+))~~ (j) A copy of the on-site inspection approval made by the department or local health department representative;

~~((+))~~ (k) A copy of the water well report;

~~((+))~~ (l) Required construction documents in accordance with WAC 246-290-120;

~~((+))~~ (m) Documentation of source meter installation;
(n) Well source development data establishing the capacity of the source. Data shall include:

(i) Static water level~~((:))~~;

(ii) Yield~~((:))~~;

(iii) The amount of drawdown~~((:))~~;

(iv) Recovery rate ~~((and))~~;

(v) Duration of pumping~~((:))~~; and

(vi) Interference between existing sources and the source being tested ~~((shall also be shown))~~.

The source shall be pump tested at no less than the maximum design rate to determine whether the well and aquifer are capable of supplying water at the rate desired and to provide information necessary to determine the proper pump settings in the well. A department guideline on pump testing is available to assist purveyors;

~~((+))~~ (o) An initial analysis result of ~~((raw))~~ source water quality, including as a minimum ~~((e))~~ the following:

- (i) Bacteriological(~~(7)~~);
- (ii) Complete inorganic chemical and physical (~~(analysis and a)~~);
- (iii) VOC (~~(analysis)~~);
- (iv) Radionuclide (if source being approved is for a community system); and
- (v) Any other information required by the department.

When source water quality is subject to variation, the department may require additional (~~(monitoring defining)) analyses to define the range of variation~~(~~(-If the source being approved is for a community system, a radionuclide analysis shall also be required))~~);

~~((n) Detailed information regarding aspects of water quality addressed under WAC 246-290-310.)~~ (p) If treatment is planned, refer to WAC 246-290-250(2) and Part 6 of chapter 246-290 WAC, if applicable; and

~~((o))~~ (q) Other department-required information. Before initiating source development or modification, the purveyor shall contact the department to identify any such additional information.

(2) The department shall issue a written source approval when:

- (a) The purveyor submits the necessary information to the satisfaction of the department; and
- (b) The developed source provides water complying with this chapter (~~(246-290-WAC)~~).

NEW SECTION

WAC 246-290-135 Source protection. (1) The purveyor shall obtain drinking water from the highest quality source feasible. Existing and proposed sources of supply shall conform to the water quality standards established in WAC 246-290-310.

(2) The department may require monitoring and controls in addition to those specified in this section if, in the opinion of the department, a potential risk exists to the water quality of a source.

(3) Sanitary control area.

(a) The purveyor shall maintain a sanitary control area around all sources for the purpose of protecting them from existing and potential sources of contamination.

(b) For wells and springs, the minimum sanitary control area shall have a radius of one hundred feet (thirty meters) and two hundred feet (sixty meters) respectively, unless engineering justification supports a smaller area. The justification must address geological and hydrological data, well construction details and other relevant factors necessary to assure adequate sanitary control.

(c) The department may require a larger sanitary control area than specified in (b) of this subsection if geological and hydrological data support such a decision. It shall be the purveyor's responsibility to obtain the protection needed.

(d) No source of contamination may be constructed, stored, disposed of, or applied within the sanitary control area without the permission of the department and the purveyor.

(e) The sanitary control area shall be owned by the purveyor in fee simple, or the purveyor shall have the right to exercise complete sanitary control of the land through other legal provisions.

(f) A purveyor, owning all or part of the sanitary control area in fee simple or having possession and control, shall send to the department copies of legal documentation, such as a duly recorded declaration of covenant, restricting the use of the land. This legal documentation shall state:

(i) No source of contamination may be constructed, stored, disposed of, or applied without the permission of the department and the purveyor; and

(ii) If any change in ownership of the system or sanitary control area is considered, all affected parties shall be informed of these requirements.

(g) Where portions of the control area are in the possession and control of another, the purveyor shall obtain a duly recorded restrictive covenant which shall run with the land, restricting the use of said land in accordance with these rules and provide the department with copies of the appropriate documentation.

(4) Watershed control program.

(a) Purveyors of water systems using surface water or GWI sources shall develop and implement a watershed control program in accordance with Part 6 of chapter 246-290 WAC as applicable.

(b) The watershed control program shall be part of the water system plan required in WAC 246-290-100 or the small water system management program required in WAC 246-290-410.

(c) The purveyor's watershed control program shall contain, at a minimum, the following elements:

(i) Watershed description and inventory, including location, hydrology, land ownership and activities which may adversely affect source water quality;

(ii) Watershed control measures, including documentation of ownership and relevant written agreements, and monitoring of activities and water quality;

(iii) System operation, including emergency provisions; and

(iv) Documentation of water quality trends.

Sections in the department guideline titled *Planning Handbook* and in the *DOH SWTR Guidance Manual* address watershed control and are available to purveyors establishing watershed control programs.

(d) The purveyor shall submit the watershed control program to the department for approval. Following departmental approval, the purveyor shall implement the watershed control program as approved.

(e) Purveyors of systems using unfiltered surface or GWI sources and meeting the criteria to remain unfiltered as specified in WAC 246-290-690 shall submit an annual report to the department which summarizes the effectiveness of the watershed control program. Refer to WAC 246-290-690 for further information about this report.

(f) The purveyor shall update the watershed control program at least every six years, or more frequently if required by the department.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-290-200 Design standards. (1) Purveyors shall ensure that good engineering practices (~~(shall be)~~) are used in the design of all public water systems, such as those set out in:

(a) The most recently published edition of *Recommended Standards for Water Works, A Committee Report of the Great Lakes - Upper Mississippi River Board of State ((Sanitary Engineers)) Public Health and Environmental Managers*;

(b) Department guideline titled *Sizing Guidelines for Public Water Supplies*;

(c) Standard specifications of the American Public Works Association;

(d) Standard specifications of the American Water Works Association; ~~((and))~~

(e) Design criteria, such as contained in current college texts and professional journal articles, acceptable to the department; ~~((and))~~

(f) ~~((WAC))~~ Chapter 173-160 WAC *Minimum Standards for Construction and Maintenance of Water Wells*;

(g) Visscher, J.T., et. al., *Slow Sand Filtration for Community Water Supply, Planning, Design, Construction, Operation, and Maintenance. 1987. Technical paper no. 24, The Hague, Netherlands: International Reference Center for Community Water Supply and Sanitation*;

(h) Huisman, L. and W.E. Wood. 1974. *Slow Sand Filtration*. Geneva. World Health Organization;

(i) *Manual of Design for Slow Sand Filtration. 1991. AWWA Research Foundation*; and

(j) *Slow Sand Filtration. 1991. American Society of Civil Engineers*.

(2) In addition, ~~((and))~~ purveyors of new or expanding public water systems shall use the following design factors:

(a) Historical water use~~((:))~~;

(b) Community versus recreational uses of water~~((:))~~;

(c) Local conditions and/or regulations~~((:))~~;

(d) Community expectations~~((:))~~;

(e) Public Water System Coordination Act considerations where appropriate~~((:))~~;

(f) Risks from potential disasters~~((:))~~; and

(g) Other requirements as determined by the department.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-290-230 Distribution systems. (1) ~~((All new))~~ Distribution reservoirs completed after June 1, 1975, shall have suitable watertight roofs or covers preventing entry by birds, animals, insects, and dust and shall include appropriate provisions to safeguard against trespass, vandalism, and sabotage. ~~((Existing))~~ Purveyors with uncovered distribution reservoirs in use before June 2, 1975, shall comply with the provisions of WAC ~~((248-54-245))~~ 246-290-470.

(2) The purveyor shall size and evaluate the distribution system using a hydraulic analysis acceptable to the department.

(3) The minimum diameter of all distribution mains shall be six inches (150 mm) unless justified by hydraulic analysis. Systems designed to provide fire flows shall have a minimum distribution main size of six inches (150 mm). Installation of standard fire hydrants shall not be allowed on mains less than six inches (150 mm) in diameter.

(4) New public water systems or additions to existing systems shall provide a design quantity of water at a positive pressure of at least 30 psi (200 kPa) under ~~((maximum~~

~~instantaneous demand))~~ peak hourly design flow conditions measured at any customer's water meter or at the property line if no meter exists.

(5) If fire flow is to be provided, the distribution system shall be designed to provide the required fire flow at a pressure of at least 20 psi during ~~((MHD))~~ peak hourly design flow conditions.

(6) Booster pumps needed for individual services shall be subject to review and approval by the department. Installation shall be made under the supervision of the purveyor to assure cross-connection control requirements are met.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-290-250 Treatment design. (1) Purveyors shall ensure finished water quality from existing and proposed sources of supply ~~((shall))~~ conforms to the minimum water quality standards established in WAC ~~((248-54-175))~~ 246-290-310.

(2) Purveyors using surface water or GWI sources shall design, install, and operate treatment facilities to ensure at least:

(a) 99.9 percent (3 log) removal and/or inactivation of *Giardia lamblia* cysts; and

(b) 99.99 percent (4 log) removal and/or inactivation of viruses.

Part 6 of chapter 246-290 WAC contains specific requirements for filtered and unfiltered surface water and GWI systems, including treatment technique, monitoring and reporting requirements.

(3) Predesign studies shall be required for proposed surface water ~~((supplies))~~ and GWI sources and those ground water ~~((supplies))~~ sources requiring treatment. The goal of the predesign study shall be to establish the most ~~((acceptable))~~ effective method, considering economics, to produce satisfactory finished water quality ~~((and))~~ meeting the requirements of this chapter and complying with the treatment technique requirements in Part 6 of chapter 246-290 WAC. The predesign study shall be ~~((done in conjunction with a))~~ included as part of the project report ~~((as per))~~ under WAC ~~((248-54-086))~~ 246-290-110. Refer to WAC 246-290-676 for requirements relating specifically to the filtration facility pilot study.

~~((3))~~ (4) The minimum level of treatment for all ~~((public water supplies))~~ well sources and spring sources not classified as GWI's shall be continuous and effective disinfection as determined by the department. The department may reduce the requirement for disinfection ~~((may be waived))~~ for public water systems with:

(a) Well sources not classified as GWI's:

(i) Having a satisfactory bacteriological history~~((:))~~ at the source and within the distribution system as determined by the department; and

(ii) Drawing from a protected aquifer as determined by the department.

(b) Spring sources not classified as GWI's:

(i) Having a satisfactory bacteriological history at the source and within the distribution system as determined by the department;

(ii) Having evidence to demonstrate, to the satisfaction of the department, the spring originates in a stratum not subject to contamination; and

(iii) Where the water is collected by a method precluding contamination.

~~((4))~~ (5) The minimum level of treatment for surface water supplies shall be coagulation, flocculation, filtration, and disinfection. In certain cases, alternative treatment designs followed by disinfection may be acceptable to the department, provided there is adequate engineering justification. Group A systems with surface water sources and GWI sources shall provide treatment as specified under WAC 246-290-630.

~~((5) Disinfection as the sole means of treatment for existing surface water supplies may be acceptable to the department provided the purveyor can demonstrate adequate:~~

- ~~(a) Watershed control per WAC 248-54-225;~~
- ~~(b) Raw and finished water quality; and~~
- ~~(c) Water system design and operation.)~~

(6) Disinfection methods, other than chlorination, ~~((e;))~~ such as ozonation, ultraviolet radiation, and iodination, may be approved by the department with appropriate engineering justification.

AMENDATORY SECTION (Amending Order 241B, filed 2/4/92, effective 3/6/92)

WAC 246-290-300 Monitoring requirements. (1) General.

(a) The purveyor shall comply with the requirements of this section. The monitoring requirements specified in this section are minimums. The department may require additional monitoring when:

- (i) Contamination is present or suspected in the water system;
- (ii) The department determines a ground water source may be a GWI; or
- (iii) Under other circumstances as identified in a departmental order.

(b) Special purpose samples collected by the purveyor shall not count toward fulfillment of the monitoring requirements of this chapter.

(c) The purveyor shall ensure samples required by this ~~((section))~~ chapter are collected, transported, and submitted for analysis according to department-approved methods. The analyses shall be performed by the state public health laboratory or another laboratory certified by the department. Qualified water utility, certified laboratory, or health department personnel may conduct measurements for pH, temperature, residual disinfectant concentration and turbidity as required by this chapter, provided, these measurements are made in accordance with "standard methods."

(d) When one public water system sells water to another public water system, the purveyor of the selling system, regardless of size, shall conduct at least the minimum source monitoring required by this chapter for Group A systems.

(e) When one public water system receives water from another public water system, the purveyor of the receiving system is only required to:

- (i) Collect coliform samples in accordance with subsection (2) of this section ~~((and));~~

(ii) Collect trihalomethane (THM) samples in accordance with subsection (5) of this section; and

(iii) Perform the distribution system disinfectant residual monitoring required under WAC 246-290-694 if applicable.

~~((f))~~ (f) The department may reduce the coliform and THM monitoring requirements of the receiving system provided the receiving system:

~~((A))~~ (i) Has a satisfactory water quality history as determined by the department;

~~((B))~~ (ii) Operates in a satisfactory manner consistent with this chapter;

~~((C))~~ (iii) Is included in the supplying system's regular monitoring schedule; and

~~((D))~~ (iv) Is included in the service and population totals for the supplying system.

~~((H))~~ (g) The department may periodically review both the selling and receiving system's sampling records to determine if continued reduced monitoring is appropriate. If the department determines a change in the monitoring requirements of the receiving system is appropriate:

~~((A))~~ (i) The department shall notify the purveyor of the change in monitoring requirements; and

~~((B))~~ (ii) The purveyor shall conduct monitoring as directed by the department.

~~((e) Upon failure))~~ (h) Purveyors failing to comply with a monitoring requirement ~~((, the purveyor))~~ shall notify:

(i) The department in accordance with WAC 246-290-480; and

(ii) The water system users in accordance with WAC 246-290-330.

(2) Bacteriological.

(a) The purveyor shall be responsible for collection and submittal of coliform samples from representative points throughout the distribution system after the first service and at regular time intervals at least once per calendar month unless otherwise specified in this subsection, each month the system provides water to consumers.

(b) Coliform monitoring plan.

(i) The purveyor of a **Group A** system shall prepare a written coliform monitoring plan and base routine monitoring upon the plan. A department guideline titled ~~((^))~~ Preparation of a Coliform Monitoring Plan ~~((^))~~ is available to assist the purveyor in preparing this plan.

(ii) The plan shall include at a minimum:

- (A) A system map or diagram showing the locations of:
 - (I) Water sources;
 - (II) Storage, treatment, and pressure regulation facilities;
 - (III) Distribution systems;
 - (IV) Pressure zones;
 - (V) Interconnections; and
 - (VI) Coliform sample collection sites.
- (B) A narrative which includes the following information:

- (I) Public water system identification number;
- (II) Population served and services;
- (III) Water sources;
- (IV) System facilities and processes for storage, treatment, and pressure regulation;
- (V) Coliform sample collection sites; and
- (VI) Sampling schedules.

(iii) The purveyor of a **Group A** system shall:

PERMANENT

(A) Keep the coliform monitoring plan on file with the system and make it available to the department for inspection upon request;

(B) Revise or expand the plan at any time the plan no longer ensures representative monitoring of the system, or as directed by the department; and

(C) Submit the plan to the department for review and approval when requested.

(c) Monitoring frequency. The number of required routine coliform samples is based on total population served.

(i) **Group A.**

(A) Purveyors of **community** systems shall collect and submit for analysis no less than the number of routine samples listed in Table 2 during each calendar month of operation;

(B) Purveyors of **noncommunity** systems shall collect and submit for analysis no less than the number of samples required in Table 2. Each month's population shall include all residents and nonresidents served during that month. During months when the total population served is less than twenty-five, routine sample collection is not required when:

(I) Using only protected ground water sources;

(II) No coliforms were detected in samples during the previous month; and

(III) One routine sample has been collected and submitted for analysis during one of the previous two months.

(C) Purveyors of systems serving both a resident and a nonresident population shall base their minimum sampling requirement on the total of monthly populations served, both resident and nonresident and on Table 2; and

(D) Purveyors of systems with a nonresident population lasting two weeks or less during a month shall sample as directed by the department.

(ii) **Group B.** Purveyors shall collect and submit a sample for coliform analysis at least once every twelve months.

(d) Surface water or ground water under the direct influence of surface water (GWI) sources. The purveyor of a **Group A** system using unfiltered surface water or unfiltered GWI sources shall:

(i) Collect and submit for analysis, at least one coliform sample at the first service connection during each day in which source water turbidity exceeds 1 NTU; or

(ii) Collect samples as directed by the department when logistical problems beyond the purveyor's control make analysis of the coliform samples impractical because the time between sample collection and analysis exceeds thirty hours. If the department extends the time limits, the purveyor shall collect the required samples as directed by the department.

(e) Comprehensive system evaluations (CSEs).

(i) Purveyors of **Group A** systems with less than four thousand one hundred one population served shall:

(A) Submit to a CSE conducted by the department; or

(B) Collect and submit for analysis five or more routine samples each month.

(ii) **Group A** systems electing to have CSEs conducted shall be evaluated by the department based on the following schedule:

(A) **Community** water systems, every five years. The initial CSE shall be conducted by June 29, 1994; and

(B) **Noncommunity** systems, every five years unless the system uses only disinfected and protected ground water as

determined by the department, in which case the evaluation need only be repeated every ten years. The initial CSE shall be conducted by June 29, 1999.

(iii) The department may substitute source of contamination information from the wellhead protection program for CSE information if the information was collected since the last CSE; and

(iv) Purveyors of **Group A** systems collecting less than five routine samples per month shall be responsible for:

(A) Ensuring full cooperation in scheduling CSEs; and

(B) Making all facilities and records available to the department for the CSE.

(f) Invalid samples. When a coliform sample is determined invalid under WAC 246-290-320 (2)(d), the purveyor shall:

(i) Not include the sample in the determination of monitoring compliance; and¹

(ii) Collect and submit for coliform analysis, an additional drinking water sample from the same location as each invalid sample within twenty-four hours of notification by the laboratory of the invalid sample.

(g) The purveyor using a surface water or GWI source shall collect representative source water samples for bacteriological density analysis in accordance with WAC 246-290-664 and 246-290-694 as applicable.

TABLE 2
MINIMUM MONTHLY ROUTINE COLIFORM SAMPLING REQUIREMENTS FOR GROUP A SYSTEMS

| Population Served ¹ | Minimum Number of Routine Samples/Month | |
|----------------------------------|---|--|
| | When NO samples with a coliform presence were collected during the previous month | When ANY samples with a coliform presence were collected during the previous month |
| During Month | | |
| 1 - 1,000 | 1 ² | 5 |
| 1,001 - 2,500 | 2 | 5 |
| 2,501 - 3,300 | 3 | 5 |
| 3,301 - 4,100 | 4 | 5 |
| 4,101 - 4,900 | 5 | 5 |
| 4,901 - 5,800 | 6 | 6 |
| 5,801 - 6,700 | 7 | 7 |
| 6,701 - 7,600 | 8 | 8 |
| 7,601 - 8,500 | 9 | 9 |
| 8,501 - 12,900 | 10 | 10 |
| 12,901 - 17,200 | 15 | 15 |
| 17,201 - 21,500 | 20 | 20 |
| 21,501 - 25,000 | 25 | 25 |
| 25,001 - 33,000 | 30 | 30 |
| 33,001 - 41,000 | 40 | 40 |
| 41,001 - 50,000 | 50 | 50 |
| 50,001 - 59,000 | 60 | 60 |
| 59,001 - 70,000 | 70 | 70 |
| 70,001 - 83,000 | 80 | 80 |
| 83,001 - 96,000 | 90 | 90 |
| 96,001 - 130,000 | 100 | 100 |
| 130,001 - 220,000 | 120 | 120 |
| 220,001 - 320,000 | 150 | 150 |
| 320,001 - 450,000 | 180 | 180 |
| 450,001 - 600,000 | 210 | 210 |
| 600,001 - 780,000 | 240 | 240 |
| 780,001 - 970,000 | 270 | 270 |
| 970,001 - 1,230,000 ³ | 300 | 300 |

¹ Does not include population of utilities wholesaled to, except as provided under WAC 246-290-300 (1)(c).

² Noncommunity systems using only protected ground water sources and serving less than 25 individuals, may collect and submit for analysis, one sample every three months.

³ Systems serving populations larger than 1,230,000 shall contact the department for the minimum number of samples required per month.

(3) Inorganic chemical and physical.

(a) A complete inorganic chemical and physical analysis shall consist of the primary and secondary chemical and physical standards.

(i) Primary chemical and physical standards are arsenic, barium, cadmium, chromium, fluoride, ~~((lead,))~~ mercury, nitrate (as N), selenium, ~~((silver,))~~ sodium, and turbidity.

(ii) Secondary chemical and physical standards are chloride, color, ~~((copper,))~~ hardness, iron, manganese, specific conductivity, silver, sulfate*, total dissolved solids*, and zinc.

*Required only when specific conductivity exceeds seven hundred micromhos/centimeter.

(b) Samples taken for inorganic chemical analyses shall be collected at the source before treatment.

(c) Monitoring frequency.

(i) Purveyors of **community** systems shall have one complete analysis from each surface water source every twelve months;

(ii) Purveyors of **community** systems shall have one complete analysis from each ground water source or well field every thirty-six months;

(iii) Purveyors of **NTNC**, **TNC**, and **Group B** systems shall have one initial complete analysis from each source or well field. The department may waive or reduce the minimum requirement for the initial complete analysis if available information shows, to the department's satisfaction, that the aquifer provides water of satisfactory inorganic chemical quality; and

(iv) After the initial complete analysis, **NTNC**, **TNC**, and **Group B** systems shall have one nitrate sample analyzed from each source or well field every thirty-six months.

(d) When the purveyor provides treatment for one or more inorganic chemical or physical contaminants, samples shall be taken for the specific contaminant or contaminants before and after treatment. The department shall determine the frequency of sampling.

(4) Turbidity.

(a) Purveyors of **Group A** water systems with surface water or **GW**I sources and installing filtration, and other Group A water systems as directed by the department, shall monitor turbidity ~~((at least))~~ a minimum of once ((~~at~~)) per day((-

~~((b) The purveyor shall monitor turbidity))~~ at ~~((or before))~~ the entry ~~((point))~~ to the distribution system ~~((and where needed for treatment process control))~~.

((b) For purveyors of systems installing filtration, the monitoring requirement of (a) of this subsection is effective between written department notification of the filtration requirement and installation of filtration. Once filtration is installed, the purveyor shall monitor turbidity in accordance with WAC 246-290-664.

((c) Purveyors of Group A water systems with surface water or GWI sources not subject to the requirements specified in (a) of this subsection, shall monitor turbidity in

accordance with Subpart B or Subpart D of Part 6 of chapter 246-290 WAC, whichever is applicable.

((d) The department shall determine monitoring requirements for Group B water systems.

~~(((d) The purveyor shall ensure that turbidimeters are designed to meet the criteria listed under standard methods, and that turbidimeters are properly operated, maintained, and calibrated at all times, based on the manufacturer's recommendations))~~ ((e) Purveyors conducting turbidity measurements shall ensure that analytical requirements are met, in accordance with WAC 246-290-638, at all times the system serves water to the public.

(5) Trihalomethanes.

(a) Purveyors of **community** systems serving a population of ten thousand or more and providing water treated with chlorine or other halogenated disinfectant shall monitor as follows:

(i) Ground water sources. The purveyor shall collect one sample from each treated spring, well, or well field every twelve months. This sample shall be taken at the source before treatment or at the extreme end of the distribution system. The sample shall be analyzed for maximum total trihalomethane potential (MTTP); or

(ii) Surface water sources. The purveyor shall collect four samples per treated source every three months. The samples shall be taken within a twenty-four-hour period. The purveyor shall take one of the samples from the extreme end of the distribution system and three samples from representative locations in the distribution system. The samples shall be analyzed for total trihalomethanes (TTHM), the sum of trichloromethane, bromodichloromethane, dibromochloromethane, and tribromomethane. After one year of monitoring, the department may reduce the monitoring frequency to one sample every three months per treatment plant if the TTHM levels are less than 0.10 mg/L. The purveyor shall take the sample at the extreme end of the distribution system; or

(iii) Purchased surface water sources. The purveyor shall collect one water sample per each purchased surface source every three months. The sample shall be taken at the extreme end of the distribution system and analyzed for TTHM.

(b) Purveyors of **community** systems shall monitor for TTHM when serving a population less than ten thousand and providing surface water treated with chlorine or other halogenated disinfectant. The purveyor shall collect one water sample per treated source every three months for one year. The sample shall be taken at the extreme end of the distribution system and analyzed for TTHM. After the first year, the purveyor shall monitor surface water sources every thirty-six months.

(c) Purveyors of **community** systems shall monitor for TTHM when serving less than ten thousand people and purchasing surface water treated with chlorine or other halogenated disinfectant or adding a halogenated disinfectant after purchase. The purveyor shall collect one water sample every three months at the extreme end of the distribution system or at a department-acceptable location. The sample shall be analyzed for TTHM. After the first year, the purveyor shall monitor every thirty-six months.

(6) Pesticides.

Purveyors of **community** systems with surface water sources shall monitor for pesticides for which MCLs are established every thirty-six months. The purveyor shall collect the water sample during the time of year the department designates as the time when pesticide contamination is most likely to occur.

(7) Radionuclides.

(a) The purveyor's monitoring requirements for gross alpha particle activity, radium-226 and radium-228 shall be:

(i) **Community** systems shall monitor once every forty-eight months. Compliance shall be based on the analysis of an annual composite of four consecutive quarterly samples or the average of the analyses of four samples obtained at quarterly intervals;

(ii) The purveyor may omit analysis for radium-226 and radium-228 if the gross alpha particle activity is less than five pCi/L; and

(iii) If the results of the initial analysis are less than half of the established MCL, the department may allow compliance with the monitoring requirements based on analysis of a single sample collected every forty-eight months.

(b) The purveyor's monitoring requirements for man-made radioactivity shall be:

(i) Purveyors of **community** systems using surface water sources and serving more than one hundred thousand persons and other department-designated water systems shall monitor for man-made radioactivity (beta particle and photon) every forty-eight months. Compliance shall be based on the analysis of a composite of four consecutive quarterly samples or the analysis of four quarterly samples; and

(ii) ~~The purveyor(s) of ((any)) a water system((as directed by the department,))~~ located downstream from a nuclear facility as determined by the department, shall monitor once every three months for gross beta and iodine-131, and monitor once every twelve months for strontium-90 and tritium. The department may allow the substitution of environmental surveillance data taken in conjunction with a nuclear facility for direct monitoring of man-made radioactivity if the department determines that such data is applicable to a particular public water system.

(8) Volatile organic chemicals (VOCs).

(a) ~~((Prior to January 1, 1992,))~~ Purveyors of **community** and **NTNC** systems shall monitor each source for all chemicals listed in Table 3. If a source is treated, VOC samples shall be collected after treatment. ~~((The department shall contact the purveyor to schedule sample collection. Purveyors shall submit VOC samples to a certified lab for analysis within ninety days of contact by the department.))~~

TABLE 3

LIST 1: VOLATILE ORGANIC CHEMICALS (VOCs) WITH MCLs

- Trichloroethylene
- Carbon Tetrachloride
- Vinyl Chloride¹
- 1,2-Dichloroethane
- Benzene
- para-Dichlorobenzene
- 1,1-Dichloroethylene
- 1,1,1-Trichloroethane

¹ Purveyors shall monitor for vinyl chloride if their source sampling has verified one or more of the following:

- Trichloroethylene;
- 1,2-Dichloroethane;
- 1,1-Dichloroethylene;
- 1,1,1-Trichloroethane;
- Chloroethane;
- trans-1,2-Dichloroethylene;
- cis-1,2-Dichloroethylene;
- 1,1-Dichloroethane;
- 1,1,2-Trichloroethane;
- 1,1,1,2-Tetrachloroethane;
- 1,1,2,2-Tetrachloroethane; or
- Tetrachloroethylene.

LIST 2: VOCs WITHOUT MCLs

- | | |
|--------------------------------|-------------------------|
| Bromobenzene | p-Xylene |
| Bromomethane | O-Xylene |
| Chlorobenzene | m-Xylene |
| Chloroethane | Bromochloromethane |
| Chloromethane | n-Butylbenzene |
| ((o-Chlorotoluene)) | |
| <u>o-Chlorotoluene</u> | Dichlorodifluoromethane |
| p-Chlorotoluene | Fluorotrichloromethane |
| Dibromomethane | Hexachlorobutadiene |
| m-Dichlorobenzene | Isopropylbenzene |
| o-Dichlorobenzene | p-Isopropyltoluene |
| trans-1,2-Dichloroethylene | Naphthalene |
| cis-1,2-Dichloroethylene | n-Propylbenzene |
| Dichloromethane | Sec-butylbenzene |
| 1,1-Dichloroethane | Tert-butylbenzene |
| 1,1-Dichloropropene | 1,2,3-Trichlorobenzene |
| 1,2-Dichloropropane | 1,2,4-Trichlorobenzene |
| 1,3-Dichloropropane | 1,2,4-Trimethylbenzene |
| 1,3-Dichloropropene | 1,3,5-Trimethylbenzene |
| 2,2-Dichloropropane | Trihalomethanes: |
| Ethylbenzene | Bromodichloromethane |
| Styrene | Dibromochloromethane |
| 1,1,2-Trichloroethane | Tribromomethane |
| 1,1,1,2-Tetrachloroethane | Trichloromethane |
| 1,1,2,2-Tetrachloroethane | |
| Tetrachloroethylene | |
| 1,2,3-Trichloropropane | |
| Toluene | |

LIST 3: VOCs WITHOUT MCLs WHICH ARE REQUIRED FOR SELECTED SOURCES

- | | |
|--------------------------|------------------------------------|
| Ethylene dibromide (EDB) | 1,2-Dibromo-3-Chloropropane (DBCP) |
|--------------------------|------------------------------------|

(b) During the first twelve months of VOC monitoring, purveyors shall sample surface water and ground water sources once every three months or as directed by the department. If no VOCs (exclusive of THMs) are detected in the first sample from a ground water source, the purveyor shall sample that source once more during that twelve-month period.

(c) If no VOCs (exclusive of THMs) are verified after the initial twelve months of monitoring, purveyors of **community** and **NTNC** water systems shall monitor each source at least once every thirty-six months.

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(d) Purveyors may ask the certified lab to composite samples representing as many as five individual sources. If VOCs (exclusive of THMs) are detected in a composite sample, the lab shall analyze the duplicate sample for each source in the composite at the purveyor's expense. If duplicate samples are not available, the purveyor shall repeat sample each individual source within fourteen days of contact by the department. Analysis of all VOC samples shall occur within fourteen days of collection. The following restrictions shall apply to compositing of samples:

- (i) Samples shall not be composited in the field;
- (ii) Multiple source samples, such as samples representing well fields, shall not be composited;
- (iii) Ground water sources shall not be composited with surface water sources; and
- (iv) The following shall not be composited:
 - (A) Seasonal sources;
 - (B) Sources treated for the presence of synthetic organic chemicals; and
 - (C) Sources with synthetic organic chemicals, exclusive of THMs, detected within the last five years.

(e) Purveyors with emergency and seasonal sources shall monitor the sources when the sources are in use.

(f) If five or fewer separate sources are combined through a common pipe before entering the distribution system, and before a domestic service, the department may consider those sources as one for the purpose of sampling. The purveyor shall collect the distribution samples as directed by the department. If VOCs, exclusive of THMs, are detected, the department shall require repeat samples from each individual source.

(g) The department may require the purveyor to repeat sample for confirmation of results.

(h) The department shall not require purveyors of **community** systems serving less than two hundred fifty people and NTNC systems to monitor for the List 2 VOCs after purveyors complete the first twelve months of VOC monitoring for both List 1 and List 2 VOCs, provided no VOCs, exclusive of THMs, are detected and no changes have occurred indicating a need to take additional samples.

(i) Purveyors of **community** and NTNC systems shall monitor for List 3 VOCs if the department determines their sources are located in an area where the chemicals may have been applied, transported, handled, manufactured, or stored. The department shall notify purveyors of **community** and NTNC systems if this requirement applies.

(j) When water is purchased from another system, the department shall not require the purveyor of the purchasing system to monitor that source for VOCs. However, the department's requirement may still apply for a purveyor to monitor for trihalomethanes under subsection (5) of this section.

(k) Only samples analyzed after January 1, 1988, by a laboratory certified for VOC analysis of drinking water may be used to meet the requirements of this subsection.

(9) Other substances.

On the basis of public health concerns, the department may require the purveyor to monitor for additional substances.

TABLE 4
MONITORING LOCATION

| Sample Type | Sample Location |
|--|--|
| Bacteriological | From representative points throughout distribution system. |
| Complete Inorganic Chemical and Physical | From a sample point as close to the source as possible. |
| Nitrate | From a sample point as close to the source as possible. |
| Turbidity - Surface Water | From a location at or before the entry point to the distribution system. |
| Trihalomethanes - Surface Water | From representative points in the distribution system. |
| - Ground Water | From the source before treatment. |
| Pesticides - Surface Water | From the source. |
| Radionuclides | From the source. |
| VOCs | After treatment, if any, at entry points to distribution systems. |
| Other Substances | As directed by the department. |

AMENDATORY SECTION (Amending Order 241B, filed 2/4/92, effective 3/6/92)

WAC 246-290-310 Maximum contaminant levels (MCLs). (1) The purveyor shall be responsible for complying with the standards of water quality identified in this section. If a substance exceeds its maximum contaminant level (MCL), the purveyor shall take follow-up action in accordance with WAC 246-290-320.

(2) When enforcing the standards described under this section, the department shall enforce compliance with the primary standards as its first priority.

(3) Bacteriological.

(a) MCLs under this subsection (~~((3) of this section))~~ shall be considered primary standards.

(b) Notwithstanding subsection (1) of this section, if coliform presence is detected in any sample, the purveyor shall take follow-up action in accordance with WAC 246-290-320(2).

(c) Acute MCL. An acute MCL for coliform bacteria occurs when there is:

- (i) Fecal coliform presence in a repeat sample;
- (ii) E. coli presence in a repeat sample; or
- (iii) Coliform presence in a set of repeat samples collected as a follow-up to a sample with fecal coliform or E. coli presence.

(d) Nonacute MCL. A nonacute MCL for coliform bacteria occurs when:

- (i) Systems taking less than forty routine samples during the month have more than one sample with coliform presence; or
- (ii) Systems taking forty or more routine samples during the month have more than 5.0 percent with coliform presence.

(e) MCL compliance. The purveyor shall determine compliance with the coliform MCL for each month the

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system provides drinking water to the public. In determining MCL compliance, the purveyor shall:

- (i) Include:
 - (A) Routine samples;
 - (B) Repeat samples; and
 - (C) Samples collected under WAC 246-290-300 (2)(d).
- (ii) Not include:
 - (A) Samples invalidated under WAC 246-290-320 (2)(d); and
 - (B) Special purpose samples.
- (4) Inorganic chemical and physical.

The primary and secondary MCLs are listed in Table 5 and 6:

TABLE 5
INORGANIC CHEMICAL CHARACTERISTICS

| Substance | Primary MCLs (mg/L) |
|----------------------|---------------------|
| Arsenic (As) | 0.05 |
| Barium (Ba) | 1.0 |
| Cadmium (Cd) | 0.01 |
| Chromium (Cr) | 0.05 |
| Fluoride (F) | 4.0 |
| Lead (Pb) | 0.05 |
| Mercury (Hg) | 0.002 |
| Nitrate (as N) | 10.0 |
| Selenium (Se) | 0.01 |
| Sodium (Na) | * |

| Substance | Secondary MCLs (mg/L) |
|----------------------------|-----------------------|
| Chloride (Cl) | 250.0 |
| Copper (Cu) | 1.0 |
| Fluoride (F) | 2.0 |
| Iron (Fe) | 0.3 |
| Manganese (Mn) | 0.05 |
| Silver (Ag) | 0.1 |
| Sulfate (SO ₄) | 250.0 |
| Zinc (Zn) | 5.0 |

Note: Although the state board of health has not established an MCL for sodium, there is enough public health significance connected with sodium levels to require inclusion in inorganic chemical and physical monitoring.

TABLE 6
PHYSICAL CHARACTERISTICS

| Substance | Primary MCL |
|-----------|-------------|
| Turbidity | 1 NTU |

| Substance | Secondary MCLs |
|------------------------------|------------------|
| Color | 15 Color Units |
| Hardness | None established |
| Specific Conductivity | 700 umhos/cm |
| Total Dissolved Solids (TDS) | 500 mg/L |

(5) Turbidity.

(a) The department shall consider standards under this subsection (~~((5) of this section)~~) primary standards.

(b) The MCL for turbidity is in effect for systems using surface water or GWI sources until the treatment technique requirements of Part 6 of chapter 246-290 WAC become effective as listed in Table 9, 12, 13, or 14, whichever is applicable.

(c) The MCLs for turbidity are:

(i) One NTU, (~~(based on)~~) as determined by a monthly average of the (~~(maximum)~~) daily turbidity, where the (~~(maximum)~~) daily turbidity is defined as the average of the:

- (A) Highest two hourly readings over a twenty-four hour period when continuous monitoring is used; or
- (B) Daily grab samples taken (~~(within one)~~) the same hour every day when daily monitoring is used.

The department may increase the MCL to five NTUs if the purveyor can show the source is within a controlled watershed and the source meets the requirements under WAC (~~(246-290-210 and 246-290-450)~~) 246-290-135.

(ii) Five NTUs based on an average of the maximum daily turbidity for two consecutive days.

(6) Trihalomethanes.

(a) The department shall consider standards under this subsection (~~((6) of this section)~~) primary standards.

(b) The MCL for total trihalomethanes (TTHM) is 0.10 mg/L calculated on the basis of a running annual average of quarterly samples. The concentrations of each of the trihalomethane compounds (trichloromethane, dibromochloromethane, bromodichloromethane, and tribromomethane) are added together to determine the TTHM level.

(c) There is no MCL for maximum total trihalomethane potential (MTTP). When the MTTP value exceeds 0.10 mg/L, the purveyor shall follow up as described under WAC 246-290-320(5).

(7) Pesticides.

(a) The department shall consider standards under this subsection (~~((7) of this section)~~) primary standards.

(b) The MCLs for pesticides are:

(i) Chlorinated hydrocarbons:

| Substance | MCL (mg/L) |
|--------------|------------|
| Endrin | 0.0002 |
| Lindane | 0.004 |
| Methoxychlor | 0.1 |
| Toxaphene | 0.005 |

(ii) Chlorophenoxys:

| Substance | MCL (mg/L) |
|-------------------|------------|
| 2, 4-D | 0.1 |
| 2, 4, 5-TP Silvex | 0.01 |

(8) Radionuclides.

(a) The department shall consider standards under this subsection (~~((8) of this section)~~) primary standards.

(b) The MCLs for radium-226, radium-228, and gross alpha particle radioactivity are:

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| Substance | MCL (pCi/L) |
|---|-------------|
| Radium-226 | 3 |
| Combined Radium-226 and Radium-228 | 5 |
| Gross alpha particle activity (excluding uranium) | 15 |

(c) The MCL for beta particle and photon radioactivity from man-made radionuclides is: The average annual concentration shall not produce an annual dose equivalent to the total body or any internal organ greater than four millirem/year.

The department shall assume compliance with the four millirem/year dose limitation if the average annual concentration for gross beta activity, tritium, and strontium-90 are less than 50 pCi/L, 20,000 pCi/L, and 8 pCi/L respectively. When both tritium and strontium-90 are present, the sum of their annual dose equivalents to bone marrow shall not exceed four millirem/year.

(9) Volatile organic chemicals.

(a) The department shall consider standards under this subsection primary standards.

(b) The VOCs with MCLs are:

| Substance | MCL (mg/L) |
|-----------------------|------------|
| Benzene | .005 |
| Carbon Tetrachloride | .005 |
| 1,2-Dichloroethane | .005 |
| Trichloroethylene | .005 |
| para-Dichlorobenzene | .075 |
| 1,1-Dichloroethylene | .007 |
| 1,1,1-Trichloroethane | .200 |
| Vinyl Chloride | .002 |

(c) The department shall determine compliance with this subsection based on the running annual average of results for each sample location. The purveyor is in violation of an MCL when:

(i) The running annual average for one location is greater than the MCL (sum of all sample results in one year divided by ~~(four)~~ the number of samples taken > MCL); or

(ii) Any one sample result causes the running annual average to exceed the MCL.

(10) The state board of health shall determine maximum contaminant levels for any additional substances.

AMENDATORY SECTION (Amending Order 241B, filed 2/4/92, effective 3/6/92)

WAC 246-290-320 Follow-up action. (1) General.

(a) If water quality exceeds any MCLs listed under WAC 246-290-310, the purveyor shall notify the department and take follow-up action as described in this section.

(b) When a primary standard violation occurs, the purveyor shall:

(i) Notify the department in accordance with WAC 246-290-480;

(ii) Notify the consumers served by the system in accordance with WAC 246-290-330;

(iii) Determine the cause of the contamination; and

(iv) Take action as directed by the department.

(c) When a secondary standard violation occurs, the purveyor shall notify the department and take action as directed by the department.

(2) Bacteriological.

(a) When coliform bacteria are present in any sample and the sample is not invalidated under (d) of this subsection, the purveyor shall ensure the following actions are taken:

(i) The sample is analyzed for fecal coliform or E. coli. When a sample with a coliform presence is not analyzed for E. coli or fecal coliforms, the sample shall be considered as having a fecal coliform presence for MCL compliance purposes;

(ii) Repeat samples are collected in accordance with (b) of this subsection;

(iii) The department is notified in accordance with WAC 246-290-480; and

(iv) The cause of the coliform presence is determined and corrected.

(b) Repeat samples.

(i) The purveyor shall collect and submit for analysis a set of repeat samples for every sample in which the presence of coliforms is detected. A set of repeat coliform samples consists of:

(A) Four repeat samples for **Group A** systems collecting one routine coliform sample each month;

(B) Three repeat samples for all **Group A** systems collecting more than one routine coliform sample each month; and

(C) Two repeat samples for **Group B** systems.

(ii) The purveyor shall collect repeat sample sets according to Table 7;

(iii) The purveyor shall collect one set of repeat samples for each sample with a coliform presence, as follows:

(A) For **Group A** systems, all samples in a set of repeat samples shall be collected on the same day and submitted for analysis within twenty-four hours after notification by the laboratory of a coliform presence. If the purveyor can demonstrate to the satisfaction of the department, that logistical problems beyond the purveyor's control make analysis of the samples in the repeat sample set impractical because the time between sample collection and analysis will exceed thirty hours, then the purveyor shall collect the required set of repeat samples as directed by the department; and

(B) For **Group B** systems, as soon as possible after the notification by the laboratory of a sample with a coliform presence.

(iv) When repeat samples have coliform presence, the purveyor shall:

(A) Contact the department and collect a minimum of one additional set of repeat samples as directed by the department; or

(B) Collect one additional set of repeat samples for each sample where coliform presence was detected.

(v) The purveyor of a system providing water to consumers via a single service shall collect repeat samples

from the same location as the sample with a coliform presence. The set of repeat samples shall be collected:

(A) On the same collection date; or

(B) Over consecutive days with one sample collected each day until the required samples in the set of repeat samples are collected.

(vi) If a sample with a coliform presence was collected from the first two or last two active services, the purveyor shall monitor as directed by the department;

(vii) The purveyor may change a previously submitted routine sample to a sample in a set of repeat samples when the purveyor:

(A) Collects the sample within five adjacent service connections of the location from which the initial sample with a coliform presence was collected;

(B) Collects the sample after the initial sample with a coliform presence was submitted for analysis;

(C) Collects the sample on the same day as other samples in the set of repeat samples, except under (b)(iii) of this subsection; and

(D) Notifies the department of the change.

(viii) The department may determine that sets of repeat samples specified under this subsection are not necessary during a month when a nonacute coliform MCL violation is determined for the system.

Table 7
REPEAT SAMPLE REQUIREMENTS

| SYSTEM GROUP (# OF ROUTINE SAMPLES COLLECTED EACH MONTH) | # OF SAMPLES IN A SET OF REPEAT SAMPLES | LOCATIONS FOR REPEAT SAMPLES (COLLECT AT LEAST ONE SAMPLE PER SITE) |
|--|---|---|
| GROUP A (1 routine sample each month) | 4 | <ul style="list-style-type: none"> • Site of previous sample with a coliform presence • Within 5 active services <u>upstream</u> of site of sample with a coliform presence • Within 5 active services <u>downstream</u> of site of sample with a coliform presence • At any other active service |
| GROUP A (more than 1 routine sample each month) | 3 | <ul style="list-style-type: none"> • Site of previous sample with a coliform presence • Within 5 active services <u>upstream</u> of site of sample with a coliform presence • Within 5 active services <u>downstream</u> of site of sample with a coliform presence |
| GROUP B | 2 | <ul style="list-style-type: none"> • Site of the previous sample with a coliform presence • From active service other than the site of the previous sample with a coliform presence |

(c) Monitoring frequency following a coliform presence. **Group A** systems having one or more coliform presence samples that were not invalidated during the previous month shall collect and submit for analysis the minimum number of samples shown in the last column of Table 2.

(i) The department may reduce the monitoring frequency requirement when one or more samples with a coliform presence were collected during the previous month, if the purveyor proves to the satisfaction of the department;

(A) The cause of the sample with a coliform presence; and

(B) The problem is corrected before the end of the next month the system provides water to the public.

(ii) If the department reduces this monitoring frequency requirement:

(A) The purveyor shall collect and submit at least the minimum number of samples required when no samples with a coliform presence were collected during the previous month; and

(B) The department shall make available a written description explaining:

(I) The specific cause of the coliform presence; and

(II) Action taken by the purveyor to correct the cause of coliform presence.

(d) Invalid samples.

(i) The department shall consider coliform samples with no coliform presence detected invalid when:

(A) Multiple tube technique cultures are turbid without appropriate gas production;

(B) Presence-absence technique cultures are turbid in the absence of an acid reaction;

(C) There are confluent growth patterns or growth of TNTC (too numerous to count) colonies without a surface sheen using a membrane filter analytic technique; or

(D) There is excess debris in the sample.

(ii) The department may invalidate a coliform sample when:

(A) The analyzing laboratory establishes that improper sample analysis occurred;

(B) The department determines a domestic or nondistribution system problem is indicated by:

(I) All samples in the set of repeat samples collected at the same location as the original coliform presence sample also are coliform presence; and

(II) All other samples in the set of repeat samples are free of coliform.

(C) The department determines a coliform presence result is due to a circumstance or condition which does not reflect water quality in the distribution system. In this case, when the department invalidates a sample:

(I) The purveyor shall collect a set of repeat samples following the sample invalidation in accordance with Table 7; and

(II) The department's rationale for invalidating the sample shall be documented in writing and made available to the public. The documentation shall state the specific cause of the coliform presence, and what action the purveyor has taken, or will take.

(iii) When a coliform sample is determined invalid, the purveyor shall collect and submit for analysis:

(A) An additional coliform sample from the same location as each invalid sample within twenty-four hours of notification of the invalid sample; or

(B) Additional coliform samples as directed by the department.

(iv) When the department or laboratory invalidates a sample, the sample shall not count towards the purveyor's minimum coliform monitoring requirements.

(3) Inorganic chemical and physical. When an initial analysis of a substance exceeds the MCL, the purveyor shall:

(a) For nitrate, immediately take one additional sample from the same sampling point. If the average of the two samples exceeds the MCL, a violation is confirmed; or

(b) For all other inorganic chemical and physical substances, collect three additional samples from the same sample point within thirty days. If the average of all four samples exceeds the MCL, a violation is confirmed.

(4) Turbidity.

(a) Purveyors using sources not subject to Part 6 of chapter 246-290 WAC and monitoring turbidity in accordance with WAC 246-290-300(4), shall notify the department as soon as possible, but in no case later than the end of the next business day, when:

PERMANENT

(i) The turbidity is monitored continuously, and exceeds ~~((the MCL identified under WAC 246-290-310))~~ one NTU for longer than one hour ~~((monitored continuously, the purveyor shall report to the department within forty eight hours.)); or ((When))~~

(ii) The results of ~~((a manual))~~ turbidity analysis of grab samples exceeds ~~((the MCL))~~ one NTU, ~~((the purveyor shall collect another))~~ and a repeat sample taken within one hour ~~((When the repeat sample confirms the MCL is exceeded, the purveyor shall notify the department))~~ also exceeds one NTU.

(b) Purveyors monitoring turbidity in accordance with Part 6 of chapter 246-290 WAC shall provide follow-up in accordance with WAC 246-290-634.

(5) Trihalomethanes. When the average of all samples taken during any twelve-month period exceeds the MCL for total trihalomethanes, the violation is confirmed and the purveyor shall take corrective action as required by the department. When the maximum trihalomethane potential (MTTP) result is equal to or greater than 0.10 mg/L and the result is confirmed by a repeat sample, the purveyor shall monitor according to WAC 246-290-300(5) for one year or more.

(6) Volatile organic chemicals (VOCs). The purveyor shall be responsible for the following follow-up actions:

(a) After the purveyor's receipt of the first VOC analysis results from the laboratory, the purveyor shall provide notice to persons served by the system as described under WAC 246-290-330(5).

(b) When a List 1 VOC is verified at a concentration above the detection limit, the purveyor shall, at a minimum:

(i) Sample the source once every three months for at least three years; and

(ii) Make analysis results available to consumers within three months of receipt from the laboratory as described under WAC 246-290-330(5).

(c) When a List 1 VOC is verified at a concentration greater than a MCL, and the level will not cause the running annual average to exceed the MCL, the purveyor shall repeat sample the source as soon as possible. If a concentration greater than an MCL is confirmed, the purveyor shall:

(i) Notify the department within seven days of receipt of the repeat sample analysis results~~((:));~~

(ii) Provide consumer information in accordance with WAC 246-290-330 (5)(b)~~((:));~~

(iii) Submit documentation to the department describing the water system's strategy for gathering and analyzing additional data and identify plans for keeping the public informed~~((:)); and~~

(iv) Sample the source a minimum of once every three months for at least three years.

(d) When the running annual average of a List 1 VOC is greater than an MCL, or one sample analysis result causes the annual average to exceed an MCL, the purveyor shall:

(i) Notify the department within ~~((seven days))~~ forty-eight hours of receipt of analysis results.

(ii) Notify the public as described under WAC 246-290-330, including mandatory health effects language.

(iii) Submit an action plan to the department for approval addressing follow-up activities, including corrective action. The purveyor shall submit the action plan within four months of receipt of department notice that the annual

average exceeds the MCL. The purveyor's action plan shall, at a minimum, contain a:

(A) Tabulation of VOC sample analysis results, including the location where VOCs were detected;

(B) Description of monitoring plans for system sources;

(C) Strategy for informing the public of monitoring results and investigations; and

(D) Description of short and long-term plans to minimize exposure and/or eliminate the source of contamination.

(iv) Implement the action plan within one year of the department's approval. The department may require the purveyor's earlier compliance if necessary to eliminate an immediate health threat or may require a revision of the action plan based upon additional sample results. The department may extend the purveyor's period of compliance when the department determines:

(A) Substantial construction is required; and

(B) The purveyor has taken all appropriate measures to protect the health of consumers served by the public water system.

If the department grants the purveyor an extension, the purveyor shall issue a notice identifying the MCL exceeded and the amount by which the repeat sample analysis results exceeded the MCL. The purveyor shall include the notice in all bills mailed to affected customers until the department determines that the purveyor complies with the MCL.

(v) Sample the source a minimum of once every three months for at least three years.

(e) When a List 2 or List 3 VOC is verified at a concentration above the detection limit, the purveyor shall:

(i) Submit the sample analysis results to the department within seven days of receipt from the laboratory; and

(ii) Sample the source a minimum of once every three months for one year and then annually thereafter during the three-month period when the highest previous measurement occurred.

(f) If the department determines that a List 2 or List 3 VOC is verified at a level greater than a state advisory level (SAL), the department shall notify the purveyor in writing. The purveyor shall repeat sample the source as soon as possible after initial department notice that a SAL has been exceeded. The purveyor shall submit the analysis results to the department within seven days of receipt from the laboratory. If any repeat sample confirms that a SAL has been exceeded, the purveyor shall:

(i) Provide consumer information in accordance with WAC 246-290-330 (5)(b);

(ii) Sample the source a minimum of once every three months for at least three years; and

(iii) Submit documentation to the department listing VOC analysis results, describing the water systems' strategy for gathering and analyzing additional data, and identifying plans for keeping the public informed. The purveyor shall submit this information to the department within six months of the date of the first notice from the department that a SAL has been exceeded.

(g) The department may reduce the purveyor's monitoring requirement for a source detecting a List 1 VOC if, after three years of quarterly monitoring, all analysis results are less than the MCL. The purveyor's reduced monitoring frequency shall be no less than one sample per year.

(h) The department may reduce the purveyor's monitoring requirement for a source detecting a List 2 or List 3 VOC if the source has been monitored annually for at least three years, and all analysis results are less than the SAL.

(i) In establishing SAL's for List 2 and List 3 VOCs, the department shall use the most recent edition of the department document titled ~~((=))~~ *Procedures And References For Determination Of State Advisory Levels For Drinking Water Contaminants*~~((=))~~ which has been approved by the state board of health. Copies are available from the department upon request.

(j) When List 1, List 2 (exclusive of THMs), or List 3 VOCs are verified in well fields, the purveyor shall repeat sample individual wells within the well field.

(k) When the sum of all trihalomethanes detected exceeds 0.100 mg/L, the purveyor shall sample within three months for total trihalomethanes as required under WAC 246-290-300(5).

(l) The department may collect samples from a water system or may require that specified quality assurance techniques be used to collect samples.

(7) The department shall determine the purveyor's follow-up action when a substance not included in this chapter is detected.

AMENDATORY SECTION (Amending Order 241B, filed 2/4/92, effective 3/6/92)

WAC 246-290-330 Public notification. (1) ~~((Responsibility))~~ Required notification.

(a) The purveyor of a **Group A** water system shall notify the water system users when the system:

(i) Violates a primary ~~((MCL))~~ standard as described under WAC 246-290-310;

(ii) Fails to comply with ~~((e))~~:

(A) ~~((Prescribed))~~ Treatment technique requirements under Part 6 of chapter 246-290 WAC;

(B) Monitoring requirements under WAC 246-290-300, 246-290-664, 246-290-674, or 246-290-694; ~~((e))~~

(C) ~~((Testing procedure))~~ Analytical requirements of WAC 246-290-638 or chapter 246-390 WAC;

(D) A departmental order; or

(E) A variance or exemption schedule prescribed by the state board of health.

(iii) Is identified as a source of waterborne disease outbreak as determined by the department;

(iv) Is issued a category red operating permit;

(v) Is issued a departmental order; or

(vi) Is operating under a variance or exemption~~((=or~~

~~((iv) Fails to meet a variance or exemption schedule)).~~

(b) The purveyor of a **Group B** water system may be required to notify water system users when ~~((any of the conditions listed in (a)(i) through (iv) of this subsection occur))~~ directed by the department.

(2) Content. Notices shall provide:

(a) A clear, concise, and simple explanation of the violation;

(b) Discussion of potential adverse health effects and any segments of the population that may be at higher risk;

(c) Mandatory health effects information in accordance with subsection (4) of this section;

(d) A list of steps the purveyor has taken or is planning to take to remedy the situation;

(e) A list of steps the consumer should take, including advice on seeking an alternative water supply if necessary; and

(f) The purveyor's name and phone number.

The purveyor may provide additional information to further explain the situation.

(3) Distribution.

(a) Purveyors of **community** systems in violation of a primary MCL, treatment technique or variance or exemption schedule shall provide:

(i) Newspaper notice to water system users as defined in (e) of this subsection, within fourteen days of violation;

(ii) Direct mail notice or hand delivery to all consumers served by the system within forty-five days of the violation. The department may waive the purveyor's mail or hand delivery if the violation is corrected within forty-five days. The waiver shall be in writing and made within the forty-five day period;

(iii) Notice to radio and television stations serving the area within seventy-two hours of violation of an acute coliform MCL under WAC 246-290-310(3)(c), a nitrate MCL under WAC 246-290-310(4), occurrence of a waterborne disease outbreak or other acute violation as determined by the department; and

(iv) Repeat mail or hand delivery every three months until the violation is corrected.

(b) Purveyors of **community** systems shall provide newspaper notice as defined in (e) of this subsection, to water system users within three months of the following:

(i) Violation of a monitoring requirement or testing procedure; ~~((e))~~

(ii) Receipt of a departmental order;

(iii) Receipt of a category red operating permit; or

(iv) Granting of a variance or exemption.

Purveyors shall also provide repeat notice by mail or hand delivery to all consumers served by the system every three months until the situation is corrected or for as long as the variance or exemption remains in effect.

(c) Purveyors of NTNC and TNC systems ~~((=))~~ shall post a notice within fourteen days of the following:

(i) Violation of a primary MCL~~((=))~~;

(ii) Violation of a treatment technique~~((=))~~ requirement;

or

(iii) Violation of a variance~~((=))~~ or exemption schedule ~~((shall post a notice within fourteen days of the violation)).~~ If the violation is acute, the department shall require posting within seventy-two hours.

(d) Purveyors of NTNC and TNC systems shall post a notice within three months of the:

(i) Violation of a monitoring requirement or testing procedure; ~~((e))~~

(ii) Receipt of a category red operating permit; or

(iii) Granting of a variance or exemption.

(e) Newspaper notice, as used in this section, means publication in a daily newspaper of general circulation or in a weekly newspaper of general circulation if a daily newspaper does not serve the area. The purveyor may substitute a community or homeowner's association newsletter or similar periodical publication if the newsletter reaches all affected consumers within the specified time.

(f) The purveyor shall substitute a posted notice in the absence of a newspaper of general circulation or homeowner's association newsletter or similar periodical publication. The purveyor shall post the notice within the timeframe specified in this subsection.

(g) The purveyor shall place posted notices in conspicuous locations and present the notices in a manner making them easy to read. Notices shall remain posted until the violation is corrected or for as long as the variance or exemption remains in effect. When appropriate, notices shall be multi-lingual.

(h) The purveyor of a **community** water system shall give a copy of the most recent public notice for all outstanding violations to all new billing units or new hookups before or at the time water service begins.

(i) The purveyor shall provide the department with a copy of the public notification at the time the purveyor notifies the public.

(4) Mandatory language.

(a) The purveyor shall provide specific health effects language in the notice when a violation involves:

(i) A primary VOC MCL;

(ii) A primary or secondary fluoride MCL;

(iii) An acute coliform MCL;

(iv) A nonacute coliform MCL;

(v) A treatment technique requirement under Part 6 of chapter 246-290 WAC;

(vi) Granting or continuation of exemption or variance;

or
 ((vi)) (vii) Failure to comply with a variance or exemption schedule.

(b) The purveyor shall provide specific mandatory language in its notification when the purveyor receives a category red operating permit.

(c) Required specific language is contained in the department guideline titled (~~"health effects"~~) Mandatory Language For Drinking Water Public Notification.(~~"~~)

(5) VOC notification procedure.

(a) Availability of results. After receipt of the first analysis results, the purveyor of a **community** or NTNC water system shall notify persons served by the system of the availability of the results and shall supply the name and telephone number of a contact person. Purveyors with surface water sources shall include a statement that additional monitoring will be conducted for three more quarters, with results available on request.

(i) The purveyor shall initiate notification within three months of the purveyors receipt of the first VOC analysis results. This notification is only required one time.

(ii) Notification shall occur by:

(A) Inclusion in the first set of water bills issued after receipt of the results;

(B) Newspaper notice which shall run at least one day each month for three consecutive months;

(C) Direct mail;

(D) Posting for at least one week if an NTNC system;

or
 (E) Any other method approved by the department.

(iii) Within three months of receipt of analysis results, purveyors selling water to other public water systems shall provide copies of the analysis results to the purchasing system.

(iv) Within thirty days of receipt of analysis results, purveyors purchasing water shall make results available to their customers. The purveyor's notification shall occur by the method outlined under (a)(i) of this subsection.

(b) Consumer information.

(i) The purveyor shall provide consumer information within twenty-one days of receipt of confirmation sample results when:

(A) A List 1 VOC is confirmed at a concentration greater than a MCL, and the level will not cause the running annual average to exceed the MCL; or

(B) The department determines that a List 2 or List 3 VOC is confirmed at a level greater than a SAL.

(ii) Consumer information shall include:

(A) Name and level of VOC detected;

(B) Location where the VOC was detected;

(C) Any health effects that the VOC could cause at its present concentration;

(D) Plans for follow-up activities; and

(E) Phone number to call for further information.

(iii) Consumer information shall be distributed by any of the following methods:

(A) Notice placed in the major newspaper in the affected area;

(B) Direct mail to customers;

(C) Posting for at least one week if an NTNC system;

or

(D) Any other method approved by the department.

(6) Fluoride notification procedure.

When a primary or secondary MCL violation occurs or a variance or exemption is issued or a variance or exemption schedule is violated, the purveyor of a **community** water system shall send notice, including mandatory language, to:

(a) The department annually;

(b) Water system users annually; and

(c) New billing units added while the violation exists.

(7) When circumstances dictate the purveyor give a broader or more immediate notice to protect public health, the department may require the purveyor's notification by whatever means necessary.

(8) When the state board of health grants a public water system a waiver, the purveyor shall notify customers and new billing units or new hookups before water service begins. The purveyor shall provide a notice annually and send a copy to the department.

(9) The department may give notice to the water system users as required by this section on behalf of the water purveyor. However, the purveyor remains responsible for ensuring the department's requirements are met.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-290-420 Reliability. (1) ~~((Any))~~ All public water systems ~~((or expansion or modification of an existing system))~~ shall provide an adequate quantity and quality of water in a reliable manner at all times.

(a) In determining whether a proposed public water system or an expansion or modification of an existing system is capable of providing an adequate quantity of water, the department shall consider the immediate as well as the

reasonably anticipated future needs of the system's consumers.

(b) In determining whether an existing public water system is providing an adequate quantity of water, the department shall consider the needs of the system's existing consumers exclusively, unless, in the department's discretion, consideration of the needs of potential consumers is in the public interest.

(2) The purveyor shall ensure the system is constructed, operated, and maintained to protect against failures of the power supply, treatment process, equipment, or structure with appropriate back-up facilities. Security measures shall be employed to assure the water source, water treatment processes, water storage facilities, and the distribution system are under the strict control of the purveyor.

(3) Where fire flow is required, a positive pressure at the water meter or property line shall be maintained throughout the system under fire flow conditions.

(4) Water pressure at the customer's service meter or property line if a meter is not used shall be maintained at the approved design pressure under ~~((MID))~~ peak hourly design flow conditions. In no case shall the pressure be less than twenty psi ~~((under MID conditions))~~.

(5) Water use restrictions as a designed operation practice shall not be allowed. However, water use restrictions may be allowed in times of drought.

(6) No intake or other connection shall be maintained between a public water system and a source of water not approved by the department.

(7) A purveyor shall provide the department with the current names, addresses, and telephone numbers of the owners, operators, and emergency contact persons for the system, including any changes to this information. The purveyor shall also maintain twenty-four-hour phone availability and shall respond to customer concerns and service complaints in a timely manner.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-290-440 ~~((Treatment facility))~~ **Operations.**

(1) The purveyor shall ensure that the system is operated:

(a) In accordance with the operations program as established in the approved water system plan required under WAC 246-290-100; and

(b) In accordance with good operations procedures such as those available in texts, handbooks, and manuals available from the following sources:

(i) American Water Works Association (AWWA), 666 West Quincy Avenue, Denver, Colorado 80235;

(ii) American Society of Civil Engineers (ASCE), 345 East 47th Street, New York, New York 10017-2398;

(iii) Ontario Ministry of the Environment, 135 St. Clair Avenue West, Toronto, Ontario M4V1B5, Canada;

(iv) The Chlorine Institute, 2001 "L" Street NW, Washington, D.C. 20036;

(v) California State University, 600 "J" Street, Sacramento, California 95819;

(vi) Health Research Inc., Health Education Services Division, P.O. Box 7126, Albany, New York 12224; and

(vii) Any other standards acceptable to the department.

~~((2))~~ (2) The purveyor shall not establish nor maintain a bypass ((shall neither be established nor maintained)) to divert water around any feature of a treatment process, except ((with the)) by written approval ((of)) from the department.

~~((2))~~ (3) The ((water)) purveyor ((may allow treatment by other organizations or individuals only in a manner approved by the department.

~~((3))~~ (3) When chlorine is used on a) of a system using ground water ((source for disinfection or as otherwise directed by the department, and the Ph does not exceed 8.0, the purveyor shall maintain a minimum free chlorine residual of 0.2 milligrams per liter (mg/L) in all active parts of the distribution system. The)) and required to disinfect, shall meet the following disinfection requirements, unless otherwise directed by the department:

(a) Minimum contact time ((provided)) at a point at or before the first customer ((shall be)) of:

~~((a))~~ (i) Thirty minutes if 0.2 mg/L free chlorine residual is maintained, or

~~((b))~~ (ii) Ten minutes if 0.6 mg/L free chlorine residual is maintained.

(b) Detectable residual disinfectant concentration in all active parts of the distribution system, measured as total chlorine, free chlorine, combined chlorine, or chlorine dioxide;

(c) Water in the distribution system with an HPC level less than or equal to 500/mL is considered to have a detectable residual disinfectant concentration.

(4) The department may require the purveyor to provide longer contact times, higher chlorine residuals, or additional treatment ~~((for the following sources:~~

~~(a) Surface water,~~

~~(b) Shallow wells,~~

~~(c) Springs,~~

~~(d) Infiltration galleries,~~

~~(e) Those with high turbidity,~~

~~(f) Those with high pH, and~~

~~(g) Other sources particularly susceptible to contamination as identified by the department)) to protect the health of consumers served by the public water system.~~

(5) ((All water)) The purveyor of a system using surface water or GWI shall meet disinfection requirements specified in Part 6 of chapter 246-290 WAC.

(6) The purveyor((s using chlorination)) of a system providing disinfection shall monitor ((chlorine)) disinfectant residual concentration at representative points in the system on a daily basis or as approved by the department. The analyses shall be conducted ((per the most recently published edition of)) in accordance with "standard methods ((for the Examination of Water and Waste Water))." ((Reports shall be sent to the department, in a format acceptable to the department, within ten days of the end of the reporting month. In order)) To assure adequate monitoring of chlorine residual, the department may require the use of continuous chlorine residual analyzers and recorders.

(7) A certified operator is required under chapter 70.119 RCW and chapter 246-292 WAC for Group A public water systems:

(a) Serving one hundred services or more in use at any one time; or

(b) Using a surface water or GWI source.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-290-470 Distribution reservoirs. Existing uncovered distribution reservoirs shall be operated based on a plan of operation approved by the department. The plan of operation shall address the following elements as a minimum:

(1) Continuous disinfection((-)) at all times water is being delivered to the public, including the reliability provisions outlined in WAC 246-290-420;

(2) Control of debris and undesirable growths of algae or other aquatic organisms((-));

(3) Control of surface water runoff;

(4) Control of airborne contamination((-)) (atmospheric or avian-borne);

~~((4))~~ (5) Construction((-));

~~((5))~~ (6) Security((-)); and

~~((6))~~ (7) Monitoring and reporting.

AMENDATORY SECTION (Amending Order 241B, filed 2/4/92, effective 3/6/92)

WAC 246-290-480 ((Analyses and records,)) Recordkeeping and reporting. (1) Records. The purveyor shall keep the following records of operation and water quality analyses:

(a) ~~((Records of))~~ Bacteriological and turbidity ((analy- ses)) analysis results shall be kept for five years. ((Records of)) Chemical ((analyses)) analysis results shall be kept for as long as the system is in operation. Records of daily source meter readings shall be kept for ten years. Other records of operation and analyses required by the department shall be kept for three years. All records shall bear the signature of the operator in responsible charge of the water system or his or her representative. **Group A** systems shall keep these records available for inspection by the department and shall send the records to the department if requested. Actual laboratory reports may be kept or data may be transferred to tabular summaries, provided the following information is included:

(i) The date, place, and time of sampling, and the name of the person collecting the sample;

(ii) Identification of the sample ~~((as to whether it was a))~~ type (routine distribution system sample, ((check)) repeat sample, ((raw)) source or ((drinking)) finished water sample, or other special purpose sample);

(iii) Date of analysis;

(iv) Laboratory and person responsible for performing analysis;

(v) The analytical ~~((technique))~~ method used; and

(vi) The results of the analysis.

(b) Records of action taken by the system to correct violations of primary drinking water ((regulations and)) standards. For each violation, copies of public notifications shall be kept for three years after the last corrective action taken ((with respect to the particular violation involved)).

(c) Copies of any written reports, summaries, or communications, relating to CSEs of the system conducted by system personnel, by a consultant or by any local, state, or federal agency, shall be kept for ten years after completion of the CSE involved.

(d) Copies of project reports, construction documents, and related drawings, inspection reports and approvals shall be kept for the life of the facility.

~~((of operation and analyses shall include the following))~~ including:

(i) Chlorine residual;

(ii) Fluoride level;

(iii) Water treatment plant performance including, but not limited to:

(A) Type of chemicals used and quantity,

(B) Amount of water treated, and

(C) Results of analyses.

(iv) Turbidity; ~~((and))~~

(v) Source meter readings; and

(vi) Other information as specified by the department.

(2) Reporting.

(a) Unless otherwise specified in this chapter, the purveyor shall report to the department within forty-eight hours:

(i) The failure to comply with the primary standards or treatment technique requirements under this chapter;

(ii) The failure to comply with the monitoring requirements under this chapter; and

(iii) The violation of a primary MCL.

(b) The purveyor shall submit to the department reports required by this chapter, including tests, measurements, and analytic reports. Monthly reports are due before the tenth day of the following month, unless otherwise specified in this chapter.

(c) Daily source meter readings shall be made available to the department on request.

(d) Water facilities inventory and report form (WFI).

~~((i))~~ Purveyors of community systems shall submit an annual WFI update to the department;

~~((ii))~~ Purveyors of NTNC, TNC, and Group B systems shall submit an updated WFI to the department as requested; and

~~((iii))~~ The purveyor shall also submit an updated WFI to the department within thirty days of any change in name, category, ownership, or responsibility for management of the water system.

~~((4))~~ (i) Purveyors shall submit an updated WFI to the department within thirty days of any change in name, category, ownership, or responsibility for management of the water system;

(ii) Purveyors of community systems shall submit an annual WFI update to the department;

(iii) Purveyors of NTNC, TNC, and Group B systems shall submit an updated WFI to the department as requested; and

(iv) At a minimum the completed WFI shall provide the current names, addresses, and telephone numbers of the owners, operators, and emergency contact persons for the system.

(e) Total annual water production. Purveyors of Group A systems shall report total annual water production for each source to the department upon request.

(f) Bacteriological.

(i) The purveyor shall notify the department of the presence of:

(A) Coliform in a sample, within ten days of notification by the laboratory; and

(B) Fecal coliform or *E. coli* in a sample, by the end of the business day in which the purveyor is notified by the laboratory. If the purveyor is notified of the results after normal close of business, then the purveyor shall notify the department before the end of the next business day.

(ii) When a coliform MCL violation is determined, the purveyor shall:

(A) Notify the department within twenty-four hours of determining acute coliform MCL violations;

(B) Notify the department before the end of the next business day when a nonacute coliform MCL is determined; and

(C) Notify water system users in accordance with WAC 246-290-330.

(iii) When a monitoring violation occurs, including invalid or expired CSEs, the purveyor shall:

(A) Notify the department of the violation within ten days; and

(B) Notify water system users in accordance with WAC 246-290-330.

(f) VOCs.

Systems monitoring for VOCs in accordance with WAC 246-290-300(8)(a) Table 3 List 2 and 3, shall send a copy of the results of such monitoring and any public notice to the department within thirty days of receipt of analytical results.

NEW SECTION

WAC 246-290-601 Purpose of surface water treatment. (1) Part 6 of chapter 246-290 WAC establishes filtration and disinfection as treatment technique requirements for water systems using surface or GWI sources. The Part 6 treatment technique requirements are established in lieu of maximum contaminant levels (MCLs) for the following contaminants:

- (a) *Giardia lamblia*;
- (b) Viruses;
- (c) Heterotrophic plate count bacteria;
- (d) *Legionella*; and
- (e) Turbidity.

(2) Turbidity MCLs found in WAC 246-290-310 shall remain in effect for systems using surface or GWI sources until applicable Part 6 treatment technique requirements become effective. The effective dates are indicated in Tables 9, 12, 13, or 14, whichever is applicable.

NEW SECTION

WAC 246-290-610 Definitions relating to surface water treatment. Abbreviations and acronyms:

C - residual disinfectant concentration in mg/L;

CT - the mathematical product in mg/L - minutes of "C" and "T";

gpm - gallons per minute;

HPC - heterotrophic plate count;

T - disinfectant contact time in minutes; and

SWTR - Surface Water Treatment Rule.

"Alternate filtration technology" means a filtration process for substantial removal of particulates (generally ≥ 2 log *Giardia lamblia* cysts) by physical straining through a fixed medium. It does not include conventional, direct, diatomaceous earth, or slow sand filtration processes.

"C" means the residual disinfectant concentration in mg/L at a point before or at the first customer.

"Coagulant" means a chemical used in water treatment to destabilize particulates and accelerate the rate at which they aggregate into larger particles.

"Coagulation" means a process using coagulant chemicals and rapid mixing to destabilize colloidal and suspended particles and agglomerate them into flocs.

"Completely treated water" means water from a surface or GWI source which receives filtration or disinfection treatment that fully complies with the treatment technique requirements of Part 6 of chapter 246-290 WAC as determined by the department.

"Continuous monitoring" means determining water quality with automatic recording analyzers which operate without interruption twenty-four hours per day.

"Conventional filtration treatment" means a series of processes including coagulation, flocculation, sedimentation, and filtration which together result in substantial particulate removal (≥ 2.5 log *Giardia lamblia* cysts).

"CT" or **"CTcalc"** means the product of "residual disinfectant concentration" (C) and the corresponding "disinfectant contact time" (T) i.e., "C" x "T".

"CT_{99.9}" means the CT value required for 99.9 percent (3 log) inactivation of *Giardia lamblia* cysts.

"CTreq" means the CT value a filtered system shall provide to achieve a specific percent inactivation of *Giardia lamblia* cysts as directed by the department.

"Diatomaceous earth filtration" means a filtration process for substantial removal of particulates (≥ 2 log *Giardia lamblia* cysts) in which:

A precoat cake of graded diatomaceous earth filter media is deposited on a support membrane (septum); and

Water is passed through the cake on the septum while additional filter media, known as body feed, is continuously added to the feed water to maintain the permeability of the filter cake.

"Direct filtration" means a series of processes including coagulation, flocculation, and filtration (but excluding sedimentation) which together result in substantial particulate removal (≥ 2 log *Giardia lamblia* cysts).

"Disinfectant contact time ("T" in CT)" means:

When measuring the first or only C, the time in minutes it takes water to move from the point of disinfectant application to a point where the C is measured; and For subsequent measurements of C, the time in minutes it takes water to move from one C measurement point to the C measurement point for which the particular T is being calculated.

"DOH SWTR Guidance Manual" means the departmental handbook which provides guidance on implementation of Part 6 of chapter 246-290 WAC.

"Emergency" means an unforeseen natural or man-made event which causes damage, disrupts normal operations, and requires prompt action to protect public health.

"Emergency source" means a department-approved source, physically disconnected from the system, and used only in emergencies.

"Filtration" means a process for removal of particulate matter from water by passage through porous media.

"**Flocculation**" means a process enhancing agglomeration and collection of colloidal and suspended particles into larger, more easily settleable or filterable particles by gentle stirring.

"**Heterotrophic plate count bacteria (HPC)**" means a broad class of bacteria, including innocuous, opportunistic, and pathogenic bacteria, which use organic nutrients for growth. The density of these bacteria in drinking water is measured as HPC.

"**Inactivation**" means a process which renders pathogenic microorganisms incapable of producing disease.

"**Inactivation ratio**" means:

$$\left[\frac{CT_{\text{calc}}}{CT_{99.9}} \right] \quad \text{for unfiltered systems; and}$$

$$\left[\frac{CT_{\text{calc}}}{CT_{\text{req}}} \right] \quad \text{for filtered systems.}$$

"**Incompletely treated water**" means water from a surface or GWI source which receives filtration and/or disinfection treatment that does not fully comply with the treatment technique requirements of Part 6 of chapter 246-290 WAC as determined by the department.

"**In-line filtration**" means a series of processes, including coagulation and filtration (but excluding flocculation and sedimentation) which together result in particulate removal.

"**Legionella**" means a genus of bacteria containing species which cause a type of pneumonia called Legionnaires' Disease.

"**Peak hourly flow**" means, for the purpose of CT calculations, the greatest volume of water passing through the system during any one hour in a day.

"**Point of disinfectant application**" means the point where the disinfectant is added, and where water downstream of that point is not subject to contamination by untreated surface water.

"**Primary turbidity standard**" means an accurately prepared formazin solution or commercially prepared polymer solution of known turbidity (prepared in accordance with "standard methods") which is used to calibrate bench model and continuous turbidimeters (instruments used to measure turbidity).

"**Pressure filter**" means an enclosed vessel containing properly sized and graded granular media through which water is forced under greater than atmospheric pressure.

"**Removal credit**" means the level (expressed as a percent or log) of *Giardia* and virus removal the department grants a system's filtration process.

"**Sedimentation**" means a process which uses gravity to remove suspended particles before filtration.

"**Slow sand filtration**" means a process involving passage of source water through a bed of sand at low velocity (generally less than 0.10 gpm/ft²) which results in substantial particulate removal (≥ 2 log *Giardia lamblia* cysts) by physical and biological mechanisms.

"**Source water**" means untreated water which is not subject to recontamination by surface runoff and:

For unfiltered systems, enters the system immediately before the first point of disinfectant application; and

For filtered systems, enters immediately before the first treatment unit of a water treatment facility.

"**Tracer study**" means a field study conducted to determine the disinfectant contact time, T, provided by a water system component, such as a clearwell or storage reservoir, used for *Giardia lamblia* cyst and virus inactivation. The study involves introducing a tracer chemical at the inlet of the contact basin and measuring the resulting outlet tracer concentration as a function of time.

"**Treatment technique requirement**" means a department-established requirement for a public water system to provide treatment, such as filtration or disinfection, as defined by specific design, operating, and monitoring requirements. A "treatment technique requirement" is established in lieu of a primary MCL when monitoring for the contaminant is not economically or technologically feasible.

"**Turbidity event**" means a single day or series of consecutive days, not to exceed fourteen, when one or more turbidity measurement each day exceeds 5 NTU.

"**T10**" means the time it takes water with ten percent of an initial tracer concentration to appear at the outlet of the system component used for *Giardia lamblia* cyst and virus inactivation, when a tracer study is conducted at peak hourly flow.

"**Water treatment facility**" means, for the purposes of Part 6 of chapter 246-290 WAC, a facility which provides filtration and disinfection treatment to reduce physical contaminants and remove and inactivate pathogens; such facilities are designed and operated to achieve a water quality standard or comply with a treatment technique requirement to prevent acute or chronic health effects in consumers served by the system. Facilities which only add chemicals to the water for disinfection, corrosion control and/or dental prevention purposes are not included in this definition.

"**Wellhead protection program**" means a program designed to protect ground water based public water sources from contamination. A wellhead protection program includes elements such as:

A delineated wellhead protection area;

Identification of local jurisdictions having land use authority within the wellhead protection area;

Inventory of contaminant sources;

Contingency plans for the location and provision of alternate drinking water sources in the event of source contamination or loss; and

A spill response plan for the wellhead protection area.

"**Virus**" means a virus of fecal origin which is infectious to humans and transmitted through water.

NEW SECTION

WAC 246-290-620 Applicability of surface water treatment requirements. (1) The requirements of Part 6 of chapter 246-290 WAC apply to **Group A** water systems which:

(a) Use surface sources or ground water sources under the direct influence of surface water (GWI); or

(b) Purchase surface or GWI water from an approved public water system or other entity acceptable to the department.

(2) The requirements of Part 6 of chapter 246-290 WAC do not apply to **Group A** water systems which use unfiltered surface or GWI sources as emergency sources, if the purveyor meets the following conditions:

(a) Has a department-approved emergency response plan; and

(b) Provides disinfection treatment which meets the requirements under WAC 246-290-662 (2)(e).

NEW SECTION

WAC 246-290-630 General requirements. (1) The purveyor shall ensure that treatment is provided for surface and GWI sources consistent with the treatment technique requirements specified in Part 6 of chapter 246-290 WAC.

(2) The purveyor shall install and properly operate water treatment processes to ensure at least:

(a) 99.9 percent (3 log) removal and/or inactivation of *Giardia lamblia* cysts; and

(b) 99.99 percent (4 log) removal and/or inactivation of viruses.

(3) The purveyor shall ensure that the requirements of subsection (2) of this section are met between a point where the source water is not subject to contamination by untreated surface water and a point at or before the first customer.

(4) The department may require higher levels of removal and/or inactivation of *Giardia lamblia* cysts and viruses than specified in subsection (2) of this section if deemed necessary to protect the health of consumers served by the system.

(5) The purveyor shall ensure that personnel operating a system subject to Part 6 of chapter 246-290 WAC meet the requirements under chapter 70.119 RCW and chapter 246-292 WAC.

(6) The purveyor of a **Group A community** system serving water to the public before January 1, 1991, shall comply with applicable minimum treatment requirements. The purveyor shall meet either the:

(a) Filtration and disinfection requirements under WAC 246-290-660 and 246-290-662 respectively; or

(b) Criteria to remain unfiltered under WAC 246-290-690 and the disinfection requirements under WAC 246-290-692.

(7) The purveyor of a **Group A noncommunity** system serving water to the public before January 1, 1991, shall install filtration and meet the filtration and disinfection requirements under WAC 246-290-660 and 246-290-662, respectively.

(8) The purveyor of a **Group A** system first serving water to the public after December 31, 1990, shall meet the filtration and disinfection requirements under WAC 246-290-660 and 246-290-662, respectively.

(9) The department shall provide notification to the purveyor of the requirement to install filtration. The purveyor of a system required to install filtration may abandon the surface or GWI source as a permanent or seasonal source and develop an alternate, department-approved source. Purveyors that choose this option and develop alternate ground water sources or purchase water

from a department-approved public water system using a ground water source shall no longer be subject to Part 6 of chapter 246-290 WAC, once the alternate source is approved by the department and is on line.

(10) Part 6 compliance options are summarized in Table 8.

**Table 8
COMPLIANCE OPTIONS FOR GROUP A SYSTEMS
USING SURFACE OR GWI SOURCES**

| SYSTEM TYPE | SURFACE WATER OPTIONS (system subject to Part 6) | ALTERNATE GROUND WATER SOURCE OPTIONS (system not subject to Part 6) |
|--|--|---|
| Community systems serving water to the public before January 1, 1991 | <ul style="list-style-type: none"> Provide filtration and disinfection; Remain unfiltered, meet all criteria to remain unfiltered, and provide disinfection; or Purchase from a system using a surface or GWI source. | Existing systems may abandon surface or GWI sources and develop alternate department-approved ground water sources. |
| All other Group A systems using surface or GWI sources | <ul style="list-style-type: none"> Provide filtration and disinfection; Purchase completely treated surface water or GWI water from an approved public water system. | Existing systems which develop ground water sources or purchase ground water from a department-approved public water system shall not be subject to the requirements of Part 6, once the alternate source is approved by the department and is on-line. |

NEW SECTION

WAC 246-290-632 Treatment technique violations.

(1) A treatment technique violation shall be considered a violation of a primary drinking water standard and in the case of an unfiltered system, may result in the purveyor of an unfiltered system being required to install filtration.

(2) A treatment technique violation occurs when a system using a surface or GWI source is identified by the department as the source of a waterborne disease outbreak or any of the following occur as applicable:

(a) The purveyor providing filtration fails to meet one or more of the following requirements by June 29, 1993:

(i) Filtration treatment in accordance with WAC 246-290-660; or

(ii) Disinfection treatment in accordance with WAC 246-290-662.

(b) The purveyor required to install filtration:

(i) Fails to meet the interim disinfection requirements in accordance with WAC 246-290-672 or as otherwise directed by the department; or

(ii) Fails to install filtration or develop an alternate source by the applicable dates specified in WAC 246-290-670.

(c) The purveyor of an unfiltered surface water or GWI source:

(i) Delivers water with a turbidity level exceeding 5 NTU; or

(ii) Fails to meet one or more of the disinfection requirements in accordance with WAC 246-290-692 after the dates specified in WAC 246-290-686.

NEW SECTION

WAC 246-290-634 Follow-up to treatment technique violations. When a treatment technique violation occurs, the purveyor:

(1) Shall report to the department in accordance with:

(a) WAC 246-290-666 for purveyors providing filtration;

(b) WAC 246-290-674 for purveyors installing filtration; or

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(c) WAC 246-290-696 for purveyors not providing filtration;

(2) Shall notify the public in accordance with WAC 246-290-330;

(3) Shall determine the cause of the violation;

(4) Shall take action as directed by the department; and

(5) May be subject to enforcement under WAC 246-290-050.

NEW SECTION

WAC 246-290-636 Determination of disinfectant contact time (T). (1) The purveyor shall calculate T at peak hourly flow.

(2) For pipelines, the purveyor shall calculate T by dividing the internal volume of the pipe by the peak hourly flow rate through that pipe.

(3) For all other system components used for *Giardia lamblia* cyst and virus inactivation, the purveyor shall use tracer studies or empirical methods to determine T.

(4) The purveyor shall use the T10 value determined by tracer studies or other methods acceptable to the department as T in all CT calculations.

(a) For existing water treatment facilities, the purveyor shall ensure that the T10 value is determined by June 29, 1993; and

(b) For unfiltered systems, the purveyor shall ensure that the T10 value is determined before the purveyor begins conducting the monitoring under WAC 246-290-694 to demonstrate that the system meets the criteria to avoid filtration.

(5) Tracer studies.

(a) The purveyor shall conduct field tracer studies on all system components with configurations (geometry and/or baffling) for which analogous contact times are not documented.

(b) Before conducting tracer studies, the purveyor shall obtain the department's approval of a tracer study plan. The plan shall identify at a minimum:

(i) How the purveyor will conduct the study;

(ii) The tracer material to be used;

(iii) Flow rates to be used; and

(iv) The names, titles, and qualifications of the persons conducting the study.

(c) A professional engineer registered in the state of Washington shall direct the conduct of all tracer studies.

(d) Tracer studies shall be conducted in accordance with good engineering practices using methods acceptable to the department such as those described in the *DOH SWTR Guidance Manual*.

(e) The department may require the purveyor to conduct additional tracer studies when:

(i) Modifications impacting flow distribution or T are made; or

(ii) Increases in flow exceed the conditions of the previous tracer studies.

(6) Empirical methods.

(a) Empirical methods may be used to calculate T10, if the purveyor demonstrates to the department's satisfaction that system components have configurations analogous to components on which tracer studies have been conducted and results have been documented.

(b) The purveyor shall submit to the department for review and approval engineering justification for determining T10 using empirical methods. As-built drawings of system components in their current configurations shall be submitted with the engineering justification.

(c) A professional engineer registered in the state of Washington shall prepare the engineering justification for determining T10 using empirical methods.

NEW SECTION

WAC 246-290-638 Analytical requirements. (1) The purveyor shall ensure that only qualified persons conduct measurements for pH, temperature, turbidity, and residual disinfectant concentrations. In this section, qualified shall mean:

(a) A person certified under chapter 246-292 WAC;

(b) An analyst, with experience conducting these measurements, from the state public health laboratory or another laboratory certified by the department;

(c) A state or local health agency professional experienced in conducting these measurements.

(2) The purveyor shall ensure that measurements for temperature, turbidity, pH, and residual disinfectant concentration are made in accordance with "standard methods."

(3) The purveyor shall ensure that samples for coliform and HPC analysis are:

(a) Collected and transported in accordance with department-approved methods; and

(b) Submitted to the state public health laboratory or another laboratory certified by the department to conduct such analyses.

(4) Turbidity monitoring.

(a) The purveyor shall equip the system's water treatment facility laboratory with a:

(i) Bench model turbidimeter; and

(ii) Continuous turbidimeter and recorder if required under WAC 246-290-664 or 246-290-694.

(b) The purveyor shall ensure that bench model and continuous turbidimeters are:

(i) Designed to meet the criteria in "standard methods"; and

(ii) Properly operated, calibrated, and maintained at all times in accordance with the manufacturer's recommendations.

(c) The purveyor shall validate continuous turbidity measurements for accuracy as follows:

(i) Calibrate turbidity equipment based upon a primary standard in the expected range of measurements; and

(ii) Verify continuous turbidimeter performance on a weekly basis, not on consecutive days, with grab sample measurements made using a properly calibrated bench model turbidimeter.

(d) When continuous turbidity monitoring equipment fails, the purveyor shall measure turbidity on grab samples collected at least every four hours while the system serves water to the public and the equipment is being repaired or replaced. The purveyor shall have continuous monitoring equipment on-line within five working days of failure.

NEW SECTION

WAC 246-290-639 SWTR records. (1) Purveyors using surface or GWI sources shall maintain accurate and complete operations records.

(2) Operations records shall include, but not be limited to, the following as applicable:

(a) Results of all monitoring conducted under Part 6 of chapter 246-290 WAC;

(b) Quantity of water produced, plant flow rates, and hours of operation;

(c) Types and quantities of chemicals used;

(d) Dates and information pertaining to filter and/or disinfection system maintenance;

(e) Dates and results of filter and/or disinfection system inspections including records of filtration and backwash rates; and

(f) Dates and descriptions of major equipment and/or treatment process failures and corrective actions taken.

(3) Operations records not reported to the department under WAC 246-290-666 or 246-290-696 shall be maintained at the purveyor's treatment facility.

NEW SECTION

WAC 246-290-640 Determination of GWI sources.

(1) For **Group A** systems, the department shall notify the purveyor when a source has been identified as a potential GWI source. Until the department has made a source determination, the purveyor shall monitor in accordance with the requirements for ground water sources in WAC 246-290-300 or as directed by the department and provide follow-up in accordance with WAC 246-290-320.

(2) The purveyor using a source identified as a potential GWI shall provide to the department all information necessary to determine whether the source is under direct surface water influence. Information shall include but not be limited to:

- (a) Site-specific source water quality data;
- (b) Documentation of source construction characteristics;
- (c) Documentation of hydrogeology;
- (d) Distance to surface water; and
- (e) Water quality results from nearby surface water(s) if requested by the department.

(3) Based on information provided by the purveyor, the department shall determine which ground water sources are under the direct influence of surface water and notify the purveyor of the source determination.

(4) The purveyor may modify a department-determined GWI source to eliminate direct surface influence. In such cases, the purveyor shall, at a minimum:

(a) Submit a proposed schedule for source modification to the department for review and approval;

(b) Provide disinfection treatment and conduct monitoring and reporting as directed by the department to protect the health of consumers served by the water system until:

- (i) Modification is complete; and
- (ii) The department determines the source is no longer subject to direct surface influence.

(c) Comply with subsection (2) of this section upon completion of source modifications to be considered for source reclassification.

(5) The department may reevaluate a ground water source for direct surface influence, if conditions impacting source classification have changed.

NEW SECTION

WAC 246-290-650 Compliance requirements for filtered systems. (1) In addition to the requirements of Parts 1 through 5 of chapter 246-290 WAC, Subpart B of Part 6 of chapter 246-290 WAC applies to purveyors of systems using surface or GWI sources and providing filtration, including:

(a) Systems with water treatment facilities which produced water served to the public before January 1, 1991;

(b) Unfiltered systems installing filtration, once the new water treatment facilities are on-line; and

(c) New systems using surface or GWI sources. For the purpose of the Part 6 chapter 246-290 WAC requirements, new systems are defined as systems first serving water to the public after December 31, 1990.

(2) The purveyor shall be subject to the effective dates, compliance requirements and violations specified in Table 9.

(3) The purveyor of a new system using a surface or GWI source shall comply with the requirements of Part 6 subparts A and B chapter 246-290 WAC and be subject to the treatment technique violations specified in WAC 246-290-632 beginning when the system first serves water to the public and thereafter.

Table 9
PART 6 COMPLIANCE REQUIREMENTS FOR
SYSTEMS WITH EXISTING WATER TREATMENT FACILITIES

| REQUIREMENTS EFFECTIVE FROM | APPLICABLE PART 6 REQUIREMENTS | VIOLATION TYPE | |
|---|--|---------------------|---------------------|
| | | Turbidity MCL | Treatment Technique |
| Date specified in written department notification through June 28, 1993 | Subpart A Analytical, Subpart B Monitoring and Reporting requirements only | Still in effect | Not in effect yet |
| June 29, 1993 and thereafter | Subparts A and B | No longer in effect | In effect |

NEW SECTION

WAC 246-290-652 Filtration technology and design criteria for existing filtered systems. (1) The purveyor shall treat all surface and GWI sources using one of the following filtration technologies unless another technology is acceptable to the department:

- (a) Conventional;
- (b) Direct;
- (c) Diatomaceous earth; or
- (d) Slow sand.

(2) Purveyors not using one of the filtration technologies in subsection (1) of this section or not complying with the design criteria specified in WAC 246-290-676 shall submit a project report to the department which demonstrate's to the department's satisfaction that the existing water treatment facility can be operated to reliably produce, by June 29, 1993, water meeting the operating and performance requirements of WAC 246-290-654 and 246-290-660, respectively. The project report shall comply with the requirements of WAC 246-290-110.

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(3) The purveyor shall make the demonstration required under subsection (2) of this section using the latest twelve months of operating data, results of special studies conducted to test the performance of the water treatment facility under adverse water quality conditions or other means acceptable to the department.

(4) For water treatment facilities currently unable to meet the performance and operation requirements, the project report shall specify the modifications needed to upgrade the facility. Purveyors upgrading existing water treatment facilities shall comply with the design and reliability requirements under WAC 246-290-676 and 246-290-678, respectively.

(5) The purveyor of a new system using a surface or GWI source shall be subject to the:

(a) Design and reliability requirements under WAC 246-290-676 and 246-290-678, respectively; and

(b) Operating criteria for new water treatment facilities under WAC 246-290-680.

NEW SECTION

WAC 246-290-654 Treatment criteria for filtered systems. (1) The purveyor shall operate filters such that maximum flow rates do not exceed those specified in Table 10. The purveyor may operate filters at higher flow rates, if the purveyor demonstrates to the department's satisfaction that filtration at the higher rate consistently achieves at least 99 percent (2 log) removal of *Giardia lamblia* cysts and meets the turbidity performance requirements of Table 11.

**Table 10
FILTRATION OPERATION CRITERIA**

| FILTRATION TECHNOLOGY/MEDIA | MAXIMUM FILTRATION RATE (gpm/ft ²) |
|---|--|
| Conventional, Direct and In-Line | |
| Gravity Filters with Single Media | 3 |
| Gravity Filters with Deep Bed, Dual or Mixed Media | 6 |
| Pressure Filters with Single Media | 2 |
| Pressure Filters with Deep Bed, Dual or Mixed Media | 3 |
| Slow Sand | 0.1 |
| Diatomaceous Earth | 1.0 |

(2) The purveyor using conventional, direct or in-line filtration shall ensure that effective coagulation is in use at all times the water treatment facility produces water served to the public.

(3) The purveyor using conventional, direct, or in-line filtration shall demonstrate treatment effectiveness for *Giardia lamblia* cyst removal by one of the following methods:

(a) Turbidity reduction method where source and filtered water turbidity measurements are made in accordance with WAC 246-290-664(2) and (3) respectively:

(i) When source turbidity is greater than or equal to 2.5 NTU, the purveyor shall achieve the turbidity performance requirements specified in WAC 246-290-660(1);

(ii) When source turbidity is less than 2.5 NTU, the purveyor shall achieve:

(A) An 80% reduction in source turbidity based on an average of the daily turbidity reductions measured in a calendar month; or

(B) A filtered water turbidity less than or equal to 0.1 NTU;

(b) Particle counting method. The purveyor shall:

(i) Use a particle counting protocol acceptable to the department; and

(ii) Demonstrate at a frequency acceptable to the department at least the following log reduction of *Giardia lamblia* cyst-sized particles as applicable;

(A) 2.5 log reduction for systems using conventional filtration;

(B) 2.0 log reduction for systems using direct or in-line filtration;

(c) Microscopic particulate analysis method. The purveyor shall:

(i) Use a protocol acceptable to the department; and

(ii) Demonstrate at a frequency acceptable to the department at least the following log reduction of *Giardia lamblia* cysts and/or *Giardia lamblia* cyst surrogate indicators as applicable;

(A) 2.5 log reduction for systems using conventional filtration; and

(B) 2.0 log reduction for systems using direct or in-line filtration.

(d) Other methods acceptable to the department.

(4) The purveyor shall ensure continuous disinfection of all water delivered to the public and shall:

(a) Maintain an adequate supply of disinfection chemicals and keep back-up system components and spare parts on hand;

(b) Develop, maintain, and post at the water treatment facility a plan detailing:

(i) How water delivered to the public will be continuously and adequately disinfected; and

(ii) The elements of an emergency notification plan to be implemented whenever the disinfectant residual at entry to distribution falls below 0.2 mg/L for more than one hour.

(c) Implement such plan during an emergency affecting disinfection.

(5) Operations plan.

(a) For each water treatment facility treating a surface or GWI source, the purveyor shall develop an operations plan and make it available to the department for review upon request.

(b) The plan shall be submitted to the department as an addendum to the purveyor's water system plan (WAC 246-290-100) or small water system management program (WAC 246-290-410).

(c) The plan shall detail how the purveyor will produce optimal filtered water quality at all times the water treatment facility produces water to be served to the public.

(d) The purveyor shall operate the water treatment facility in accordance with the operations plan.

(e) The operations plan shall include, but not be limited to, a description of:

(i) For conventional, direct or in-line filtration, procedures used to determine and maintain optimized coagulation as demonstrated by meeting the requirements of WAC 246-290-654(3);

(ii) Procedures used to determine chemical dose rates;

(iii) How and when each unit process is operated;

(iv) Unit process equipment maintenance program;

(v) Treatment plant performance monitoring program;

- (vi) Laboratory procedures;
- (vii) Records;
- (viii) Reliability features; and
- (ix) Response plans for water treatment facility emergencies, including disinfection failure and watershed emergencies.

(f) The purveyor shall ensure the operations plan is:

- (i) Readily available at the water treatment facility for use by operators and for department inspection;
- (ii) Consistent with department guidelines for operations procedures such as those described in the *DOH SWTR Guidance Manual* and *Planning Handbook*; and
- (iii) Updated as needed to reflect current water treatment facility operations.

(6) Pressure filters. Purveyors using pressure filters shall:

(a) Inspect and evaluate the filters, at least every six months, for conditions that would reduce their effectiveness in removing *Giardia lamblia* cysts;

(b) Maintain, and make available for department review, a written record of pressure filter inspections; and

(c) Be prepared to conduct filter inspections in the presence of a department representative, if requested.

NEW SECTION

WAC 246-290-660 Filtration. (1) Turbidity performance requirements.

(a) The purveyor shall ensure that the turbidity level of representative filtered water samples:

- (i) Complies with the performance standards in Table 11; and
- (ii) Never exceeds 5.0 NTU.

Table 11
TURBIDITY PERFORMANCE REQUIREMENTS

| Filtration Technology | Filtered water turbidity (in NTUs) shall be less than or equal to this value in at least 95% of the measurements made each calendar month |
|----------------------------------|---|
| Conventional, Direct and In-line | 0.5 |
| Slow Sand | 1.0 |
| Diatomaceous Earth | 1.0 |
| Alternate Technology | 1.0 |

(b) The department may allow the turbidity of filtered water from a system using slow sand filtration to exceed 1.0 NTU, but never 5.0 NTU, if the system demonstrates to the department's satisfaction that the higher turbidity level will not endanger the health of consumers served by the system.

(2) *Giardia lamblia* and virus removal credit.

(a) The department shall notify the purveyor of the removal credit granted for the system's filtration process. The department shall specify removal credit for:

- (i) Existing filtration facilities based on periodic evaluations of performance and operation; and
- (ii) New or modified filtration facilities based on results of pilot plant studies or full scale operation.

(b) Conventional, direct, and in-line filtration.

(i) The removal credit the department may grant to a system using conventional, direct, or in-line filtration and demonstrating effective treatment is as follows:

| Filtration Technology | Percent Removal Credit (log) | |
|-----------------------|------------------------------|----------|
| | <i>Giardia</i> | Virus |
| Conventional | 99.7 (2.5) | 99 (2.0) |
| Direct and in-line | 99 (2.0) | 90 (1.0) |

(ii) A system using conventional, direct, or in-line filtration shall be considered to provide effective treatment, if the purveyor demonstrates to the satisfaction of the department that the system meets the:

(A) Turbidity performance requirements under subsection (1) of this section; and

(B) Operations requirements of WAC 246-290-654.

(iii) The department may grant a higher level of *Giardia lamblia* and virus removal credit than listed under (b)(i) of this subsection, if the purveyor demonstrates to the department's satisfaction that the higher level can be consistently achieved.

(iv) As a condition of maintaining the maximum removal credit, purveyors may be required to periodically monitor one or more parameters not routinely monitored under WAC 246-290-664. The department shall notify the purveyor of the type and frequency of monitoring to be conducted.

(v) The department shall not grant removal credit to a system using conventional, direct, or in-line filtration which:

(A) Fails to meet the minimum turbidity performance requirements under subsection (1) of this section;

(B) Fails to meet the operating requirements under WAC 246-290-654.

(vi) The purveyor granted no removal credit shall:

(A) Provide treatment in accordance with WAC 246-290-662 (2)(e); and

(B) Within ninety days of department notification regarding removal credit, submit an action plan to the department for review and approval. The plan shall:

(I) Detail how the purveyor plans to comply with the turbidity performance requirements in subsection (1) of this section and operating requirements of WAC 246-290-654; and

(II) Identify the proposed schedule for implementation.

(c) Slow sand filtration.

The department may grant a system using slow sand filtration 99 percent (2 log) *Giardia lamblia* cyst removal credit and 90 percent (1 log) virus removal credit, if the system meets the department design requirements under WAC 246-290-676 and meets the minimum turbidity performance requirements in subsection (1) of this section.

(d) Diatomaceous earth filtration.

The department may grant a system using diatomaceous earth filtration 99 percent (2 log) *Giardia lamblia* cyst removal credit and 90 percent (1 log) virus removal credit, if the system meets the department design requirements under WAC 246-290-676 and meets the minimum turbidity performance requirements in subsection (1) of this section.

(e) Alternate filtration technology.

The department shall grant, on a case-by-case basis, *Giardia lamblia* cyst and virus removal credit for systems using alternate filtration technology based on results of product testing acceptable to the department.

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NEW SECTION**WAC 246-290-662 Disinfection for filtered systems.****(1) General requirements.**

(a) The purveyor shall provide continuous disinfection to ensure that filtration and disinfection together achieve, at all times the system serves water to the public, at least the following:

- (i) 99.9 percent (3 log) inactivation and removal of *Giardia lamblia* cysts; and
- (ii) 99.99 percent (4 log) inactivation and removal of viruses.

(b) Where sources receive sewage discharges and/or agricultural runoff, purveyors may be required to provide greater levels of removal and inactivation of *Giardia lamblia* cysts and viruses to protect the health of consumers served by the system.

(c) Regardless of the removal credit granted for filtration, purveyors shall, at a minimum, provide continuous disinfection to achieve at least 68 percent (0.5 log) inactivation of *Giardia lamblia* cysts and 99 percent (2 log) inactivation of viruses.

(2) Establishing the level of inactivation.

(a) The department shall establish the level of disinfection (log inactivation) to be provided by the purveyor.

(b) The required level of inactivation shall be based on source quality and expected levels of *Giardia lamblia* cyst and virus removal achieved by the system's filtration process.

(c) Based on period review, the department may adjust, as necessary, the level of disinfection the purveyor shall provide to protect the health of consumers served by the system.

(d) The purveyor using alternate filtration technology shall ensure that disinfection achieves at least the following at all times water is served to the public:

(i) 90 percent (1 log) inactivation of *Giardia lamblia* cysts when granted 99 percent (2 log) *Giardia lamblia* cyst removal credit, or 99.9 percent (3 log) inactivation of cysts when granted less than 99 percent (2 log) *Giardia lamblia* cyst removal credit; and

(ii) 99.9 percent (3 log) inactivation of viruses when granted 90 percent (1 log) virus removal credit, or 99.99 percent (4 log) inactivation of viruses when granted no virus removal credit.

(e) Systems granted no *Giardia lamblia* cyst removal credit.

(i) Unless directed otherwise by the department, the purveyor of a system granted no *Giardia lamblia* cyst removal credit shall provide interim disinfection:

(A) To ensure compliance with the monthly coliform MCL under WAC 246-290-310;

(B) Achieve at least 99.9 percent (3 log) inactivation of *Giardia lamblia* cysts; and

(C) Maintain a detectable residual disinfectant concentration, or an HPC level less than 500/ml, within the distribution system in accordance with subsection (5) of this section.

(ii) The purveyor shall comply with the interim disinfection requirements until the system can demonstrate to the department's satisfaction that it complies with the operating

requirements and turbidity performance requirements under WAC 246-290-654 and 246-290-660(1), respectively.

(3) Determining the level of inactivation.

(a) Unless the department has approved a reduced CT monitoring schedule for the system, each day the system serves water to the public, the purveyor, using procedures and CT values acceptable to the department such as those presented in the *DOH SWTR Guidance Manual*, shall determine:

(i) CTcalc values using the system's treatment parameters and calculate the total inactivation ratio achieved by disinfection; and

(ii) Whether the system's disinfection process is achieving the minimum levels of inactivation of *Giardia lamblia* cysts and viruses required by the department.

(b) The department may allow a purveyor to determine the level of inactivation using lower CT values than those specified in (a) of this subsection, provided the purveyor demonstrates to the department's satisfaction that the required levels of inactivation of *Giardia lamblia* cysts and viruses can be achieved.

(4) Determining compliance with the required level of inactivation.

(a) A purveyor shall be considered in compliance with the inactivation requirement when a total inactivation ratio equal to or greater than one is achieved.

(b) Failure to provide the required level of inactivation on more than one day in any calendar month shall be considered a treatment technique violation.

(5) Disinfectant residual entering the distribution system.

(a) The purveyor shall ensure that all water entering the distribution system contains a residual disinfectant concentration, measured as free or combined chlorine, of at least 0.2 mg/L at all times the system serves water to the public; and

(b) Failure to provide a 0.2 mg/L residual at entry to distribution for more than one hour on any day shall be considered a treatment technique violation.

(6) Disinfectant residuals within the distribution system.

(a) The purveyor shall ensure that the residual disinfectant concentration in the distribution system, measured as total chlorine, free chlorine, combined chlorine, or chlorine dioxide, is detectable in at least 95 percent of the samples taken each calendar month.

(b) Water in the distribution system with an HPC less than or equal to 500/ml is considered to have a detectable residual disinfectant concentration.

NEW SECTION**WAC 246-290-664 Monitoring for filtered systems.****(1) Source coliform monitoring.**

(a) The purveyor shall ensure that source water samples of each surface or GWI source are:

(i) Collected before the first point of disinfectant application and before coagulant chemical addition; and

(ii) Analyzed for fecal coliform density in accordance with methods acceptable to the department.

(b) At a minimum, the purveyor shall ensure source samples are collected for fecal coliform analysis at a frequency equal to 10 percent of the number of routine coliform samples collected within the distribution system

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each month under WAC 246-290-300, or once per calendar month, whichever is greater up to a maximum of one sample per day.

(2) Source turbidity monitoring.

(a) The purveyor using conventional, direct, or in-line filtration shall measure source turbidity at least once per day on a representative sample collected before disinfection and coagulant addition.

(b) Grab sampling or continuous turbidity monitoring and recording may be used to meet the requirement specified in (a) of this subsection.

(c) Purveyors using continuous turbidity monitoring shall record continuous turbidity measurements at equal intervals, at least every four hours, in accordance with a department-approved sampling schedule.

(3) Filtered water turbidity monitoring.

(a) The purveyor shall continuously monitor and record turbidity:

(i) On representative samples of the system's combined filter effluent, prior to clearwell storage; and

(ii) In accordance with the analytical techniques under WAC 246-290-638.

(b) Purveyors using slow sand filtration or an alternate filtration technology may reduce filtered water turbidity monitoring to one grab sample per day with departmental approval. Reduced turbidity monitoring shall be allowed only where the purveyor demonstrates to the department's satisfaction that a reduction in monitoring will not endanger the health of consumers served by the water system.

(4) Monitoring the level of inactivation and removal.

(a) Each day the system is in operation, the purveyor shall determine the total level of inactivation and removal of *Giardia lamblia* cysts and viruses achieved.

(b) The purveyor shall determine the total level of inactivation and removal based on:

(i) *Giardia lamblia* cyst and virus removal credit granted by the department for filtration; and

(ii) Level of inactivation of *Giardia lamblia* cysts and viruses achieved through disinfection.

(c) At least once per day, purveyors shall monitor the following to determine the level of inactivation achieved through disinfection:

(i) Temperature of the disinfected water at each residual disinfectant concentration sampling point used for CT calculations; and

(ii) If using chlorine, pH of the disinfected water at each chlorine residual disinfectant concentration sampling point used for CT calculations.

(d) Each day during peak hourly flow (based on historical information), the purveyor shall:

(i) Determine disinfectant contact time, T, to the point at which C is measured; and

(ii) Measure the residual disinfectant concentration, C, of the water at the point for which T is calculated. The C measurement point shall be located before or at the first customer.

(e) The department may reduce CT monitoring requirements for purveyors which demonstrate to the department's satisfaction that the required levels of inactivation are consistently exceeded. Reduced CT monitoring shall only be allowed where the purveyor demonstrates to the department's

satisfaction that a reduction in monitoring will not endanger the health of consumers.

(5) Monitoring the disinfectant residual entering the distribution system.

(a) Systems serving more than thirty-three hundred (>3300) people per month.

(i) The purveyor shall continuously monitor and record the residual disinfectant concentration of water entering the distribution system and report the lowest value each day.

(ii) If the continuous monitoring equipment fails, the purveyor shall measure the residual disinfectant concentration on grab samples collected at least every four hours at the entry to the distribution system while the equipment is being repaired or replaced. The purveyor shall have continuous monitoring equipment back on-line within five working days following failure.

(b) Systems serving thirty-three hundred or less (≤ 3300) people per month.

(i) The purveyor shall collect grab samples or use continuous monitoring and recording to measure the residual disinfectant concentration entering the distribution system.

(ii) Purveyors of **community** systems choosing to take grab samples shall collect:

(A) Samples at the following minimum frequencies:

| Population Served | Number/day |
|-------------------|------------|
| 25 - 500 | 1 |
| 501 - 1,000 | 2 |
| 1,001 - 2,500 | 3 |
| 2,501 - 3,300 | 4 |

(B) At least one of the disinfectant residual grab samples at peak hourly flow; and

(C) The remaining samples evenly spaced over the time the system is disinfecting water that will be delivered to the public.

(iii) Purveyors of **noncommunity** systems choosing to take grab samples shall collect samples for disinfectant residual concentration entering the distribution system as directed by the department.

(iv) When grab samples are collected and the residual disinfectant concentration at the entry to distribution falls below 0.2 mg/L, purveyors shall collect a grab sample every four hours until the residual disinfectant concentration is 0.2 mg/L or more.

(6) Monitoring disinfectant residuals within the distribution system.

(a) The purveyor shall measure the residual disinfectant concentration at representative points within the distribution system on a daily basis or as approved by the department.

(b) At a minimum, the purveyor shall measure the residual disinfectant concentration within the distribution system at the same time and location that a routine or repeat coliform sample is collected in accordance with WAC 246-290-300(2) or 246-290-320(2).

(c) The purveyor may measure HPC within the distribution system in lieu of measuring the residual disinfectant concentration in accordance with this subsection.

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NEW SECTION

WAC 246-290-666 Reporting for filtered systems.

(1) The purveyor shall notify the department, as soon as possible, but no later than the end of the next business day, when:

- (a) A waterborne disease outbreak potentially attributable to the water system occurs;
- (b) The turbidity of the combined filter effluent exceeds 5.0 NTU at any time;
- (c) The residual disinfection concentration falls below 0.2 mg/L at the entry point to the distribution system. The purveyor shall also report whether the residual was restored within one hour to 0.2 mg/L or more;
- (d) An event occurs which may affect the ability of the water treatment facility to produce drinking water which complies with this chapter including, but not limited to:
 - (i) Spills of hazardous materials in the watershed; and
 - (ii) Treatment process failures.

(2) The purveyor shall report results of monitoring conducted in accordance with WAC 246-290-664 to the department. Monthly report forms shall be submitted within ten days after the end of each month the system served water to the public.

(3) The purveyor shall report, at a minimum, all the information requested by the department using a department-approved form or format including:

- (a) Water treatment facility operations information;
- (b) Turbidity monitoring results. Continuous measurements shall be reported at equal intervals, at least every four hours, in accordance with a department-approved schedule;
- (c) Disinfection monitoring information including:
 - (i) Level of inactivation achieved;
 - (ii) Residual disinfectant concentrations entering the distribution system; and
 - (iii) Residual disinfectant concentrations within the distribution system.
- (d) Total level of removal and inactivation; and
- (e) A summary of water quality complaints received from consumers served by the water system.

(4) A person certified under chapter 246-292 WAC shall complete and sign the monthly report forms required in this section.

NEW SECTION

WAC 246-290-668 Watershed control. (1) The purveyor shall, to the extent possible, exercise surveillance over conditions and activities in the watershed affecting source water quality. The purveyor shall develop and implement a department-approved watershed control program.

(2) The purveyor shall ensure that an evaluation of the watershed is completed at least every six years. Watershed evaluations shall be performed such that results of the survey are included in the purveyor's water system plan in accordance with WAC 246-290-100 or small water system management program in accordance with WAC 246-290-410, whichever is applicable.

(3) A professional engineer registered in the state of Washington shall direct the conduct of the watershed evaluation and develop a watershed evaluation report.

(4) The purveyor shall submit the report to the department within sixty days of completion of the watershed evaluation.

(5) The report shall describe the watershed, characterize the watershed hydrology, and discuss the purveyor's watershed control program. The report shall also describe:

- (a) Conditions/activities in the watershed which are adversely affecting source water quality;
- (b) Changes in the watershed which could adversely affect source water quality that have occurred since the last watershed evaluation;
- (c) The monitoring program the purveyor uses to assess the adequacy of watershed protection including an evaluation of sampling results; and
- (d) Recommendations for improved watershed control.

NEW SECTION

WAC 246-290-670 Compliance requirements for existing unfiltered systems installing filtration. (1) The purveyor of an existing unfiltered system shall install filtration by:

- (a) June 29, 1993, for systems notified by the department before December 30, 1991, to install filtration; or
- (b) Eighteen months after department notification, for systems notified by the department after December 30, 1991, to install filtration.

(2) The purveyor under an enforcement action or compliance agreement which is dated prior to the effective date of Part 6 of chapter 246-290 WAC, shall adhere to the compliance schedule for installation of filtration established in the departmental order or bilateral compliance agreement in lieu of the dates specified in subsection (1) of this section.

Table 12
COMPLIANCE REQUIREMENTS FOR EXISTING UNFILTERED SYSTEMS NOTIFIED BY THE DEPARTMENT TO INSTALL FILTRATION

| EFFECTIVE DATE | APPLICABLE PART 6 REQUIREMENTS | VIOLATION TYPE | |
|---|--|---------------------|-------------------------------|
| | | Turbidity MCL | Treatment Technique |
| Until June 29, 1993 or until the new water treatment facility produces filtered water served to the public, whichever is later. | Subpart C treatment, monitoring and reporting requirements | Still in effect | As defined in WAC 246-290-632 |
| Beginning June 29, 1993 or when the new water treatment facility first serves filtered water to the public, whichever is later. | Subparts A and B | No longer in effect | As defined in WAC 246-290-632 |

(3) The purveyor required to install filtration shall submit an action plan and schedule to the department for review and approval. The plan shall:

- (a) Be submitted within ninety days of departmental notification; and
- (b) Document the purveyor's plan and implementation schedule to comply with one of the following:
 - (i) Subparts A and B of Part 6 of chapter 246-290 WAC, if continuing to use the surface or GWI source as a permanent source and installing filtration;
 - (ii) Subparts A and D of Part 6 of chapter 246-290 WAC, if abandoning the surface or GWI source and purchasing completely treated water from a department-approved public water system using surface or GWI water; or
 - (iii) All other applicable sections of this chapter, if abandoning the surface or GWI source and developing an alternate department-approved ground water source.

(4) Between written departmental notification of the filtration requirement and installation of filtration, the purveyor shall meet:

(a) The interim disinfection requirements under WAC 246-290-672 or as otherwise directed by the department;

(b) The interim monitoring and reporting requirements under WAC 246-290-674; and

(c) All other applicable requirements of this chapter.

(5) The purveyor installing filtration shall ensure that when completed, the final treatment processes, consisting of filtration and disinfection, will comply with the requirements under WAC 246-290-660 and 246-290-662, respectively.

NEW SECTION

WAC 246-290-672 Interim treatment requirements.

(1) Purveyors of existing unfiltered systems installing filtration shall provide interim disinfection treatment to:

(a) Ensure compliance with the monthly coliform MCL under WAC 246-290-310;

(b) Achieve at least 99 percent (2 log) inactivation of *Giardia lamblia* cysts on a daily basis each month the system serves water to the public unless otherwise directed by the department; and

(c) Maintain a detectable residual disinfectant concentration in the distribution system, measured as total chlorine, free chlorine, or combined chlorine in 95 percent or more of the samples taken each calendar month. Water in the distribution system with an HPC level less than or equal to 500/ml is considered to have a detectable residual disinfectant concentration.

(2) Failure to provide the required level of inactivation in subsection (1)(b) of this section on more than one day in any calendar month shall be considered a treatment technique violation.

(3) The department may require the purveyor to provide higher levels of treatment than specified in subsection (1)(b) of this section when necessary to protect the health of consumers served by the public water system.

(4) Interim treatment requirements shall be met in accordance with a schedule acceptable to the department.

NEW SECTION

WAC 246-290-674 Interim monitoring and reporting. (1) Monitoring. Unless directed otherwise by the department, the purveyor of an existing unfiltered system installing filtration shall:

(a) Conduct interim monitoring in accordance with WAC 246-290-300 and 246-290-320; and

(b) Measure the residual disinfectant concentration within the distribution system at the same time and location that a routine or repeat sample is collected in accordance with WAC 246-290-300(2) or 246-290-320(2).

(2) Reporting.

(a) The purveyor installing filtration shall report to the department as soon as possible, but no later than the end of the next business day, when:

(i) A waterborne disease outbreak potentially attributable to the water system occurs;

(ii) The turbidity of water delivered to the public exceeds 5.0 NTU; or

(iii) The interim disinfection requirements under WAC 246-290-672 are not met.

(b) The purveyor shall report results of monitoring to the department. Monthly report forms shall be submitted within ten days after the end of each month the system served water to the public.

(c) The purveyor shall report, at a minimum, all the information requested by the department using a department-approved form or format including:

(i) Water quality information, including results of monitoring in accordance with WAC 246-290-300 and 246-290-320;

(ii) Disinfection monitoring information;

(iii) A summary of water quality complaints received from consumers served by the system.

NEW SECTION

WAC 246-290-676 Filtration technology and design criteria. (1) General.

(a) The purveyor proposing to construct new water treatment facilities or to make additions to existing water treatment facilities for surface and GWI sources shall ensure that the facilities comply with the treatment, design, and reliability requirements of Part 6 of chapter 246-290 WAC.

(b) The purveyor shall submit an engineering report to the department describing how the treatment facilities will be designed to comply with the requirements specified in Subparts A, B, and C of Part 6 of chapter 246-290 WAC.

(2) Filtration technology.

(a) The purveyor shall select a filtration technology acceptable to the department using criteria such as those outlined in the *DOH SWTR Guidance Manual*. The following filtration technologies are considered acceptable:

(i) Conventional;

(ii) Direct;

(iii) Diatomaceous earth; and

(iv) Slow sand.

(b) In addition to the technologies specified in subsection (1) of this section, alternate filtration technologies may be acceptable, if the purveyor demonstrates to the department's satisfaction all of the following:

(i) Through acceptable third party testing, that system components do not leach or otherwise add substances to the finished water that would violate drinking water standards or food and drug administration regulations, or otherwise pose a threat to public health;

(ii) The technology's effectiveness in achieving at least 99 percent (2 log) removal of *Giardia lamblia* cysts or cyst surrogate particles. On a case-by-case basis, the department may allow, with adequate engineering justification, installation of an alternate filtration technology which achieves less than 99 percent (2 log) removal. Alternate technologies which achieve less than 1.5 log removal shall be considered unacceptable. The purveyor shall demonstrate the technology's removal capability through research conducted:

(A) By a party acceptable to the department; and

(B) In accordance with protocol and standards acceptable to the department.

(iii) Through on-site pilot plant studies or other means, that the filtration technology:

(A) In combination with disinfection treatment consistently achieves 99.9 percent (3 log) removal and inactivation of *Giardia lamblia* cysts and 99.99 percent (4 log) removal and inactivation of viruses; and

(B) Meets the applicable turbidity performance requirements in Table 11.

(3) Pilot studies.

(a) The purveyor shall ensure pilot studies are conducted for all proposed filtration facilities, except where waived based on engineering justification acceptable to the department.

(b) The purveyor shall obtain department approval for the pilot study plan before the pilot filter is constructed and before the pilot study is undertaken.

(c) The pilot study plan shall identify at a minimum:

(i) Pilot filter design;

(ii) Water quality and operational parameters to be monitored;

(iii) Type of data to be collected, frequency of data collection, and length of pilot study; and

(iv) Pilot plant operator qualifications.

(d) The purveyor shall ensure that the pilot study is:

(i) Conducted to simulate proposed full-scale design conditions;

(ii) Conducted over a time period that will demonstrate the effectiveness and reliability of the proposed treatment system during changes in seasonal and climatic conditions; and

(iii) Designed and operated in accordance with good engineering practices and that ANSI/NSF standards 60 and 61 are considered.

(e) When the pilot study is complete, the purveyor shall submit a project report to the department for approval in accordance with WAC 246-290-110.

(4) Design criteria.

(a) The purveyor shall ensure that water treatment facilities for surface and GWI sources are designed and constructed in accordance with good engineering practices documented in references such as those identified in WAC 246-290-200.

(b) Filtration facilities.

(i) The purveyor shall ensure that all new filtration facilities and improvements to any existing filtration facilities (excluding disinfection) are designed to achieve at least:

(A) 99 percent (2 log) removal of *Giardia lamblia* cysts; and

(B) 90 percent (1 log) removal of viruses.

(ii) The purveyor proposing to use an alternate filtration technology which doesn't meet the requirements of (b)(i)(B) of this subsection shall demonstrate to the department's satisfaction that the potential for viral contamination of the source is low. The purveyor shall base the demonstration on results of a watershed evaluation acceptable to the department.

(iii) The purveyor shall ensure that all new filtration facilities contain provisions for filtering to waste with appropriate measures for backflow prevention.

(c) Disinfection systems.

(i) The purveyor shall ensure that disinfection systems for new filtration facilities using other than alternate filtration technologies and improvements to existing disinfection facilities are designed to achieve at least:

(A) 90 percent (1 log) inactivation of *Giardia lamblia* cysts; and

(B) 99.9 percent (3 log) inactivation of viruses.

(ii) The purveyor proposing to use an alternate filtration technology shall ensure that the disinfection system is designed to comply with the following requirements as applicable:

(A) If the department has rated the filtration technology as capable of achieving at least 99 percent (2 logs) removal of *Giardia lamblia* cysts, the purveyor shall ensure that the disinfection system provides at least 90 percent (1 log) inactivation of *Giardia lamblia* cysts; or

(B) If the department has rated the filtration technology as capable of achieving less than 99 percent (2 logs) removal of *Giardia lamblia* cysts, the purveyor shall ensure that the disinfection system provides at least 99.9 percent (3 logs) inactivation of *Giardia lamblia* cysts; and

(C) If the department has determined the filtration technology is not capable of removing viruses, the purveyor shall ensure that the disinfection system achieves at least 99.99 percent (4 log) inactivation of viruses.

NEW SECTION

WAC 246-290-678 Reliability for filtered systems.

(1) The purveyor shall ensure that reliability features are included in all water treatment facilities used to treat surface or GWI sources.

(2) Reliability features shall include but not be limited to:

(a) Alarm devices to provide warning of treatment process failures including coagulation, filtration, and disinfection. Alarm devices shall warn individuals responsible for taking corrective action and/or provide for automatic plant shutdown until corrective action can be taken;

(b) Standby replacement equipment available to assure continuous operation and control of coagulation, filtration and disinfection processes;

(c) Multiple filter units which provide redundant capacity when filters are out of service for backwash or maintenance, except where waived based on engineering justification acceptable to the department.

(3) The department may accept alternatives to the requirements specified in subsection (2) of this section, if the purveyor demonstrates to the department's satisfaction that the proposed alternative will assure an equal degree of reliability.

NEW SECTION

WAC 246-290-680 Operating criteria for new water treatment facilities.

(1) The purveyor shall not serve water produced by a new water treatment facility without departmental approval.

(2) To obtain department approval, the purveyor shall demonstrate to the department's satisfaction compliance with the requirements for filtered systems in Subparts A and B of Part 6 of chapter 246-290 WAC. The purveyor shall make such a demonstration by operating the facility for a department-determined trial period. During the trial period of operation, the purveyor shall, at a minimum, conduct monitoring in accordance with WAC 246-290-664 and as otherwise directed by the department.

NEW SECTION

WAC 246-290-686 Compliance requirements for unfiltered systems. (1) The purveyor using an unfiltered surface or GWI source shall comply with:

- (a) Subparts A and D of Part 6 of chapter 246-290 WAC; and
 - (b) All other applicable sections of this chapter.
- (2) The purveyor shall be subject to the effective dates, compliance requirements, and violations specified in:
- (a) Table 13, when using an unfiltered surface source;
 - or
 - (b) Table 14, when using an unfiltered GWI source.

Table 13
COMPLIANCE REQUIREMENTS
FOR SYSTEMS USING UNFILTERED SURFACE WATER SOURCES

| REQUIREMENTS EFFECTIVE | APPLICABLE PART 6 REQUIREMENTS | VIOLATION TYPE | |
|--|---|---------------------|---|
| | | Turbidity MCL | Treatment Technique |
| From January 1, 1991 through December 29, 1991 | Only Analytical, Monitoring and Reporting requirements (WAC 246-290-638, 246-290-694, and 246-290-696 respectively) | Still in effect | Not in effect yet |
| Beginning December 30, 1991 and thereafter | Subparts A and D | No longer in effect | In effect as defined in WAC 246-290-632 |

Table 14
COMPLIANCE REQUIREMENTS
FOR SYSTEMS USING UNFILTERED GWI SOURCES

| REQUIREMENTS BECOME EFFECTIVE | APPLICABLE PART 6 REQUIREMENTS | VIOLATION TYPE | |
|---|---|---------------------|---|
| | | Turbidity MCL | Treatment Technique |
| Six months after GWI determination | Only Analytical, Monitoring and Reporting requirements (WAC 246-290-638, 246-290-694, and 246-290-696 respectively) | Still in effect | Not in effect yet |
| Eighteen months after GWI determination | Subparts A and D | No longer in effect | In effect as defined in WAC 246-290-632 |

(3) The purveyor of a system purchasing completely treated surface or GWI water shall comply with the disinfection, monitoring, and reporting requirements under WAC 246-290-692 (5)(b), 246-290-694 (6)(b) and 246-290-696(4), respectively.

(4) Purveyors of systems purchasing incompletely treated surface or GWI water shall comply with the treatment technique, monitoring and reporting requirements of Subpart D of Part 6 of chapter 246-290 WAC as directed by the department.

(5) Purveyors of **Group A community** systems using surface water sources had the option to remain unfiltered if they demonstrated compliance with the department's criteria to remain unfiltered by December 30, 1991.

(6) A purveyor using a department-determined GWI may remain unfiltered, if within eighteen months of GWI determination, the purveyor complies with Part 6 of chapter 246-290 WAC and in particular source water quality and site-specific conditions under WAC 246-290-690 as demonstrated through monitoring conducted in accordance with WAC 246-290-694.

(7) After the department makes an initial determination that a system may remain unfiltered, the purveyor shall comply with the source water quality and site-specific conditions under WAC 246-290-690 as demonstrated through monitoring conducted in accordance with WAC 246-290-694.

(8) The purveyor shall install filtration when:
(a) The system fails to meet one or more of the source water quality and site-specific conditions under WAC 246-290-690; or

(b) The department determines that installation of filtration is necessary to protect the health of consumers served by the water system.

(9) The department shall provide written notification to the purveyor of:

- (a) A filtration requirement; and
- (b) An initial determination that the system may remain unfiltered.

(10) The purveyor may comply with the requirements to install filtration by abandoning the surface water or GWI source, and:

- (a) Developing an alternate, department-approved ground water source; or
- (b) Purchasing completely treated water from a department-approved public water system.

NEW SECTION

WAC 246-290-690 Criteria to remain unfiltered. (1) For a system to remain unfiltered, the purveyor using a surface water or GWI source shall meet the source water quality and site-specific conditions under this section, as demonstrated through monitoring conducted in accordance with WAC 246-290-694.

(2) Source water quality conditions necessary to remain unfiltered.

(a) Coliform limits.

(i) The purveyor shall ensure that representative source water samples taken before the first point of disinfection have a fecal coliform density less than or equal to 20/100 ml in 90 percent or more of all samples taken during the six previous calendar months the system served water to the public. Samples collected on days when source water turbidity exceeds 1.0 NTU shall be included when determining compliance with this requirement.

(ii) The purveyor shall submit a written report to the department if no source fecal coliform data has been submitted for days when source turbidity exceeded 1.0 NTU. The report shall document why sample results are not available and shall be submitted with the routine monitoring reports for the month in which the sample results are not available.

(b) Turbidity limits.

(i) The purveyor shall ensure that the turbidity level in representative source water samples taken immediately downstream from the intake and before disinfection does not exceed 5.0 NTU.

(ii) A system failing to meet the turbidity requirements in (b)(i) of this subsection may remain unfiltered, if:

(A) The purveyor demonstrates to the department's satisfaction that the most recent turbidity event was caused by unusual and unpredictable circumstances; and

(B) Including the most recent turbidity event, there have not been more than:

(I) Two turbidity events in the twelve previous calendar months the system served water to the public; or

PERMANENT

(II) Five turbidity events in the one-hundred-twenty previous calendar months the system served water to the public.

(iii) The purveyor of a system experiencing a turbidity event shall submit a written report to the department documenting why the turbidity event(s) occurred. The purveyor shall submit the report with the routine monitoring reports for the month in which the turbidity event(s) occurred.

(iv) The purveyor of a system with alternate, department-approved sources or sufficient treated water storage may avoid a turbidity event by implementing operational adjustments to prevent water with a turbidity exceeding 5.0 NTU from being delivered to consumers.

(v) When an alternate source or treated water storage is used during periods when the turbidity of the surface or GWI source exceeds 5.0 NTU, the purveyor shall not put the surface or GWI source back on-line, until the source water turbidity is 5.0 NTU or less.

(3) Site-specific conditions to remain unfiltered.

(a) Level of inactivation.

(i) The purveyor shall ensure that the *Giardia lamblia* cyst and virus inactivation levels required under WAC 246-290-692(1) are met in at least eleven of the twelve previous calendar months that the system served water to the public.

(ii) A system failing to meet the inactivation requirements during two of the twelve previous calendar months that the system served water to the public may remain unfiltered, if the purveyor demonstrates to the department's satisfaction that at least one of the failures was caused by unusual and unpredictable circumstances.

(iii) To make such a demonstration, the purveyor shall submit to the department a written report documenting the reasons for the failure. The purveyor shall submit the report with the routine monitoring reports for the month in which the failure occurred.

(b) Redundant disinfection components or automatic shut-off.

The purveyor shall ensure that the requirement for redundant disinfection system components or automatic shut-off of water to the distribution system under WAC 246-290-692(3) is met at all times the system serves water to the public.

(c) Disinfectant residual entering the distribution system.

(i) The purveyor shall ensure that the requirement for having a residual entering the distribution system under WAC 246-290-692(4) is met at all times the system serves water to the public.

(ii) A system failing to meet the disinfection requirement under (c)(i) of this subsection may remain unfiltered, if the purveyor demonstrates to the department's satisfaction that the failure was caused by unusual and unpredictable circumstances.

(iii) To make such a demonstration, the purveyor shall submit to the department a written report documenting the reasons for the failure. The purveyor shall submit the report with the routine monitoring reports for the month in which the failure occurred.

(d) Disinfectant residuals within the distribution system.

(i) The purveyor shall ensure that the requirement for maintaining a residual within the distribution system under WAC 246-290-692(5) is met on an ongoing basis.

(ii) A system failing to meet the disinfection requirements under (d)(i) of this subsection may remain unfiltered, if the purveyor demonstrates to the department's satisfaction that the failure was caused by something other than a deficiency in source water treatment.

(iii) To make such a demonstration, the purveyor shall submit to the department a written report documenting the reasons for the failure. The purveyor shall submit the report with the routine monitoring reports for the month in which the failure occurred.

(e) Watershed control.

(i) The purveyor shall develop and implement a department-approved watershed control program.

(ii) The purveyor shall monitor, limit, and control all facilities and activities in the watershed affecting source quality to preclude degradation of the physical, chemical, microbiological (including viral), and radiological quality of the source. The purveyor shall demonstrate, through ownership and/or written agreements acceptable to the department, control of all human activities which may adversely impact source quality.

(iii) A department guideline, titled *DOH SWTR Guidance Manual*, is available to assist purveyors with development and implementation of a watershed control program. At a minimum, the purveyor's watershed control program shall:

(A) Characterize the watershed hydrology and land ownership;

(B) Identify watershed characteristics and activities which may adversely affect source water quality; and

(C) Monitor the occurrence of activities which may adversely affect source water quality.

(iv) If the department determines significant changes have occurred in the watershed, the purveyor shall submit, within ninety days of notification, an updated watershed control program to the department for review and approval.

(v) The department may require an unfiltered system to conduct additional monitoring to demonstrate the adequacy of the watershed control program.

(vi) A purveyor shall be considered out of compliance when failing to:

(A) Have a department-approved watershed control program;

(B) Implement the watershed control program to the satisfaction of the department; or

(C) Conduct additional monitoring as directed by the department.

(vii) The purveyor using a GWI source may use a department-approved wellhead protection program to meet the watershed control program requirements under (e) of this subsection with departmental approval.

(f) On-site inspections.

(i) The department shall conduct on-site inspections to assess watershed control and disinfection treatment.

(ii) The department shall conduct annual inspections unless more frequent inspections are deemed necessary to protect the health of consumers served by the system.

(iii) For a system to remain unfiltered, the on-site inspection shall indicate to the department's satisfaction that the watershed control program and disinfection treatment comply with (e) of this subsection and WAC 246-290-692, respectively.

(iv) The purveyor with unsatisfactory on-site inspection results shall take action as directed by the department in accordance with a department-established schedule.

(g) Waterborne disease outbreak.

(i) To remain unfiltered, a system shall not have been identified by the department as the cause of a waterborne disease outbreak attributable to a failure in treatment of the surface or GWI source.

(ii) The purveyor of a system identified by the department as the cause of a waterborne disease outbreak may remain unfiltered, if the purveyor demonstrates to the department's satisfaction that system facilities and/or operations have been sufficiently modified to prevent another waterborne disease outbreak.

(h) Total coliform MCL.

(i) For a system to remain unfiltered, the purveyor shall ensure that the MCL for total coliform under WAC 246-290-310 is met in at least eleven of the twelve previous calendar months the system served water to the public.

(ii) A system failing to meet the criteria in (i) of this subsection, may remain unfiltered, if the purveyor demonstrates to the department's satisfaction that the total coliform MCL violations were not caused by a deficiency in source water treatment.

(iii) The department shall determine the adequacy of source water treatment based on results of total coliform monitoring at the entry to the distribution system in accordance with WAC 246-290-694(2).

(i) THM MCL and monitoring.

For a system to remain unfiltered, the purveyor shall comply with the THM monitoring and MCL requirements under WAC 246-290-300 and 246-290-310, respectively.

(j) Laboratory services.

(i) For a system to remain unfiltered, the purveyor shall retain the services of the public health laboratory or another laboratory certified by the department to analyze samples for total and fecal coliform. Laboratory services shall be available on an as needed basis, seven days a week, including holidays. The purveyor shall identify in the annual comprehensive report required under WAC 246-290-696 the certified laboratory providing these services.

(ii) The department may waive this requirement, if the purveyor demonstrates to the department's satisfaction that an alternate, department-approved source is used when the turbidity of the surface or GWI source exceeds 1.0 NTU.

NEW SECTION

WAC 246-290-692 Disinfection for unfiltered systems. (1) General requirements.

(a) The purveyor shall provide continuous disinfection treatment to ensure at least 99.9 percent (3 log) inactivation of *Giardia lamblia* cysts and 99.99 percent (4 log) inactivation of viruses at all times the system serves water to the public.

(b) The department may require the purveyor to provide greater levels of inactivation of *Giardia lamblia* cysts and viruses to protect the health of consumers.

(c) Failure to provide the required inactivation level on more than one day in any calendar month the system serves water to the public shall be considered a violation.

(2) Determining the level of inactivation.

(a) Each day the system serves water to the public, the purveyor, using procedures and $CT_{99.9}$ values specified in 40 CFR 141.74, Vol. 54, No. 124, published June 29, 1989, copies of which are available from the department, shall determine:

(i) CT values using the system's treatment parameters and calculate the total inactivation ratio achieved by disinfection; and

(ii) Whether the system's disinfection treatment process is achieving the minimum levels of inactivation of *Giardia lamblia* cysts and viruses required by the department. For purposes of determining compliance with the inactivation requirements specified in subsection (1) of this section, no credit shall be granted for disinfection applied to a source water with a turbidity greater than 5.0 NTU.

(b) The purveyor shall be considered in compliance with the daily inactivation requirement when a total inactivation ratio equal to or greater than 1.0 is achieved.

(c) The purveyor of a system using a disinfectant other than chlorine may use CT values lower than those specified in (a) of this subsection, if the purveyor demonstrates to the department's satisfaction that the required levels of inactivation of *Giardia lamblia* cysts and viruses can be achieved using the lower CT values.

(d) The purveyor of a system using preformed chloramines or adding ammonia to the water before chlorine shall demonstrate to the department's satisfaction that the system achieves at least 99.99 percent (4 log) inactivation of viruses.

(3) The purveyor shall ensure that disinfection facilities provide either:

(a) Redundant components, including an auxiliary power supply with automatic start-up and alarm, to ensure continuous disinfection. Redundancy shall ensure that both the minimum inactivation requirements and the requirement for a 0.2 mg/L residual disinfectant concentration at entry to the distribution system are met at all times water is delivered to the distribution system; or

(b) Automatic shut-off of delivery of water to the distribution system when the residual disinfectant concentration in the water is less than 0.2 mg/L. Automatic shut-off shall be allowed only in systems where the purveyor demonstrates to the department's satisfaction that automatic shutoff will not endanger health or interfere with fire protection.

(4) Disinfectant residual entering the distribution system.

(a) The purveyor shall ensure that water entering the distribution system contains a residual disinfectant concentration, measured as free or combined chlorine, of at least 0.2 mg/L at all times the system serves water to the public; and

(b) Failure to provide a 0.2 mg/L residual at entry to distribution for more than one hour on any day shall be considered a treatment technique violation.

(5) Disinfectant residuals within the distribution system.

(a) The purveyor shall ensure that the residual disinfectant concentration in the distribution system, measured as total chlorine, free chlorine, combined chlorine, or chlorine dioxide, is detectable in at least 95 percent of the samples taken each calendar month.

(b) The purveyor of a system which purchases completely treated surface or GWI water as determined by the

department shall comply with the requirements specified in (a) of this subsection.

(c) Water in the distribution system with an HPC level less than or equal to 500/ml is considered to have a detectable residual disinfectant concentration.

NEW SECTION

WAC 246-290-694 Monitoring for unfiltered systems. (1) Source coliform monitoring.

(a) The purveyor shall ensure that source water samples of each surface or GWI source are representative and:

(i) Collected before the first point of disinfectant application; and

(ii) Analyzed for fecal coliform density in accordance with methods acceptable to the department.

(b) The purveyor shall ensure source samples are collected for fecal coliform analysis each week the system serves water to the public based on the following schedule:

| Population Served | Minimum Number/week* |
|-------------------|----------------------|
| 25 - 500 | 1 |
| 501 - 3,300 | 2 |
| 3,301 - 10,000 | 3 |
| 10,001 - 25,000 | 4 |
| >25,000 | 5 |

* Must be taken on separate days.

(c) Each day the system serves water to the public and the turbidity of the source water exceeds 1.0 NTU, the purveyor shall ensure one representative source water sample is collected before the first point of disinfectant application and analyzed for fecal coliform density. This sample shall count towards the weekly source coliform sampling requirement.

(d) A purveyor shall not be considered in violation of (c) of this subsection, if the purveyor demonstrates to the department's satisfaction that, for valid logistical reasons outside the purveyor's control, the additional fecal coliform sample could not be analyzed within a timeframe acceptable to the department.

(2) Coliform monitoring at entry to distribution.

(a) The purveyor shall collect and have analyzed one coliform sample at the entry point to the distribution system each day that a routine or repeat coliform sample is collected within the distribution system under WAC 246-290-300(2) or 246-290-320(2), respectively.

(b) The purveyor shall use the results of the coliform monitoring at entry to distribution along with inactivation ratio monitoring results to demonstrate the adequacy of source treatment.

(3) Source turbidity monitoring.

(a) The purveyor shall continuously monitor and record turbidity:

(i) On representative source water samples before the first point of disinfectant application; and

(ii) In accordance with the analytical techniques under WAC 246-290-638.

(b) If source water turbidity is not the same as the turbidity of water delivered to consumers, the purveyor shall continuously monitor and record turbidity of water delivered.

(4) Monitoring the level of inactivation.

(a) Each day the system is in operation, the purveyor shall determine the total level of inactivation of *Giardia lamblia* cysts and viruses achieved through disinfection.

(b) At least once per day, the purveyor shall monitor the following parameters to determine the total inactivation ratio achieved through disinfection:

(i) Temperature of the disinfected water at each residual disinfectant concentration sampling point used for CT calculations; and

(ii) If using chlorine, pH of the disinfected water at each chlorine residual disinfectant concentration sampling point used for CT calculations.

(c) Each day during peak hourly flow, the purveyor shall:

(i) Determine disinfectant contact time, T, to the point at which C is measured; and

(ii) Measure the residual disinfectant concentration, C, of the water at the point for which T is calculated. The C measurement point must be before or at the first customer.

(5) Monitoring the disinfectant residual entering the distribution system.

(a) Systems serving more than thirty-three hundred (>3300) people.

(i) The purveyor shall continuously monitor and record the residual disinfectant concentration of water entering the distribution system and report the lowest value each day.

(ii) If the continuous monitoring equipment fails, the purveyor shall measure the residual disinfectant concentration on grab samples collected at least every four hours at the entry to the distribution system while the equipment is being repaired or replaced. The purveyor shall have continuous monitoring equipment back on-line within five working days following failure.

(b) Systems serving thirty-three hundred or less (≤3300) people.

(i) The purveyor shall collect grab samples or use continuous monitoring and recording to measure the residual disinfectant concentration entering the distribution system.

(ii) A purveyor choosing to take grab samples shall collect:

(A) Samples at the following minimum frequencies:

| Population Served | Number/day |
|-------------------|------------|
| 25 - 500 | 1 |
| 501 - 1,000 | 2 |
| 1,001 - 2,500 | 3 |
| 2,501 - 3,300 | 4 |

(B) At least one of the disinfectant residual grab samples at peak hourly flow based on historical flows for the system; and

(C) The remaining sample or samples at intervals evenly spaced over the time the system is disinfecting water that will be delivered to the public.

(iii) When grab samples are collected and the residual disinfectant concentration at the entry to distribution falls below 0.2 mg/L, the purveyor shall collect a grab sample every four hours until the residual disinfectant concentration is 0.2 mg/L or more.

(6) Monitoring disinfectant residuals within the distribution system.

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(a) The purveyor shall measure the residual disinfectant concentration within the distribution system at the same time and location that a routine or repeat coliform sample is collected in accordance with WAC 246-290-300(2) or 246-290-320(2) or once per day, whichever is greater.

(b) The purveyor of a system which purchases completely treated surface or GWI water as determined by the department shall comply with the requirements of (a) of this subsection subject to departmental approval.

(c) The purveyor may measure HPC within the distribution system in lieu of measuring the residual disinfectant concentration in accordance with this subsection.

NEW SECTION

WAC 246-290-696 Reporting for unfiltered systems.

(1) The purveyor shall report to the department as soon as possible, but no later than the end of the next business day, when:

(a) A waterborne disease outbreak potentially attributable to the water system occurs;

(b) The turbidity of water delivered to the public exceeds 5.0 NTU;

(c) The minimum level of inactivation required by the department is not met;

(d) The residual disinfectant concentration falls below 0.2 mg/L at the entry point to the distribution system. The purveyor shall also report whether the residual was restored to 0.2 mg/L or more within one hour; or

(e) The surface or GWI source is taken off-line due to an emergency.

(2) The purveyor shall report results of monitoring conducted in accordance with WAC 246-290-694 to the department. Monthly report forms shall be submitted within ten days after the end of each month the system served water to the public.

(3) The purveyor shall report, at a minimum, all the information requested by the department using a department-approved form or format including:

(a) Water quality information, including the results of both:

(i) Source coliform monitoring; and

(ii) Source turbidity monitoring.

(b) Disinfection monitoring information, including:

(i) Level of inactivation achieved;

(ii) Residual disinfectant concentrations entering the distribution system; and

(iii) Residual disinfectant concentrations within the distribution system.

(c) A summary of water quality complaints received from consumers served by the water system.

(4) The purveyor of a system which purchases completely treated water shall:

(a) Report results of distribution system residual disinfectant concentration monitoring to the department using department-approved forms or format; and

(b) Submit forms to the department in accordance with subsection (1) of this section.

(5) A person certified under chapter 246-292 WAC shall complete and sign the monthly report forms required in this section.

(6) Beginning in 1992, by October 10th of each year, the purveyor shall submit to the department an annual comprehensive report which summarizes the:

(a) Effectiveness of the watershed control program and identifies, at a minimum, the following:

(i) Activities in the watershed which are adversely affecting source water quality;

(ii) Changes in the watershed that have occurred within the previous year which could adversely affect source water quality;

(iii) Activities expected to occur in the watershed in the future and how the activities will be monitored and controlled;

(iv) The monitoring program the purveyor uses to assess the adequacy of watershed protection including an evaluation of sampling results; and

(v) Special concerns about the watershed and how the concerns are being addressed;

(b) System's compliance with the criteria to remain unfiltered under WAC 246-290-690; and

(c) Significant changes in system design and/or operation which have occurred within the previous year which impact the ability of the system to comply with the criteria to remain unfiltered.

(7) The purveyor of a system attempting to remain unfiltered shall submit a *Filtration Decision Report* at the request of the department. The report shall:

(a) Provide the information needed by the department to initially determine whether a system meets the criteria to remain unfiltered; and

(b) Be submitted by the deadline specified by the department.

REPEALER

The following sections of the Washington Administrative Code are repealed:

| | |
|-----------------|-------------------------|
| WAC 246-290-210 | Source protection. |
| WAC 246-290-400 | Operator certification. |
| WAC 246-290-450 | Watershed control. |

WSR 93-08-025 PERMANENT RULES PARKS AND RECREATION COMMISSION

[Filed March 30, 1993, 8:12 a.m., effective May 1, 1993]

Date of Adoption: January 29, 1993.

Purpose: Establishes new state park fees and increases selected fees; establishes definitions of marine trail camping areas, boat launch, trailer dump station, popular destination park and day area parking space.

Citation of Existing Rules Affected by this Order: Amending chapters 352-12 and 352-32 WAC.

Statutory Authority for Adoption: RCW 43.51.040.

Pursuant to notice filed as WSR 93-01-165 on December 23, 1992.

Changes Other than Editing from Proposed to Adopted Version: Addition of annual boat launch permit fee in WAC 352-32-250.

Effective Date of Rule: May 1, 1993.

March 26, 1993
Robert C. Petersen
Chairman

AMENDATORY SECTION (Amending WSR 92-19-098, filed 9/17/92, effective 10/18/92)

WAC 352-12-020 Moorage fees. (1) Vessels moored between 3 p.m. and 8 a.m. at those facilities designated by the commission shall be charged a nightly moorage fee during the period May 1 through September 30, inclusive, according to the following schedule:

(a) Vessels twenty-six feet in length, and over, (~~(\$9.00)~~) **\$11.00** per night;

(b) Vessels under twenty-six feet in length, (~~(\$6.00)~~) **\$8.00** per night: *Provided, however,* This fee shall be applicable all year at Blake Island, Cornet Bay, Fort Worden, Jarrell Cove, and Mystery Bay State Parks;

(c) Vessels moored to state park buoys, \$5.00 per night: *Provided further,* Vessels properly displaying a valid annual permit shall not be charged a nightly moorage fee: *Provided further,* There shall be no moorage fee for any vessel riding on its own anchor: *Provided further,* There shall be no charge for temporary moorage for the purpose of loading or unloading a vessel, such temporary moorage shall be limited to thirty minutes.

(2) A vessel rafted to another vessel shall be charged the appropriate moorage fee based on that vessel's own length.

(3) Except as provided in WAC 352-12-060, any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 92-19-098, filed 9/17/92, effective 10/18/92)

WAC 352-12-030 Annual moorage permits. (1) Annual moorage permits may be obtained for the period January 1 through December 31, inclusive. Application for such permits may be obtained from most state park managers, or by writing to the Commission Headquarters, 7150 Cleanwater Lane, P.O. Box 42650, Olympia, WA 98504-2650.

(2) Annual moorage permits will be issued for a particular vessel. The charge for such permits will be based upon the length of the vessel for which the permit is issued. Annual permits for vessels twenty-six feet in length and over shall cost (~~(\$45.00)~~) **\$55.00**; for vessels under twenty-six feet in length shall cost (~~(\$27.00)~~) **\$35.00**: *Provided, however,* Effective January 1, (~~(1992)~~) **1994**, the permit for vessels twenty-six feet in length and over shall cost (~~(\$55.00)~~) **\$80.00** and for vessels under twenty-six feet in length shall cost (~~(\$35.00)~~) **\$50.00**.

(3) Annual permits shall be visible from outside the vessel, and permanently affixed to the lower left corner of the vessel's left (port) forward windshield, or if not equipped with a windshield, to the left (port) outside transom, or if a sailboat, on the forward portion of the left (port) cabin trunk.

(4) Except as provided in WAC 352-12-060, any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 93-06-001, filed 2/17/93, effective 3/20/93)

WAC 352-32-010 Definitions. Whenever used in this chapter the following terms shall be defined as herein indicated:

(1) "Commission" shall mean the Washington state parks and recreation commission.

(2) "Director" shall mean the director of the Washington state parks and recreation commission.

(3) "Ranger" shall mean a duly appointed Washington state parks ranger who is vested with police powers under RCW 43.51.170, and shall include the park manager in charge of any state park area.

(4) "Person" shall mean all natural persons, firms, partnerships, corporations, clubs, and all associations or combinations of persons whenever acting for themselves or by an agent, servant, or employee.

(5) "Recreation vehicle" shall mean a vehicle/trailer unit, van, pickup truck with camper, motor home, converted bus, or any similar type vehicle which contains sleeping and/or housekeeping accommodations.

(6) "Standard campsite" shall mean a designated camping site which is served by nearby domestic water, sink waste, garbage disposal and flush comfort station. Each campsite includes a camp stove and picnic table.

(7) "Utility campsite" shall mean a standard campsite with the addition of electricity and one or all of the following utility hookups: Domestic water or sewer.

(8) "Primitive campsite" shall mean a campsite not provided with flush comfort station nearby and which may not have any of the amenities of a standard campsite.

(9) "Multiple campsite" shall mean a designated and posted camping facility encompassing two or more individual standard, utility or primitive campsites.

(10) "Camping" shall mean erecting a tent or shelter or arranging bedding, or both, or parking a recreation vehicle or other vehicle for the purpose of remaining overnight.

(11) "Group camping areas" are designated areas usually primitive with minimal utilities and site amenities and are for the use of organized groups. Facilities and extent of development vary from park to park.

(12) "Emergency area" is an area in the park separate from the designated overnight camping area, which may be used for camping between the hours of 9 p.m. and 8 a.m. when no alternative camping facilities are available within reasonable driving distances.

(13) "State park area" shall mean any area under the ownership, management, or control of the commission, including trust lands which have been withdrawn from sale or lease by order of the commissioner of public lands and the management of which has been transferred to the commission, and specifically including all those areas defined in WAC 352-16-020. State park areas do not include the seashore conservation area as defined in RCW 43.51.655 and as regulated under chapter 352-36 WAC.

(14) "Environmental learning centers (ELC)" shall mean those designated specialized facilities (formerly called resident group camps) designed to promote outdoor camping experiences and environmental education by groups in a residential setting. A group can be formalized group or an organized collection of families wishing to camp or use the

ELC. ELCs are located at Camp Wooten, Columbia County; Brooks Memorial State Park, Klickitat County; Sun Lakes State Park, Grant County; Deception Pass State Park, Island and Skagit Counties; Fort Flagler State Park, Jefferson County; Millersylvania State Park, Thurston County; Moran State Park, San Juan County; Fields' Spring State Park, Asotin County; and Sequim Bay State Park, Clallam County.

(15) "Public assembly" shall mean a meeting, rally, gathering, demonstration, vigil, picketing, speechmaking, march, parade, religious service, or other congregation of persons for the purpose of public expression of views of a political or religious nature for which there is a reasonable expectation that more than one hundred persons will attend based on information provided by the applicant. Public assemblies must be open to all members of the public, and are generally the subject of attendance solicitations circulated prior to the event, such as media advertising, flyers, brochures, word-of-mouth notification, or other form of prior encouragement to attend.

Alternatively, the agency director may declare an event to be a public assembly in the following cases: Where evidentiary circumstances and supporting material suggest that more than one hundred persons will attend, even where the applicant does not indicate such an expectation; or where there is reason to expect a need for special preparations by the agency or the applicant, due to the nature or location of the event.

(16) "Camping unit" shall mean a group of people (one or more persons) that is organized, equipped and capable of sustaining its own camping activity.

(17) "Residence" shall mean the long-term habitation of facilities at a given state park for purposes whose primary character is not recreational. "Residence" is characterized by one or both of the following patterns:

(a) Camping at a given park for more than twenty days within a thirty-day time period May 1 through September 30; or thirty days within a sixty-day time period October 1 through April 30. As provided in WAC 352-32-030(7), continuous occupancy of facilities by the same camping unit shall be limited to ten consecutive nights May 1 through September 30 and fifteen consecutive nights October 1 through April 30 in one park, after which the camping unit must vacate the overnight park facilities for three consecutive nights. The time period shall begin on the date for which the first night's fee is paid.

(b) The designation of the park facility as a permanent or temporary address on official documents or applications submitted to public or private agencies or institutions.

(18) "Motorcycle" means every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a farm tractor and a moped.

(19) "Upland" shall mean all lands lying above mean high water.

(20) "Special recreation event" shall mean a group recreation activity in a state park sponsored or organized by an individual or organization that requires reserving park areas, planning, facilities, staffing, or other services beyond the level normally provided at the state park to ensure public welfare and safety and facility and/or environmental protection.

(21) "Marine trail camping areas" are specially designated group camp areas identified with signs, that are near marine water ways, and that have varying facilities and extent of development.

(22) "Boat launch" shall mean any facility located in a state park area designated for the purpose of placing or retrieving any vehicle-borne or trailer-borne watercraft into or out of the water.

(23) "Trailer dump station" shall mean any state park sewage disposal facility designated for the disposal of sewage waste from any recreation vehicle, other than as may be provided in a utility campsite.

(24) "Popular destination park" shall mean any state park designated by the director as a popular destination park because, during the year preceding designation, the park had an average overnight occupancy rate of sixty percent or more during the period of May 21 through September 14.

(25) "Day area parking space" shall mean any designated parking space within any state park area designated for daytime vehicle parking.

AMENDATORY SECTION (Amending WSR 92-10-018, filed 4/29/92, effective 5/30/92)

WAC 352-32-250 Standard fees charged. The following fees shall be charged in all parks operated by the Washington state parks and recreation commission:

(1) Overnight camping - standard campsite: (~~(\$8.00)~~) \$10.00 per night;

(2) Overnight camping - utility campsite: (~~(\$12.00)~~) \$14.00 per night. Payment for utility campsite will be collected whether utility hookups are actually used or not, except when otherwise specified by a ranger. The electrical hookup surcharge reference in WAC 352-32-252(3) shall be \$2.00 per night;

(3) Overnight camping - primitive campsite: (~~(\$4.00)~~) \$5.00 per night for nonmotorized vehicle and (~~(\$5.50)~~) \$7.00 per night for motorized vehicle;

(4) Overnight camping - reservation fee: As specified in WAC 352-32-035;

(5) Overnight camping - multiple campsites: Where campsites are designated and posted as a "multiple campsite," an individual may rent the multiple campsite by paying the multiple campsite fee. The multiple campsite fee will be calculated by multiplying the standard utility or primitive campsite fee, as applicable, by the number of individual campsites to be used in the designated multiple campsite(~~(-)~~);

(6) Group camping area - certain parks: (~~(\$-75)~~) \$1.00 per person per day and/or night; nonrefundable reservation fee - \$10.00. Recreational vehicle campers must pay the primitive campsite fee or other appropriate fee based on facilities available;

(7) Environmental learning center - overnight camping: (~~(\$3.90)~~) \$4.45 per camper per night(~~(- Provided, however, The fee shall be \$4.45 per camper per night, effective June 15, 1992);~~);

(a) Camp Wooten and Cornet Bay environmental learning centers during the season the swimming pools are operational: (~~(\$4.30)~~) \$5.45 per camper per night(~~(- Provided, however, The fee shall be \$5.45 per camper per night, effective June 15, 1992);~~);

(b) Environmental learning center - day use only: \$1.00 multiplied by the minimum capacity established for each environmental learning center or \$1.00 for each member of the group - whichever is higher;

(8) Hot showers: \$.25 for a minimum of six minutes shower time;

(9) Electric stoves: \$.25 for thirty minutes cooking time;

(10) Adirondacks - not to include those located in ELC areas: Same as fee charged for full utility campsite. Occupancy shall be limited to the number of built-in bunks provided;

(11) Extra vehicle ((charge)) overnight parking fee: \$4.00 per night for each additional unhitched vehicle in excess of the one recreational vehicle allowed at each campsite: Provided, An extra vehicle ((charge)) overnight parking fee shall not be imposed when the recreational vehicle and the towed vehicle arrive at the park hitched together, and after the camper has registered for and occupied the assigned campsite either the recreational vehicle or the towed vehicle remain parked at the campsite for the duration of the camper's stay;

(12) Marine park moorage facilities - see WAC 352-12-020 and 352-12-030;

(13) Overnight camping - emergency camp area: The fee shall be the standard campsite fee.

These fees do not apply in those circumstances set forth in WAC 352-32-280 and 352-32-285 as now or hereafter amended.

(14) Unattended vehicle overnight parking permit: Unoccupied vehicles parked overnight in designated areas must obtain a permit by registering and paying the \$4.00 per night permit fee. The permit must be prominently displayed in the vehicle((-));

(15) Campsite reservations - see WAC 352-32-035(6);

(16) Boat launch fee - \$5.00 per day for one or more launches per watercraft per day: Provided, said fee shall not be imposed on vehicles of persons camping within the state park area containing such boat launch; and, Provided, said fee shall not be imposed on vehicles of persons using any recreational housing or conference facilities at Fort Worden State Park; and, Provided, said fee shall not be imposed on vehicles of persons using any environmental learning center; and, Provided, said fee shall not apply to vehicles of persons holding limited income senior citizen, disability or veteran disability passes; and, Provided, said fee shall not apply where prohibited by lease or deed restrictions, or by applicable federal or state law; and, Provided, said fee shall not be imposed on vehicles properly displaying a valid annual boat launch permit;

(17) Annual boat launch permit fee - \$50.00 per calendar year per boat launching vehicle for issuance of an annual boat launch permit. Such permits may be obtained by submitting an application therefor to Washington state parks and recreation commission regional offices, or by writing to the Washington State Parks and Recreation Commission headquarters, 7150 Cleanwater Lane, P.O. Box 42650, Olympia, Washington, 98504-2650. Permits must be displayed in conformance with instructions set forth thereon.

(18) Trailer dump station fee - \$3.00 per use: Provided, such fee shall not be imposed on recreational vehicles using

the dump station while camping within the state park area containing the dump station;

(19) Popular destination park fee - \$1.00 surcharge for use of standard or utility campsite located in a popular destination park during the period of May 21 through September 14;

(20) Day area parking fee - \$3.00 per vehicle per day for use of any designated day area parking space during the period of May 21 through September 14: Provided, said fee shall not be imposed on vehicles used for boat launching which are subject to a boat launch fee as set forth in subsection (16) of this section; and, Provided, said fee shall not be imposed on vehicles of persons camping within the state park area containing such day area parking space; and, Provided, said fee shall not be imposed on vehicles of persons using any recreational housing or conference facilities at Fort Worden State Park; and, Provided, said fee shall not be imposed on vehicles of persons using any environmental learning center; and, Provided, said fee shall not apply to vehicles of persons holding limited income senior citizen, disability or veteran disability passes; and, Provided, said fee shall not apply where prohibited by lease or deed restrictions, or by applicable federal or state law;

(21) Marine trail camping area fee - certain parks: \$1.00 per person per day and/or night.

AMENDATORY SECTION (Amending WSR 91-09-001, filed 4/4/91, effective 5/15/91)

WAC 352-32-252 Off-season senior citizen pass—

Fee. (1) Persons who are senior citizens, are at least sixty-two years of age, and have been residents of Washington state for at least one year shall, upon application to the commission, receive an off-season senior citizen pass which entitles the holder and the holder's camping unit to thirty nights of camping at any camping areas made available by the commission, as well as use of agency mooring facilities, at no cost beyond the charges provided for in subsection (3) of this section, ~~((between the day following the Labor Day legal holiday and April 30))~~ effective October 1 through March 31. Each such pass shall be valid only during one off-season period and may be renewed after being used for thirty nights of camping.

(2) Applications for off-season senior citizen passes shall be made on forms prescribed by the commission and shall be accepted only after August 1 for the following off-season period.

(3) The fee for each off-season senior citizen pass and renewal shall be \$30.00. A surcharge equal to the fee for an electrical hookup established in WAC 352-32-250 shall be assessed for each night an off-season senior citizen pass holder uses a campsite with an electrical hookup.

(4) For pass holders who travel by car or recreational vehicle a camping unit shall include the pass holder and up to seven guests of the holder who travel with the holder and use one campsite or portion of a designated group camping or emergency area. One additional vehicle without built-in sleeping accommodations may be part of the camping unit of a holder at one campsite or portion of a designated group camping or emergency area, when in the judgment of a ranger, the constructed facilities so warrant and the total number of guests of the holder do not exceed seven.

(5) For pass holders who travel by a mode of transportation other than car or recreational vehicle a camping unit shall include the pass holder and up to five guests who travel with the holder and use one campsite or portion of a designated group camping or emergency area.

(6) If a pass holder changes residency to a place outside Washington state during the time period when a pass is valid, the pass holder shall return the pass to the commission.

WSR 93-08-026
PERMANENT RULES
DEPARTMENT OF ECOLOGY
 [Order 92-50—Filed March 30, 1993, 8:52 a.m.]

Date of Adoption: March 30, 1993.

Purpose: Adoption of revised shoreline master program for the city of Dupont into the state master program, chapter 173-19 WAC.

Citation of Existing Rules Affected by this Order: Amending WAC 173-19-3503 City of Dupont shoreline master program.

Statutory Authority for Adoption: RCW 90.58.200 Shoreline Management Act of 1971.

Pursuant to notice filed as WSR 93-04-064 on January 28, 1993.

Effective Date of Rule: Thirty-one days after filing.
 March 30, 1993
 Mary Riveland
 Director

AMENDATORY SECTION (Amending Order 89-41, filed 11/1/89, effective 12/2/89)

WAC 173-19-3503 Dupont, city of. City of Dupont master program approved June 11, 1975. Revision approved October 31, 1989. Revision approved March 24, 1993.

WSR 93-08-028
PERMANENT RULES
DEPARTMENT OF HEALTH
 [Order 351—Filed March 30, 1993, 3:52 p.m.]

Date of Adoption: March 29, 1993.

Purpose: Reduce the impaired veterinarian assessment from \$25 to \$10.

Citation of Existing Rules Affected by this Order: Amending WAC 246-933-990.

Statutory Authority for Adoption: RCW 43.70.250.

Pursuant to notice filed as WSR 93-04-121 on February 3, 1993.

Effective Date of Rule: Thirty-one days after filing.
 March 29, 1993
 Bruce Miyahara
 Secretary

AMENDATORY SECTION (Amending Order 252, filed 3/10/92, effective 4/10/92)

WAC 246-933-990 Fees. The following fees shall be charged by the professional licensing services division of the department of health:

| Title of Fee | Fee |
|---|--------------------|
| Veterinarian: | |
| National board examination (NBE) (initial/retake) | \$150.00 |
| Clinical competency test (CCT) (initial/retake) | 130.00 |
| State examination (initial exam/ initial license) | 225.00 |
| State examination (retake) | 150.00 |
| Specialty licensure (initial exam/initial license) | 225.00 |
| ((Impaired veterinarian assessment | 25.00)) |
| Temporary permit | 100.00 |
| State or specialty license renewal | 115.00 |
| Retired active and renewal | 60.00 |
| Impaired veterinarian assessment | ((25.00)) 10.00 |
| Late renewal penalty (state and specialty license) | 35.00 |
| Late renewal penalty (retired active license) | 20.00 |
| Duplicate license | 15.00 |
| Certification | 25.00 |

WSR 93-08-029
PERMANENT RULES
DEPARTMENT OF HEALTH
 (Veterinary Board of Governors)
 [Order 353B—Filed March 30, 1993, 3:54 p.m.]

Date of Adoption: March 22, 1993.

Purpose: To implement initiatives of the Veterinary Board of Governors.

Citation of Existing Rules Affected by this Order: Repealing WAC 246-935-080; and amending WAC 246-933-010, 246-933-980, 246-935-070, and 246-935-125.

Statutory Authority for Adoption: RCW 18.92.030.

Pursuant to notice filed as WSR 93-04-079 on February 1, 1993.

Effective Date of Rule: Thirty-one days after filing.
 March 22, 1993
 Jerry A. Harsch, D.V.M.
 Chairman

AMENDATORY SECTION (Amending Order 221B, filed 12/4/91, effective 1/4/92)

WAC 246-933-010 Definitions. For the purposes of this chapter, the following words and phrases shall have the following meanings unless the context clearly indicates otherwise. Unless stated, words used in the singular may be read in the plural.

(1) "Advertise" means to announce publicly by any form of media in order to aid directly or indirectly in the sale of a commodity or service.

(2) "Animal" means any species normally recognized as treatable by veterinary medicine.

PERMANENT

(3) "Controlled substances" as defined in RCW 69.50.101.

(4) "Department" means the department of health.

(5) "Drugs" as defined in RCW 69.50.101.

(6) "Health certificate" means a ~~((written testimony))~~ document prepared pursuant to law and which attests to the fact that an animal is in a certain state of health.

(7) ~~("Nonnarcotic Schedule II controlled substance" means: Amphetamine, its salts, optical isomers, and salts of its optical isomers; phenmetrazine and its salts; any substance which contains any quantity of methamphetamine, including its salts, isomers, and salts of its isomers; and methyl phenidate.~~

~~(8))~~ "Patient" means any animal under the care and treatment of a veterinarian.

~~((9))~~ (8) "Secretary" means the secretary of the department of health.

~~((10))~~ (9) "Veterinary board of governors" is that board appointed by the governor pursuant to chapter 18.92 RCW.

NEW SECTION

WAC 246-933-180 Responsibility for maintaining mailing address on file with the board. It is the responsibility of each licensee to maintain a current mailing address on file with the board. The mailing address on file with the board shall be used for mailing of all official matters from the board to the licensee. If charges against the licensee are mailed by certified mail to the address on file with the board and returned unclaimed or are unable to be delivered for any reason, then the board shall proceed against the licensee by default under RCW 34.05.440.

AMENDATORY SECTION (Amending Order 252, filed 3/10/92, effective 4/10/92)

WAC 246-933-980 ((Renewal of licenses)) Licensing/renewal/late penalty. (1) ~~((A veterinarian's license shall be renewed annually on the veterinarian's birth anniversary date. A veterinarian shall apply for renewal by submitting to the department:~~

~~(a) The renewal fee specified in WAC 246-933-990; and~~

~~(b) Evidence of the completion of continuing education if required by WAC 246-933-420.~~

~~(2)) An initial license shall expire on the licensee's next birth anniversary date. The secretary may prorate the licensure fee based upon 1/12th of the annual renewal fee for each full calendar month between the initial issue date and the next anniversary of the applicant's birthdate.~~

~~(2) A veterinarian's license shall be renewed annually on the veterinarian's birth anniversary date. Any renewal that is postmarked or presented to the department after midnight on the expiration date is late and subject to a late renewal penalty fee.~~

~~(3) Failure to timely renew a license shall invalidate the license and all privileges granted by the license. Any licensee subject to the Uniform Disciplinary Act who submits a late renewal which is postmarked or presented to the department more than thirty days after the license expiration date, will be subject to investigation for unprofessional conduct in accordance with RCW 18.130.180(7) for unlicensed practice.~~

~~(4) A veterinarian shall apply for renewal by submitting to the department:~~

~~(a) The renewal fee specified in WAC 246-933-990; and~~

~~(b) Evidence of the completion of continuing education if required by WAC 246-933-420.~~

~~(5) Failure to renew annually shall invalidate the license.~~

~~(a) A veterinarian may reinstate a license that has been expired less than three years by submitting to the department:~~

~~(i) A renewal application provided by the department;~~

~~(ii) The current renewal fee, a renewal fee for each year in which the license was expired, and the late renewal fee as specified in WAC 246-933-990; and~~

~~(iii) Evidence of compliance with the continuing education requirements of WAC 246-933-420.~~

~~(b) A veterinarian may request the reinstatement of a license that has been expired three or more years by submitting to the department:~~

~~(i) A reinstatement application for licensure, including an explanation for the license lapse and a chronology of the applicant's professional activities since the last renewal; and~~

~~(ii) The items specified in (a) (ii) and (iii) of this subsection. The board may require an applicant who has been out of active practice for a period of three or more years to pass the licensing examination to practice veterinary medicine.~~

AMENDATORY SECTION (Amending Order 221B, filed 12/4/91, effective 1/4/92)

WAC 246-935-070 Examination for registration as animal technician. (1) All applicants shall be required to complete ~~((an examination consisting of a written and practical test.~~

~~(2) The written test shall consist of questions on any of the following subjects as they pertain to the animal health care services technicians may perform:~~

~~(a) Anatomy~~

~~(b) Physiology~~

~~(c) Chemistry~~

~~(d) Obstetrics~~

~~(e) Bacteriology~~

~~(f) Histology~~

~~(g) Radiology~~

~~(h) Nursing techniques~~

~~(i) Hygiene~~

~~(j) Dental prophylaxis~~

~~(k) Laboratory procedures~~

~~(l) Other subjects prescribed by the board.~~

~~The questions shall be divided equally between large and small animal health care problems and shall be sufficient in number to satisfy the board of governors that the applicant has been given adequate opportunity to express his or her knowledge relating to these subjects.~~

~~(3) The practical examination shall be supervised by the board of governors or their designees. Each applicant may be required to perform or demonstrate basic animal health care techniques as directed by the board. During the practical examination, each applicant may be required to demonstrate the ability to:~~

~~(a) Take accurate case histories;~~

~~(b) Prepare patient instruments;~~

- ~~(c) Perform dental prophylaxis;~~
- ~~(d) Monitor anesthesia or oxygen equipment;~~
- ~~(e) Apply wound and surgical dressings;~~
- ~~(f) Administer inoculations or vaccinations;~~
- ~~(g) Properly analyze laboratory specimens;~~
- ~~(h) Restrain animals;~~
- ~~(i) Other animal health care services authorized by the board.)~~

the veterinary technician national examination and the Washington state veterinary technician examination

(a) The national examination shall consist of questions on the following areas: Basic sciences, animal care and management/husbandry (including farm, pet, and research animals) and clinical sciences (including small and large animal patient care). The examination is designed to measure essential job-related knowledge at the entry level.

(b) The Washington state examination shall consist of questions pertaining to laws regulating animal technicians and to laws regulating animal health care in the state.

(2) In order to pass examination for registration as an animal technician, the applicant shall attain a minimum grade of:

(a) 1.5 standard deviation below the national mean of the criterion population on the national examination.

(b) Ninety percent on the Washington state examination.

AMENDATORY SECTION (Amending Order 252, filed 3/10/92, effective 4/10/92)

WAC 246-935-125 ((Renewal of registrations))

Registration/renewal/late penalty. ((Effective with the renewal period beginning July 1, 1992, the annual registration renewal date for animal technicians will be changed to coincide with the registrant's birthdate. A registrant's annual renewal fee shall be prorated during the transition period while renewal dates are changed to coincide with the registrant's birthdate. After this conversion to a staggered renewal system, registrants may renew their registration at the annual fee rate for one year from birth anniversary date to birth anniversary date. However, registrants who fail to pay the registration renewal fee on or before the registration expiration date will be subject to the late payment penalty fee as set forth in WAC 246-935-990.)) (1) A registration certificate shall be renewed annually. The date of renewal shall be the registrant's birth anniversary date. An initial registration shall expire on the registrant's next birthdate. The secretary may prorate the registration fee based upon 1/12th of the annual renewal fee for each full calendar month between the initial issue date and the next anniversary of the registrant's birthdate.

(2) Any renewal that is postmarked or presented to the department after midnight on the expiration date is late, and subject to a late renewal penalty fee. Failure to timely renew a registration shall invalidate the registration and all privileges granted by the registration. Any registrant who submits a late renewal which is postmarked or presented to the department more than thirty days after the registration's expiration date, will be subject to investigation for unprofessional conduct in accordance with RCW 18.130.180(7).

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-935-080 Grading of examinations.

WSR 93-08-034

PERMANENT RULES

DEPARTMENT OF FISHERIES

[Order 93-20—Filed March 31, 1993, 3:59 p.m.]

Date of Adoption: March 24, 1993.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order:

Amending WAC 220-55-010, 220-56-105, 220-56-126, 220-56-128, 220-56-131, 220-56-132, 220-56-180, 220-56-235, 220-56-270, 220-56-320, 220-56-325, 220-56-330, 220-56-335, 220-56-350, 220-56-380, 220-56-390, 220-56-245, 220-56-255, 220-56-382, 220-56-240, 220-56-285, 220-56-307, 220-56-310, 220-56-315, 220-57-137, 220-57-160, 220-57-175, 220-57-235, 220-57-255, 220-57-310, 220-57-315, 220-57-319, 220-57-350, 220-57-380, 220-57-460, 220-57-465, 220-57-495, 220-57-445, and 220-57A-183.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to notice filed as WSR 93-04-096 on February 2, 1993.

Changes Other than Editing from Proposed to Adopted Version: WAC 220-56-124, closed period is 10:00 p.m. to 6:00 a.m., options for fly fishing and juvenile-only fishing not adopted; WAC 220-56-235, wolf-eel closure extended to Area 7 and 8; WAC 220-56-320, effective date of crab escape rings changes becomes January 1, 1996; WAC 220-56-325, shrimp fishery will run 9:00 a.m. to 2:00 p.m., Saturday through Tuesday; WAC 220-56-330, crab fishing permitted in Hood Canal during shrimp fishery only when shrimp fishing is open; WAC 220-56-350, adjustments made for clam beach openings; WAC 220-56-380, adjustments made for oyster beach openings; WAC 220-56-245, 1 halibut daily in all waters west of the Bonilla-Tatoosh Line; no size limit restrictions or requirement to land with carcass intact; WAC 220-56-255, halibut season adjustments made; WAC 220-56-382, grandparent added to list of immediate family members; and WAC 220-56-315, only one unit of crab gear allowed per person in Hood Canal during shrimp season.

Effective Date of Rule: Thirty-one days after filing.

March 31, 1993

Robert Turner

Director

AMENDATORY SECTION (Amending Order 89-05, filed 3/20/89)

WAC 220-55-010 Razor clam license ((and razor clam tag)). (((+))) A personal-use razor ((clamming license, hereinafter designated "razor")) clam license((," shall consist of a razor clam license stamp printed by the department of fisheries which has been affixed to a recreational license form and on which recreational license form is written the licensee's razor clam tag number. The license shall be invalid unless the angler identification information on the

~~recreational license form has been completed and the licensee has signed the recreational license form.~~

~~((2) A razor clam tag)) shall consist of a tag printed and issued by the department on which is printed the razor clam ((tag)) license number. The razor clam ((tag)) license shall be provided with an opening for attachment or display on outer clothing and shall be color-coded to designate resident, nonresident, or ((juvenile))senior citizen. The license shall be invalid unless the razor clam digger information on the license has been completed and the digger has signed the license.~~

AMENDATORY SECTION (Amending Order 91-13, filed 4/2/91, effective 5/3/91)

WAC 220-56-105 River mouth definitions. When pertaining to food fish angling, unless otherwise defined, any reference to the mouths of rivers or streams shall be construed to include those waters of any river or stream including sloughs and tributaries upstream and inside of a line projected between the outermost uplands at the mouth. The term "outermost upland" shall be construed to mean those lands not covered by water during an ordinary high tide. The following river mouths are hereby otherwise defined:

- Abernathy Creek - Highway 4 Bridge.
- Bear River - Highway 101 Bridge.
- Bone River - Highway 101 Bridge.
- Chehalis River - U.P. Railway Bridge in Aberdeen.
- Chinook River - The tide gates at the Highway 101 Bridge.
- Cowlitz River - A line projected across the river between two fishing boundary markers set on each bank of the river approximately one-half mile downstream from the lowermost railroad bridge crossing the Cowlitz River.
- Dakota Creek - A line from the outermost headland of the south bank to a house at 1285 Runge Avenue, Blaine, Washington, approximately one-quarter mile downstream from the Blaine Road Bridge.
- Duwamish River - First Avenue South Bridge.
- Elk River - Highway 105 Bridge.
- Entiat River - Highway 97 Bridge.
- Germany Creek - Downstream side of the Highway 4 Bridge.
- Hoquaim River - Highway 101 Bridge.
- Humtulpis River - Mouth of Jessie Slough.
- Johns River - Highway 105 Bridge.
- Kennedy Creek - An arc 500 yards east of the midpoint of the northbound Highway 101 Bridge.
- Lake Washington Ship Canal - Line 400 feet below the fish ladder at the Chittenden Locks.
- Lewis River - A straight line running from a boundary marker on a piling at Austin Point ~~((south))~~ southerly across the Lewis River to a boundary marker on the opposite shore.
- Methow River - Highway 97 Bridge.
- Mill Creek - Downstream side of the Highway 4 Bridge.
- Naselle River - Highway 101 Bridge.
- North Nemah River - Line from markers approximately one-half mile below the Highway 101 Bridge.
- Niawiakum River - Highway 101 Bridge.

- North River - Highway 105 Bridge.
- Palix River - Highway 101 Bridge.
- Puyallup River - 11th Street Bridge.
- Samish River - The Samish Island Bridge (Bayview-Edison Road).
- Sammamish River - Kenmore Highway Bridge.
- Skagit River - A line projected from the terminus of the jetty with McGlinn Island to the white monument on the easterly end of Ika Island, then to a white monument on the westerly end of Craft Island, then to a white monument near the corner of the levee on the westerly side of Dry Slough, and then to a white monument on the easterly side of Tom Moore Slough.
- Skamokawa Creek - Highway 4 Bridge.
- Skookum Creek - A line 400 yards below the old railroad bridge.
- Snohomish River - Burlington Northern Railway Bridges crossing main river and sloughs.
- South Nemah River - Lynn Point 117 degrees true to the opposite shore.
- Tucannon River - State Highway 261 Bridge.
- Wallace River - The furthest downstream railroad bridge.
- Washougal River - A straight line from the Crown Zellerbach pumphouse southeasterly across the Washougal River to the east end of the Highway 14 Bridge near the upper end of Lady Island.
- Whatcom Creek - A line projected approximately 14 degrees true from the flashing light at the southwesterly end of the Port of Bellingham North Terminal to the southernmost point of the dike surrounding the Georgia Pacific treatment pond.
- White Salmon River - Highway 14 Bridge.
- Little White Salmon River - At boundary markers on river bank downstream from the federal salmon hatchery.
- Willapa River - Highway 101 Bridge.
- Yakima River - Highway 240 Bridge.

NEW SECTION

WAC 220-56-124 Unlawful provisions—Hoodspout Hatchery. During the period October 16 through November 30, those waters of Catch Record Card Area 12 within a 1,000 foot arc seaward of yellow buoys at the mouth of Finch Creek at the Hoodspout Salmon Hatchery are regulated as provided for in this section:

- (1) These waters are open to salmon angling regardless of the status of the surrounding waters of Area 12.
- (2) If the surrounding waters are open to salmon angling, the bag and possession limit are the same as in the surrounding waters. If the surrounding waters are closed, there is a special daily bag limit of three chum salmon.
- (3) During the period October 16 through November 30 it is unlawful to fish for or possess salmon taken from these waters from 10:00 p.m. to 6:00 a.m.

AMENDATORY SECTION (Amending WSR 90-06-026, filed 2/28/90, effective 3/31/90)

WAC 220-56-126 Unlawful provisions—Duwamish Waterway. During the period ~~((September))~~ July 1 through ((October 15)) November 30, in those waters of the Duwamish Waterway downstream from the First Avenue South Bridge to an east-west line through SW Hanford Street on Harbor Island and parallel to SW Spokane Street where it crosses Harbor Island:

(1) It is unlawful to take, fish for or possess salmon using any gear other than that gear that meets the requirements of this subsection:

(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 must not exceed 3/4 inch from point to shank. Nonbuoyant natural bait lures may have up to two single hooks not exceeding 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 take, 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 91-13, filed 4/2/91, effective 5/3/91)

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 one mile 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 Bayview Market Building to a point 100 yards north of the railroad bridge located on the western side of the inlet opposite the Bayview 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 within a radius of one hundred feet from the confluence of Finch Creek with tidewater adjacent to the Hood Canal Salmon Hatchery are closed December 1 through October 31. Those waters within 50 feet of the confluence are closed from November 1 through November 30.

(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 the Burlington Northern Railroad Bridge are closed to salmon angling. For food fish other than salmon, those waters easterly of the Burlington Northern Railroad Bridge are closed June 1 through September 30. During the period October 1 through May 31 it is lawful to fish for food fish other than salmon up to the mouth of the Lake Washington Ship Canal.

(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 Chittendon 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 in Hood Canal are closed to the taking of food fish other than salmon at all times.

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

AMENDATORY SECTION (Amending Order 82-19, filed 3/18/82)

WAC 220-56-131 Elliott Bay public fishing pier underwater artificial reef area. ~~((+))~~ It is unlawful to ~~((take,))~~ fish for or possess food fish or shellfish taken ~~((by any means from))~~ within ~~((the boundaries))~~ 100 yards of the ~~((underwater artificial reef surrounding the))~~ Elliott Bay public fishing pier ~~((as described in subsection (2) of this section,))~~ except while fishing from the Elliott Bay public fishing pier.

~~((2) Elliott Bay public fishing pier underwater artificial reef area includes those waters lying inside connecting lines projected from:~~

~~((a) The northwesterly white fishing boundary marker on the shore to the most westerly reef marker buoy;~~

~~((b) The most westerly reef marker buoy to the most easterly reef marker buoy;~~

~~((c) The most easterly reef marker buoy to the southeasterly white fishing boundary marker on the shore; and~~

~~((d) Along the shoreline from the southeasterly white fishing boundary marker to the northwesterly white fishing boundary marker.))~~

AMENDATORY SECTION (Amending Order 84-22, filed 4/11/84)

WAC 220-56-132 Les Davis public fishing pier underwater artificial reef area. ~~((+))~~ It is unlawful to ~~((take;))~~ fish for or possess food fish or shellfish taken ~~((by any means from))~~ within ~~((the boundaries))~~ 100 yards of the ~~((underwater artificial reef described in subsection (2) of this section))~~ Les Davis public fishing pier except while fishing from the Les Davis public fishing pier.

~~((2))~~ ~~The Les Davis public fishing pier underwater artificial reef area includes those waters lying inside lines projected from the southeasterly white fishing boundary marker on the shore to the easterly reef marker buoy thence to the westerly reef marker buoy thence to the northwesterly white fishing boundary marker on shore.)~~

AMENDATORY SECTION (Amending Order 91-40, filed 6/27/91, effective 7/28/91)

WAC 220-56-180 Bag limit codes. (1) Code A: In waters having this code designation, the bag 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:

- Chinook over 24 inches in length
- Coho over 20 inches in length
- Pink, chum or sockeye over 12 inches in length
- Atlantic salmon (no minimum length).

(2) Code C: In waters having this code designation, the bag 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 bag 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 bag limit in any one day is two salmon including Atlantic salmon provided that:

(a) 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 bag 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 bag limit in any one day is three salmon including Atlantic salmon provided that:

(a) 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.

(c) In contiguous marine waters of Puget Sound east of the mouth of the Sekiu River, no more than two of the three salmon daily bag limit may be chinook, except the daily bag limit in Catch Record Card Area 12 is three salmon of any species.

(d) During the period July 1 through September 30 the daily bag 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 bag limit, size restrictions, and opening and closing dates are the same as those for gamefish as regulated under Title 77 RCW by the Washington wildlife commission. Salmon angling catch record card is not required, but a gamefish license is required to take, fish for or possess gamefish.

(8) The possession limit in all waters regulated under Bag Limits A, C, D, F, G, H, and special bag limits shall not exceed the equivalent of two daily bag limits of fresh salmon, and additional salmon may be possessed in frozen or processed form. The possession limit in waters regulated under Bag Limit I is the same as the possession limit for gamefish as regulated under Title 77 RCW by the Washington wildlife commission.

(9) In all freshwater areas where the bag limit allows adult salmon to be taken, it is unlawful to continue to fish for salmon after the adult portion of the bag limit has been retained.

AMENDATORY SECTION (Amending Order 92-19, filed 5/12/92, effective 6/12/92)

WAC 220-56-235 Possession limits—Bottomfish. It is unlawful, unless otherwise provided, for any one person to take in any one day more than the following quantities of bottomfish for personal use. The possession limit at any one time shall not exceed the equivalent of two daily bag limits of fresh bottomfish. Additional bottomfish may be possessed in a frozen or processed form.

(1) Coastal (Catch Record Card Areas 1 through 4):

(a) Lingcod:

(i) 3 fish in Catch Record Card Areas 1 through 3 and Area 4 west of ~~((a))~~ the Bonilla-Tatoosh line ~~((projected from the most westerly point on Cape Flattery to the Tatoosh Island light, thence to Bonilla Point))~~;

(ii) 2 fish in Catch Record Card Area 4 east of ~~((a))~~ the Bonilla-Tatoosh line ~~((projected from the most westerly point on Cape Flattery to the Tatoosh Island light, thence to Bonilla Point))~~).

(b) Rockfish - 12 fish except 15 fish if taken from Catch Record Card Area 1.

(c) Surfperch (excluding shiner perch) - 15 fish.

(d) Wolfeel - 2 fish east of the Bonilla-Tatoosh line.

(e) Cabezon - 2 fish east of the Bonilla-Tatoosh line.

(f) All other species - no limit.

(2) Inner Puget Sound (Catch Record Card Areas 5 through 13):

(a) ~~((East of the mouth of the Sekiu River and west and north of a line from Point Partridge to Point Wilson and west of a line between West Point on Whidbey Island and Reservation Head on Fidalgo Island.))~~ Catch Record Card

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Areas 5 (~~through 7~~) and 6 - 15 fish in the aggregate of all species and species groups of bottomfish, which may include no more than:

| | |
|---------------------------|---------------|
| Rockfish | 10 fish |
| Surfperch | 10 fish |
| Pacific cod | 15 fish |
| Pollock | 15 fish |
| Flatfish (except halibut) | 15 fish |
| Lingcod | 1 fish |
| <u>Wolf-eel</u> | <u>2 fish</u> |
| <u>Cabezon</u> | <u>2 fish</u> |

(b) Catch Record Card Area 7 - 15 fish in the aggregate of all species of bottomfish, which may include no more than:

| | |
|----------------------------------|----------------|
| <u>Rockfish</u> | <u>10 fish</u> |
| <u>Surfperch</u> | <u>10 fish</u> |
| <u>Pacific cod</u> | <u>15 fish</u> |
| <u>Flatfish (except halibut)</u> | <u>15 fish</u> |
| <u>Lingcod</u> | <u>1 fish</u> |
| <u>Wolf-eel</u> | <u>0 fish</u> |
| <u>Cabezon</u> | <u>2 fish</u> |

~~(c) ((All contiguous marine waters east and south of a line from Point Partridge to Point Wilson and east of a line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island (c))~~ Catch Record Card Areas 8-1 through 13((+)) - 15 fish in the aggregate of all species and species groups of bottomfish, which may include no more than:

| | |
|---------------------------|---------------|
| Rockfish | 5 fish |
| Surfperch | 10 fish |
| Pacific cod | 2 fish |
| Pollock | 5 fish |
| Flatfish (except halibut) | 15 fish |
| Lingcod | 1 fish |
| <u>Wolf-eel</u> | <u>0 fish</u> |
| <u>Cabezon</u> | <u>2 fish</u> |

~~((+))~~ (d) It is unlawful to possess lingcod taken by angling less than 26 inches in length or greater than 40 inches in length.

~~((+))~~ (e) The daily bag limit taken by spear fishing may include no more than one lingcod. There is no size restriction on the one lingcod allowed in the daily bag limit if taken by spear fishing.

~~((+))~~ (f) It is unlawful to use a gaff to land lingcod taken in Catch Record Card Areas 5 through 13.

AMENDATORY SECTION (Amending Order 80-12, filed 2/27/80, effective 4/1/80)

WAC 220-56-270 Smelt—Areas and seasons. (1) Smelt fishing is permitted the entire year on Pacific Ocean beaches and in all rivers.

(2) Except as provided in subsection (3) of this section, smelt fishing is open in Puget Sound and the Strait of Juan de Fuca ((are open)) the entire year except they are closed weekly from 8:00 a.m. Wednesday to 8:00 a.m. Friday for all types of gear except jigger gear.

(3) That portion of Catch Record Card Area 7 south of a line projected true east from the south tip of the Cap Sante Peninsula and north of the Burlington Northern Railroad Bridge at the north end of Swinomish Slough is closed to the

taking of smelt for personal use from October 16 through April 15.

AMENDATORY SECTION (Amending Order 92-19, filed 5/12/92, effective 6/12/92)

WAC 220-56-320 Shellfish gear—Unlawful acts. (1) It is unlawful for the owner or operator of any personal use shellfish gear to leave such gear unattended in the waters of the state unless said gear is marked with a buoy to which shall be affixed in a permanent visible and legible manner the first and last name and permanent mailing address of the operator, and in the case of Hood Canal shrimp gear, the name and address must appear exactly as it occurs on the recreational license form. It is unlawful for more than one person's name and address to appear on the same marker buoy. Unattended shellfish gear left in the waters of Puget Sound must have the line attaching the buoy to the pot weighted sufficiently to prevent the line from floating on the water's surface. The following additional requirements apply to buoys attached to unattended shellfish pots in Puget Sound waters:

(a) All buoys must consist of durable material and remain floating on the water's surface when at least 5 pounds of weight are attached. It is unlawful to use bleach, antifreeze or detergent bottles, paint cans or any other container.

(b) All buoys attached to shrimp gear must be yellow or fluorescent yellow in color. Flags and staff, if attached, may be any color.

(c) All buoys attached to crab gear must be half red or half fluorescent red in color and half white in color. Flags and staff, if attached, may be any color.

(d) The number of pots attached to each buoy must be marked on the buoy in a manner that is visible and legible at all times.

(2) The maximum perimeter of any shrimp pot shall not exceed 10 feet, and the pot shall not exceed 1-1/2 feet in height.

(3) It is unlawful to ~~((take;))~~ fish for or possess crab taken with shellfish pot gear that are equipped with tunnel triggers or other devices which prevent free exit of crabs under the legal limit unless such gear is equipped with not less than one escape ring not less than 4-1/8 inches inside diameter located in the upper half of the crab pot.

Effective January 1, 1996, it is unlawful to fish for crab with shellfish pot gear unless such gear has two escape rings located in the upper half of the pot:

(a) Not less than 4-1/4 inches in diameter if used in Puget Sound outside Hood Canal; or

(b) Not less than 4-1/8 inches in diameter if used in Hood Canal, the Columbia River, Grays Harbor, Willapa Bay, or the Pacific Ocean.

(4) It is unlawful to take, fish for or possess shrimp taken for personal use with shellfish pot gear in the waters of Hood Canal southerly of the site of the Hood Canal Floating Bridge unless such gear meets the following requirements:

(a) The entire top, bottom, and sides of the shellfish pots must be constructed of mesh material and except for the entrance tunnels have the minimum mesh opening size defined below.

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(b) The minimum mesh opening size for Hood Canal shrimp pots is defined as a mesh that a 7/8-inch square peg will pass through each mesh without changing the shape of the mesh opening.

(c) All entrance tunnels must open into the pot from the side.

(d) The sum of the maximum widths of all entrance tunnels must not exceed 1/2 the perimeter of the bottom of the pot.

(5) It is unlawful to fish for or possess shellfish taken for personal use with shellfish pot gear unless the gear allows for escapement using at least one of the following methods:

(a) Attachment of pot lid hooks or tiedown straps with a single strand or loop of untreated, 100 percent cotton twine no larger than thread size 120 so that the pot lid will open freely if the twine or fiber is broken.

(b) An opening in the pot mesh no less than three inches by five inches which is laced or sewn closed with untreated, 100 percent cotton twine no larger than thread size 120. The opening must be located within the top half of the pot and be unimpeded by the entry tunnels, bait boxes, or any other structures or materials.

(c) Attachment of pot lid or one pot side serving as a pot lid with no more than three single loops of untreated 100 percent cotton or other natural fiber twine no larger than thread size 120 so that the pot lid or side will open freely if the twine or fiber is broken.

(6) Shellfish pots must be set in a manner that they are covered by water at all times.

AMENDATORY SECTION (Amending Order 89-12, filed 3/16/89)

WAC 220-56-325 Shrimp—Areas and seasons. (1) The following areas shall be defined as personal use shrimp fishing Districts 1 through 6:

(a) Shrimp District 1 - All waters south of a line from McCurdy Point on the Quimper Peninsula to the northern tip of Protection Island, to Rocky Point on the Miller Peninsula, and including all waters of Discovery Bay;

(b) Shrimp District 2 - All waters of Griffin Bay south of a line projected east-west through Turn Rock Light from San Juan Island to Lopez Island, and north of a line projected east from Cattle Point on San Juan Island to Lopez Island;

(c) Shrimp District 3 - All waters of Port Angeles Harbor west of a line from the eastern tip of Ediz Hook to the ITT-Rayonier dock;

(d) Shrimp District 4 - All waters of Sequim Bay south of a line projected west from Travis Spit on the Miller Peninsula;

(e) Shrimp District 5 - All waters of Hood Canal south of the Hood Canal Floating Bridge;

(f) Shrimp District 6 - All waters of Carr Inlet north of a line from Penrose Point to Green Point.

(2) It shall be unlawful to fish for or possess shrimp taken for personal use from the following areas, except as provided in this subsection:

(a) District 1 - May 16 through September 15;

(b) District 2 - May 16 through September 15;

(c) District 3 - May 16 through September 15;

(d) District 4 - Closed to all shrimp fishing;

(e) District 5 - 9:00 a.m. on the third Saturday in May until closed by emergency regulation. Open 9:00 a.m. Saturday to 2:00 p.m. Tuesday each week during the season set by emergency regulation. Shrimp pots may only be pulled between the hours of 9:00 a.m. and 2:00 p.m. All shrimp gear must be removed from the water from 2:00 p.m. Tuesday through 9:00 a.m. Saturday of each week;

(f) District 6 - Closed to all shrimp fishing;

(g) All other areas - April 16 through October 15.

(3) It is unlawful to possess spot shrimp taken for personal use from Catch Record Card Area 6 that are less than 6 inches in length and it is unlawful to land spot shrimp that are less than 6 inches in length in any port in Catch Record Card Area 6. The length of spot shrimp is measured from the tip of the rostrum to the tip of the tail.

AMENDATORY SECTION (Amending WSR 90-06-026, filed 2/28/90, effective 3/31/90)

WAC 220-56-330 Crab—Areas and seasons. (1) It is unlawful to fish for or possess crab taken for personal use with shellfish pot gear or to have in the water, set or fish any shellfish pot gear except during the open shellfish pot gear season. The open shellfish pot gear season for crab in Puget Sound waters may open by emergency regulation prior to July 16, but if not previously opened by emergency regulation will open July 16 through April 15. The open shellfish pot gear season in waters of the Pacific Ocean, Grays Harbor, Willapa Harbor, and waters of the Columbia River is December 1 through September 15.

(2) Except as provided in subsection (1) of this section and except when waters of Hood Canal are open to recreational shrimp fishing, it is lawful to fish for and possess male Dungeness crabs taken for personal use the entire year in state waters.

(3) Except as provided in subsection (1) of this section and except when waters of Hood Canal are open to recreational shrimp fishing, it is lawful to fish for and possess red rock crabs of either sex taken for personal use the entire year in state waters.

(4) On days that Hood Canal is open to recreational shrimp fishing, it is unlawful to fish for or possess crab taken with shellfish pot or ring net gear except during the times that it is lawful to fish for shrimp.

AMENDATORY SECTION (Amending Order 92-19, filed 5/12/92, effective 6/12/92)

WAC 220-56-335 Crab—Unlawful acts. (1) It is unlawful for any person to take or possess for personal use any female Dungeness crabs.

(2) It is unlawful to take or possess any male Dungeness crabs taken for personal use which measure less than the following sizes:

(a) In Puget Sound (all contiguous waters east of the Bonilla-Tatoosh Line) except those waters of Hood Canal south of the Hood Canal Floating Bridge - 6 1/4 inch minimum size.

(b) In those waters of Hood Canal south of the Hood Canal Floating Bridge - 6 inch minimum size.

(c) In coastal waters west of the Bonilla-Tatoosh Line, Pacific Ocean waters, Grays Harbor, Willapa Bay and the Columbia River - 6 inch minimum size.

(3) All measurement shall be made (~~horizontally across the back~~) at the widest part of the shell (caliper measurement) immediately in front of the points (tips).

(4) It is unlawful to possess in the field any crab or parts thereof without retaining the back shell.

AMENDATORY SECTION (Amending Order 92-19, filed 5/12/92, effective 6/12/92)

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 except that (~~it is unlawful to take, dig for or possess such shellfish taken for personal use:~~

~~(a) West of the tip of Dungeness Spit from April 1 through October 31.~~

~~(b) Garrison Bay: All state owned and federally owned tidelands of Guss Island and those tidelands south of a boundary marker located approximately 1,010 yards southerly of Bell Point are closed to clam digging the entire year. Those tidelands north of the above described boundary marker are open to harvest the entire year.~~

~~(c) Saltwater State Park—All state owned tidelands at Saltwater State Park shall be closed to the personal use harvest of all species of clams from June 16 through December 31.~~

~~(d) Twanoh State Park—All state owned tidelands at Twanoh State Park shall be closed to the personal use harvest of all species of clams through April 15, 1993.~~

~~(e) Kayak Point County Park—All county owned tidelands at Kayak Point County Park are closed except county tidelands north of the county fishing pier are open January 1 to June 15 of even numbered years and county tidelands south of the pier are open January 1 to June 15 of odd numbered years.~~

~~(f) Point Whitney—All state owned tidelands at Point Whitney are closed to clam digging May 16, 1992, through April 15, 1993.~~

~~(g) Point Whitney Lagoon—Closed April 16 through August 15, 1992, and September 16, 1992, through April 15, 1993.~~

~~(h) Camano Island—All state owned tidelands at Camano Island State Park are closed to clam digging April 16 through May 31, 1992, and July 1, 1992, through April 15, 1993.~~

~~(i) Port Townsend Ship Canal—The state owned tidelands along the east shore of the canal between Port Townsend Bay and Oak Bay are closed to clam digging April 16 through May 31, 1992, and January 1 through April 15, 1993.~~

~~(j) Sequim Bay State Park—All tidelands at Sequim Bay State Park south of the boat ramp are closed May 16, 1992, through April 15, 1993.~~

~~(k) Fort Flagler State Park—closed July 1 through September 30, 1992.~~

~~(l) Illahee State Park—closed August 1, 1992, through April 15, 1993.~~

~~(m) Penrose Point State Park—closed August 1 through September 30, 1992.~~

~~(n) Spencer Spit State Park—closed August 1 through December 31.~~

~~(o) Department of fisheries tidelands at Hoodspout Salmon Hatchery—closed year round.~~

~~(p) Puget Sound state oyster reserves are closed to clam digging the entire year except the following areas are open for personal use clam harvest:~~

~~(i) Oakland Bay—The state owned oyster reserve tidelands on the channel of the northwest shore of the Bayshore Peninsula between department markers.~~

~~(ii) Case Inlet—The state owned oyster reserve tidelands on the east side of North Bay at the north end of the inlet)) public tidelands at the following beaches are closed unless otherwise provided:~~

~~(a) Brown Point - DNR Beach 57-B is open April 16 through May 15.~~

~~(b) Fort Flagler State Park: Open April 16 through June 15.~~

~~(c) Garrison Bay: Tidelands at Guss Island and those tidelands south of a boundary marker located approximately 1,010 yards southerly of Bell Point are closed the entire year.~~

~~(d) Hoodspout: Tidelands at Hoodspout Salmon Hatchery are closed the entire year.~~

~~(e) Hope Island State Park: Open April 16 through June 30.~~

~~(f) Illahee State Park: Open April 16 through July 31.~~

~~(g) Kayak Point County Park: All tidelands are closed except tidelands north of the county fishing pier are open April 16 through May 15 of even-numbered years and tidelands south of the county fishing pier are open April 16 through May 15 of odd-numbered years.~~

~~(h) Oak Bay, East: Open April 16 through May 31.~~

~~(i) Oak Bay, West: Open April 16 through June 30.~~

~~(j) Oyster Reserves: Puget Sound state oyster reserves are closed the entire year except the following are open the entire year:~~

~~(i) Case Inlet: Tidelands on the east side of North Bay at the north end of the inlet.~~

~~(ii) Oakland Bay: Tidelands on the channel of the northwest shore of the Bayshore Peninsula between department markers.~~

~~(k) Penrose Point State Park: Open April 16 through April 30.~~

~~(l) Point Whitney: Open April 16 through May 31.~~

~~(m) Point Whitney Lagoon: Open May 15 through May 31.~~

~~(n) Point White: Open April 16 through September 30.~~

~~(o) Rendsland Creek: Open April 16 through June 15.~~

~~(p) Shine Tidelands: Open April 16 through July 15.~~

~~(q) Spencer Spit State Park: Open April 16 through July 31.~~

~~(r) Strait of Juan de Fuca: All beaches west of the tip of Dungeness Spit: Open November 1 through March 31.~~

~~(s) Twanoh State Park: Closed the entire year.~~

(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 92-19, filed 5/12/92, effective 6/12/92)

WAC 220-56-380 Oysters—Areas and seasons. (1) ~~((It is unlawful to take oysters for any purpose from state oyster reserves without written permission of the director of fisheries.~~

(2)) It is lawful to take and possess oysters taken for personal use from public tidelands the entire year, except ~~((it is unlawful to take or possess oysters taken from the following areas during the periods indicated:~~

(a) ~~Brown Point—closed April 16 through May 15, 1992, and July 1, 1992, through April 15, 1993.~~

(b) ~~Bywater Bay State Tidelands—closed April 16 through May 31, 1992, and July 16, 1992, through April 15, 1993.~~

(c) ~~Point Whitney—closed July 16, 1992, through April 15, 1993.~~

(d) ~~Point Whitney Lagoon—closed April 16 through July 15, 1992. Closed Saturdays and Sundays, July 16 through July 31, 1992. Closed August 1, 1992, through April 15, 1993.~~

(e) ~~Kitsap Memorial State Park—closed April 16 through May 15, 1992, and June 16, 1992, through April 15, 1993.~~

(f) ~~Scenic Beach State Park—closed May 16, 1992, through April 15, 1993.~~

(g) ~~Department of fisheries tidelands at Hoodspout Salmon Hatchery—closed year round.~~

(h) ~~Seal Rock Forest Service Camp Tidelands—closed September 1, 1992, through April 15, 1993.~~

(i) ~~Triton Cove State Park Tidelands—closed April 16 through May 15, 1992, and June 16, 1992, through April 15, 1993.~~

(3)) that public tidelands at the following beaches are closed unless otherwise provided:

(a) Brown Point: DNR Beach 57-B is closed the entire year.

(b) Dewatto Bay: DNR Beach 44-A is open April 16 through July 15.

(c) Eagle Creek: Open April 16 through July 31.

(d) Hoodspout: Tidelands at the Hoodspout Salmon Hatchery are closed the entire year.

(e) Illahee State Park: Open April 16 through April 30.

(f) Kitsap Memorial State Park: Open May 16 through June 30.

(g) Oyster Reserves: All Puget Sound oyster reserves are closed the entire year.

(h) Point Whitney Lagoon: Open July 1 through July 31.

(i) Potlatch State Park: Open April 16 through July 15.

(j) Potlatch: Beach 27044 is open April 16 through May 31.

(k) Rendsland Creek: Open April 16 through July 31.

(l) Scenic Beach State Park: Open April 16 through July 15.

(m) Triton Cove State Park: Open April 16 through July 15.

(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.

AMENDATORY SECTION (Amending Order 83-16, filed 3/17/83)

WAC 220-56-390 Squid, octopus. It is unlawful to take, fish for or possess squid taken for personal use with more than one line. A maximum of four squid lures may be used. If gear utilizes conventional hooks, it shall not exceed a total of nine points. Herring rakes and hand dip net gear may be used to take squid. Octopus may be taken by hand or by any instrument which will not penetrate or mutilate the body except that it is lawful to retain octopus taken while angling with hook and line gear.

AMENDATORY SECTION (Amending Order 92-19, filed 5/12/92, effective 6/12/92)

WAC 220-56-240 Bag limits—Other food fish. It is unlawful for any one person to fish for or possess in any one day more than the following quantities and sizes of food fish taken for personal use:

(1) Sturgeon:

(a) 1 fish not less than 48 inches nor more than 60 inches in length in the Columbia River and tributaries upstream from the ((Dalles Dam)) point where the Columbia River ceases to be the common boundary between Washington and Oregon (located approximately 6.5 miles downstream of Wallula) to the United States/Canada border and those waters of the Snake River and tributaries from its mouth upstream to the powerline crossing below Highway 12 Bridge at Clarkston.

(b) ~~((Except as provided for in subsection (1)(a) of this section, the state wide daily limit for sturgeon is two))~~ 1 fish not less than 48 inches nor more than 66 inches in length in the Columbia River and tributaries upstream from the Dalles Dam to the point where the Columbia River ceases to be the common boundary between Washington and Oregon (located approximately 6.5 miles downstream of Wallula).

(c) 2 fish ((in total)) with the following size restrictions in the Columbia River and tributaries upstream from the Buoy 10 Line to the Dalles Dam:

(i) Minimum size is 40 inches in length;

(ii) Maximum size is ~~((60))~~ 72 inches in length;

(iii) Not more than one of the two fish may be less than 48 inches in length; and

(iv) Not more than one of the two fish may equal or exceed 48 inches in length.

~~((e))~~ (d) 2 fish in all other state waters with the following size restrictions:

(i) Minimum size is 40 inches in length;

(ii) Maximum size is 60 inches in length;

(iii) Not more than one of the two fish may be less than 48 inches in length; and

(iv) Not more than one of the two fish may equal or exceed 48 inches in length.

(e) The possession limit is two daily bag limits of fresh sturgeon. Additional sturgeon may be possessed in a frozen or processed form.

~~((d))~~ (f) There is an annual personal use bag limit of 15 sturgeon.

~~((e) No person may have in possession in the state of Washington any sturgeon taken for personal use that exceeds 60 inches in length, regardless of the origin of the sturgeon.)~~

(2) Smelt: 20 pounds. The daily bag limit and the possession limit are the same. It is unlawful for any person to possess more than 20 pounds of smelt at any time.

(3) Herring: 20 pounds fresh. Additional herring may be possessed in a frozen or processed form.

(4) All other food fish not otherwise provided for in this chapter: No limit.

AMENDATORY SECTION (Amending Order 92-19, filed 5/12/92, effective 6/12/92)

WAC 220-56-285 Shad and sturgeon—Areas and seasons. It is lawful the entire year to fish for or possess sturgeon and shad taken for personal use except in the following closed waters:

(1) Waters lying one mile downstream below any rack, dam or other obstruction concurrent with salmon angling boundaries provided for in chapter 220-57 WAC, except as provided in subsections (2) and (3) of this section.

(2) Waters lying 400 feet downstream below any dam, rack or obstruction in the Snake River.

(3) Columbia River waters between the upstream line of Bonneville Dam and the lowermost Bonneville powerline crossing, approximately 1-1/4 mile downstream from the dam, are closed to the fishing for or possession of sturgeon, except when fishing with hand-casted hook and line gear from the mainland shore in those waters lying downstream of a line running southerly from a fishing boundary marker on the Washington shore (approximately 3/4 mile downstream from the dam) to the downstream end of Cascade Island thence to the Oregon angling boundary marker on Bradford Island (located approximately 600 feet downstream from the fish ladder entrance).

~~((4) Columbia River waters between the upstream line of Bonneville Dam and fishing markers 4 miles below the dam are closed to sturgeon fishing April 16 through June 15.)~~

AMENDATORY SECTION (Amending WSR 90-06-026, filed 2/28/90, effective 3/31/90)

WAC 220-56-307 Shellfish—Closed areas. It is unlawful to fish for or possess shellfish taken for personal use from the following areas:

(1) The San Juan Islands Marine Preserve Area, except that it is lawful to take crab for personal use from Parks Bay, using personal use crab gear.

(2) Waters within 200 yards of the salmon net pens located near Sund Rock in Hood Canal, except that it is lawful to take shrimp during the Hood Canal shrimp season provided for in WAC 220-56-325.

AMENDATORY SECTION (Amending Order 92-19, filed 5/12/92, effective 6/12/92)

WAC 220-56-310 Shellfish—Daily bag limits. It is unlawful for any one person to take in any one day for personal use more than the following quantities and sizes of shellfish:

(1) Cockles, borers and clams in the shell, other than razor clams, geoduck clams and horse clams, 40 clams in the aggregate, or 10 pounds, whichever is achieved first except:

(a) In Skagit Bay, east of a line projected from Browns Point to Swinomish Slough entrance - diggers may additionally retain up to 20 pounds of eastern softshell clams in the shell.

(b) Willapa Bay - diggers may additionally retain up to twenty-four cockles.

(2) Razor clams: 15 clams.

(3) Geoduck clams: 3 clams.

(4) Horse clams: First 7 clams taken.

(5) Oysters: 18 oysters.

(6) Rock scallops: 12 scallops.

(7) Sea scallops: 12 scallops (over 4 inches).

(8) Common or pink scallops: 10 pounds or 5 quarts in the shell.

(9) Shrimp:

(a) In all waters except Shrimp District 5 - 10 pounds, whole in the shell.

(b) In Shrimp District 5 (Hood Canal) - 7 pounds, whole in the shell.

(10) Octopus: 2 octopus.

(11) Pinto abalone: 3 abalone, minimum size limit 4 inches measured in horizontal line across the longest portion of the shell.

(12) Crawfish: 10 pounds in the shell.

(13) Squid: 10 pounds or 5 quarts.

(14) Sea cucumbers: 25 sea cucumbers.

(15) Red sea urchins: 18 sea urchins.

(16) Purple sea urchins: 18 sea urchins.

(17) Green sea urchins: 36 sea urchins.

(18) Dungeness crabs: 6 male crabs.

(19) Red rock crabs: 12 crabs.

(20) Blue mussels and sea mussels: 10 pounds in the shell.

(21) Goose barnacles: 10 pounds of whole barnacles or 5 pounds of barnacle stalks.

(22) Ghost and mud shrimp: 10 dozen.

AMENDATORY SECTION (Amending Order 92-19, filed 5/12/92, effective 6/12/92)

WAC 220-56-315 Crabs, shrimp, crawfish—Unlawful acts. (1) It is unlawful to take and possess crabs, shrimp, and crawfish taken for personal use except by hand or with hand dip nets, ring nets, shellfish pots, and any hand-operated instrument that will not penetrate the shell.

(2) It is unlawful to use more than two units of gear at any one time except ~~((that))~~:

(a) In Puget Sound waters other than Shrimp District 5 it is unlawful to use at any one time more than two units of gear for the purpose of taking crabs and two additional units of gear for the purpose of taking shrimp. ((One unit of gear is equivalent to one ring net or one shellfish pot.))

(b) In Shrimp District 5 (Hood Canal) it is unlawful to use more than one shrimp pot and one crab pot or ring net during the Hood Canal shrimp season. Only one unit of gear may be attached to a buoy during the Hood Canal shrimp fishery.

(3) It is unlawful for any person to operate a shellfish pot not attached to a buoy bearing that person's name, except that a second person may assist the pot owner in operation of the gear.

(4) It is unlawful to salvage or attempt to salvage shellfish pot gear from Hood Canal that has been lost without first obtaining a permit authorizing such activity issued by the director, and it is unlawful to fail to comply with all provisions of such permit.

(5) It is unlawful to fish for or possess crab taken for personal use from the waters of Fidalgo Bay within 25 yards of the Burlington Northern Railroad trestle connecting March Point and Anacortes.

(6) It is unlawful to fish for or possess crab taken for personal use with shellfish pot or ring net gear from the waters of Padilla Bay or Swinomish Slough within 25 yards of the Burlington Northern Railroad crossing the northern end of Swinomish Slough except from one hour before official sunrise to one hour after official sunset.

(7) It is unlawful to dig for or possess ghost or mud shrimp taken for personal use by any method except hand operated suction devices or dug by hand.

(8) One unit of gear is equivalent to one ring net or one shellfish pot.

AMENDATORY SECTION (Amending Order 89-12, filed 3/16/89)

WAC 220-56-245 Halibut—Bag and possession limits. (1) It is unlawful to fish for or possess more than:

(a) 1 halibut taken from Catch Record Card Areas 1 ~~((or)), 2 ((in any one day.~~

~~(b) 2 halibut taken from those waters of Catch Record Card Areas), 3 ((through 13)), and those waters of Catch Record Card Area 4 west of the Bonilla-Tatoosh Line in any one day.~~

(b) 2 halibut taken from those waters of Catch Record Card 4 east of the Bonilla-Tatoosh Line and Catch Record Card Areas 5 through 13.

(2) The possession limit shall not exceed one daily bag limit of fresh halibut.

AMENDATORY SECTION (Amending Order 89-12, filed 3/16/89)

WAC 220-56-255 Halibut—Season. It is unlawful to fish for or possess halibut taken for personal use except from:

(1) Catch Record Card Areas 1 and 2: ~~((April 4))~~ May 20 through June 10 - Thursdays and Fridays only. July 2 through September 30 - ((open seven days per week)) Fridays only.

(2) Catch Record Card Area 3 and those waters of Catch Record Card Area 4 west of the Bonilla-Tatoosh line: ~~((May 6 through June 27 - Tuesday through Saturday; June 30 through July 29 - Friday and Saturday; September 1 through September 10 - open seven days per week.))~~ May 1

until 85 percent of the quota has been taken; July 2 until the quota has been taken Fridays and Saturdays only.

(3) Catch Record Card Area 4 east of the Bonilla-Tatoosh line and Catch Record Card Areas 5 through 13: ~~((April 8 through June 15 - open seven days per week; June 16 through August 11 - Fridays only))~~ May 13 through July 15 - Open 12:01 a.m. Thursday through 11:59 p.m. Tuesday of each week during the open period (closed Wednesdays).

AMENDATORY SECTION (Amending Order 86-08, filed 4/9/86)

WAC 220-56-382 Oysters and clams on private tidelands—Personal use. (1) WAC 220-56-340 through 220-56-355, ~~((and))~~ 220-56-375 through 220-56-380 and 220-56-385 shall not apply to private tideland owners or lessees of state tidelands taking or possessing oysters, clams, cockles, borers and mussels for personal use from their own tidelands or leased state tidelands.

(2) It shall be unlawful for private tideland owners or lessees of state tidelands to allow any person other than the owner or lessee or immediate family of the owner or lessee to transport or possess unfrozen or unprocessed oysters, clams, cockles, borers, or mussels away from their owned or leased tidelands or adjoining owned or leased uplands in excess of the daily bag limit. Immediate family for purposes of this section means spouse, grandparent, parent, sibling, child, or grandchild. Immediate family members may take up to two times the daily bag limit of shellfish as provided for in WAC 220-56-310. Immediate family members possessing written authorization on their person may take shellfish in amounts not exceeding the presumption commercial harvest amounts in RCW 69.30.010(8). No person may take commercial quantities of shellfish without department of health certification.

(3) This section shall not apply to razor clams.

AMENDATORY SECTION (Amending Order 89-12, filed 3/16/89)

WAC 220-57-137 Carbon River. Bag Limit A - ~~((October))~~ September 1 through November 30 downstream from the old bridge abutments near the east end of Bridge Street in Orting.

AMENDATORY SECTION (Amending Order 92-19, filed 5/12/92, effective 6/12/92)

WAC 220-57-160 Columbia River. (1) Bag Limit D - June 1 through December 31: Downstream from Chief Joseph Dam to Rocky Reach Dam. The following are closed waters:

(a) Chief Joseph Dam - waters between the west end of the tailrace deck downstream 400 feet to boundary markers in Okanogan County.

(b) 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.

(2) Rocky Reach Dam to Priest Rapids Dam: Bag Limit D - June 1 through September 15; Bag Limit A September 16 through December 31. The following are closed waters: 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.

(3) Priest Rapids Dam to the Vernita Bridge: Bag Limit D - June 1 through August 15; Bag Limit A - August 16 through October 31; Bag Limit C - November 1 through December 31. The following are closed waters:

(a) Priest Rapids Dam - waters between the upstream line of Priest Rapids Dam and boundary markers 650 feet below the fish ladders.

(b) 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.

(4) Vernita Bridge to old Hanford townsite wooden power line towers; Bag Limit D - June 16 through August 15; Bag Limit A - August 16 through October 22.

(5) Old Hanford townsite wooden power line towers to Highway 395 Bridge connecting Pasco and Kennewick: Bag Limit D - June 1 through August 15; Bag Limit A - August 16 through December 31. Additionally, Special Bag Limit: 2 salmon per day - April 1 through July 31: Bank fishing only from the hatchery side of the Columbia River from the WDF marker located approximately 1/2 mile upstream of Spring Creek (Ringold Hatchery rearing pond outlet) downstream to a WDF boundary marker approximately 1/4 mile downstream of Ringold waterway outlet.

(6) Highway 395 Bridge connecting Pasco and Kennewick to the Interstate 5 Bridge: (~~Bag Limit A - January 1 through March 15; Bag Limit C - March 16 through March 31; Bag Limit D - June 16 through July 31;~~) Bag Limit A - August 1 through December 31. It is unlawful to take or possess sockeye salmon taken downstream of the Highway 395 Bridge.

The following waters are closed to fishing for food fish at all times:

(a) 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.

(b) 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.

(c) 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.

(d) 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.

(e) Bonneville Dam - waters between the upstream line of Bonneville Dam and a point 600 feet below the fish ladder at the new Bonneville Dam powerhouse.

(7) Interstate 5 Bridge to the Megler-Astoria Bridge: Bag Limit A - January 1 through March 31; (~~Bag Limit D - May 16 through July 31;~~) Bag Limit A - August 1 through December 31. During the month of September, it is unlawful to fish for or possess salmon taken for personal use in

those waters of the Columbia River extending to midstream between a line projected perpendicular to the stream flow from Abernathy Point Light to a line projected perpendicular to the stream flow from a boundary marker east of the mouth of Abernathy Creek. It is unlawful to take or possess sockeye salmon taken downstream from the Interstate 5 Bridge to the Megler-Astoria Bridge.

(8) Megler-Astoria Bridge to the Buoy 10 Line:

(a) Bag Limit F - August 1 through (~~August 15 except waters westerly of the Light 26 Line are closed.~~)

(~~b) Bag Limit F - August 16 through~~) Labor Day.

(~~(e)~~) (b) Special daily bag limit of 3 adult salmon - the day after Labor Day through September 30.

(c) Special daily bag limit of 6 salmon, only 3 of which may be adult salmon - ((the day after Labor Day)) October 1 through December 31.

(d) Bag Limit A - January 1 through March 31.

(e) It is unlawful to take or possess sockeye salmon taken downstream from the Megler-Astoria Bridge to the Buoy 10 Line.

(9) North Jetty (mouth of Columbia River): Open to angling from the bank only when state waters north of the conservation zone are open to salmon angling. During such periods fishing from the north jetty is open 7 days per week and the bag limit shall be the same as for the ocean waters when open. Also open to angling from the bank only concurrent with the Buoy 10 fishery. Bag limit and gear requirement will be identical with those in the Buoy 10 fishery. It is unlawful to take or possess sockeye salmon taken from the North Jetty.

AMENDATORY SECTION (Amending Order 92-19, filed 5/12/92, effective 6/12/92)

WAC 220-57-175 Cowlitz River. (1) Special bag limit - April 1 through July 31: Downstream from fishing boundary markers approximately 400 feet below barrier dam structures at the Cowlitz Salmon Hatchery Barrier Dam. Bag limit is six salmon per day not less than 12 inches in length, only three of which may exceed 24 inches in length.

(2) That portion of the Cowlitz River downstream from the mouth of Mill Creek is open to salmon angling 24 hours per day during the period April 1 to July 31.

(3) Bag Limit A (~~except minimum size of 12 inches~~) except that during the period October 16 through December 31 the daily bag limit may contain up to 4 adult coho salmon - August 1 through March 31: Downstream from fishing boundary markers approximately 400 feet below the barrier dam structures (~~except~~). During the period October 1 through December 31, chinook salmon over 28 inches in length taken upstream of the mouth of Blue Creek must be released.

(4) Salmon angling from boats is prohibited the entire year in designated open waters between the barrier dam and a line from the mouth of Mill Creek to a boundary marker on the opposite shore.

(5) Bag Limit A except minimum size of 8 inches - open the entire year: From the confluence of the Muddy Fork and Ohanapcosh rivers downstream to Riffe (Davisson) Lake.

AMENDATORY SECTION (Amending Order 87-16, filed 4/21/87)

WAC 220-57-235 Elochoman River. (1) Bag Limit A - September 1 through September 30: Downstream from the mouth of the west fork.

(2) Bag Limit A - October 1 through ~~((December 31))~~ October 15: Downstream from the mouth of the west fork to the Foster Road Bridge. All chinook salmon greater than 28 inches in length must be released immediately.

(3) Special Bag Limit - 6 salmon not less than 12 inches in length not more than 4 of which may be adult coho salmon and all chinook salmon greater than 28 inches in length must be released: Downstream from the mouth of west fork to the Foster Road Bridge.

(4) Bag Limit A except that during the period October 16 through December 31 the daily bag limit may contain up to 4 adult coho salmon - October 1 through December 31: Downstream from the Foster Road Bridge.

(5) The following waters are closed to salmon angling at all times:

(a) From a point 100 feet above the upper hatchery rack to the Elokom Salmon Hatchery Bridge located approximately 400 feet below the upper hatchery rack.

(b) From the department of fisheries temporary rack downstream to Foster (Risk) Road Bridge while this rack is installed in the river.

(c) Between points 50 feet above and 100 feet below the outlet pipes from the most downstream Elokom Salmon Hatchery rearing pond and extending 30 feet out from the south bank of the river.

(d) From the Beaver Creek Bridge to 200 feet below the weir at Beaver Creek Hatchery.

AMENDATORY SECTION (Amending Order 92-19, filed 5/12/92, effective 6/12/92)

WAC 220-57-255 Green River (Cowlitz County). ~~((Special))~~ Bag Limit A - ~~((one salmon per day))~~ except chinook salmon greater than 28 inches in length must be released - open September 1 through November 30: Downstream from fishing boundary markers located 1500 feet below the Toutle Hatchery temporary rack.

AMENDATORY SECTION (Amending Order 87-16, filed 4/21/87)

WAC 220-57-310 Kalama River. (1) Bag Limit A ~~((except minimum size limit is 12 inches in length))~~ except that during the period October 16 through December 31 the daily bag limit may contain up to 4 adult coho salmon - last Saturday in May through December 31: From Summers Creek upstream to the 6420 Road (approximately one mile above the gate at the end of the county road) is open to the taking of salmon with lawful fly fishing tackle only. Legal flies are limited to single-hook artificial flies measuring not more than 1/2 inches between shank and point.

(2) Bag Limit A ~~((except minimum size limit is 12 inches in length))~~ except that during the period October 16 through December 31 the daily bag limit may contain up to 4 adult coho salmon - last Saturday in May through December 31: Downstream from the mouth of Summers Creek to the markers at the Kalama Falls (Upper) Salmon Hatchery.

(3) Bag Limit A ~~((except minimum size limit is 12 inches in length))~~ except that during the period October 16 through December 31 the daily bag limit may contain up to 4 adult coho salmon - open the entire year: Downstream from a point 1,000 feet below the fishway at the upper salmon hatchery, with the following special gear restrictions: During the period September 1 through October 31, that portion of the Kalama River from markers at the Lower Kalama Hatchery pumphouse (intake) downstream to the natural gas pipeline crossing at Mahaffey's Campground will be open for fly fishing only and lawful salmon angling gear in those waters upstream from the fly fishing area to a point 1,000 feet below the fishway at the upper salmon hatchery and downstream from the fly fishing area to the Interstate 5 Bridge is limited to bait or lures with one single point hook only, measuring not more than 1/2 inch from point to shank.

October 1 through December 31: Chinook salmon over 28 inches caught in the area downstream from a point 1,000 feet below the fishway at the upper salmon hatchery to the natural gas pipeline must be released.

(4) During the time the department of fisheries temporary rack is installed just below the Modrow Bridge, that portion of the river from a point 200 feet above the temporary rack downstream to a set of markers 1,500 feet below the temporary rack is closed to salmon angling.

AMENDATORY SECTION (Amending Order 87-16, filed 4/21/87)

WAC 220-57-315 Klickitat River. (1) Bag Limit A - April 1 through January 31 except that during the period October 16 through December 31 the daily bag limit may contain up to 4 adult coho salmon: Downstream from the Fisher Hill Bridge approximately 1-1/2 miles above the mouth, except open to salmon angling only from 12:00 noon Thursdays to 12:00 noon Mondays from April 1 through May 31.

(2) Bag Limit C - May 30 through July 31 - downstream from fishing boundary markers at the downstream end of the Klickitat River Salmon Hatchery grounds to a point 400 feet above the No. 5 Fishway.

(3) Bag Limit A - August 1 through January 31 except that during the period October 16 through December 31 the daily bag limit may contain up to 4 adult coho salmon: Downstream from fishing boundary markers at the downstream end of the Klickitat River Salmon Hatchery grounds to a point 400 feet above the No. 5 Fishway.

AMENDATORY SECTION (Amending Order 86-08, filed 4/9/86)

WAC 220-57-319 Lewis River. (1) Mainstem - Bag Limit A except that during the period October 16 through December 31 the daily bag limit may contain up to 4 adult coho salmon - open entire year: Downstream from east fork to mouth.

(2) East fork:

(a) Bag Limit A - open entire year: Downstream from the LaCenter Bridge.

(b) Bag Limit A - April 1 through December 31: Downstream from Lucia Falls to the LaCenter Bridge. All chinook salmon over 28 inches caught after September 30 must be released immediately.

(3) North fork:

(a) Bag Limit A - January 1 through September 30: Downstream from overhead power lines below Ariel Dam except as provided in subsection (3)(b).

(b) Bag Limit A except that during the period October 16 through December 31 the daily bag limit may contain up to 4 adult coho salmon - open entire year: Downstream from the mouth of Colvin Creek (approximately 1/4 mile upstream of the salmon hatchery) to the mouth of the east fork, except that at all times it is unlawful to take, fish for or possess salmon taken for personal use from waters shoreward of the cable, buoy, and corkline located at the mouth of the Lewis River Salmon Hatchery Fishway.

(c) During the period September 1 through November 30, in those waters downstream from the mouth of Colvin Creek to the lower Cedar Creek concrete boat ramp, lawful salmon angling gear is limited to bait or lures with one single pointed hook only, which hook measures not more than 1/2 inch from point to shank.

AMENDATORY SECTION (Amending Order 89-12, filed 3/16/89)

WAC 220-57-350 Nooksack River. (1) Bag Limit A except that up to six coho salmon may be retained in the daily bag limit - August 1 through December 31: Downstream from the confluence of north and south forks to Lummi Indian Reservation boundary.

(2) North Fork - Bag Limit A - October 1 through December 31: Downstream from Maple Creek to mouth of north fork.

(3) South Fork - Bag Limit A - October 1 through December 31: Downstream from the Saxon Bridge to mouth of south fork.

(4) Closed to the taking of pink salmon.

AMENDATORY SECTION (Amending Order 89-12, filed 3/16/89)

WAC 220-57-380 Quilcene (Big Quilcene) River. (~~Bag Limit A - September 1 through January 31: Downstream from Highway 101 Bridge.~~) Closed to salmon angling the entire year.

AMENDATORY SECTION (Amending Order 92-19, filed 5/12/92, effective 6/12/92)

WAC 220-57-460 ((Soleduck)) Sol Duc River. Bag Limit A - March 1 through November 30: Downstream from the concrete pump station at the Soleduck Hatchery.

AMENDATORY SECTION (Amending Order 92-19, filed 5/12/92, effective 6/12/92)

WAC 220-57-465 Stillaguamish River. Special Bag Limit ((A)) of two chum salmon - October ((+)) 16 through December 31: Downstream from confluence of north and south forks except waters of Cook Slough are closed at all times from the water flow control structure to a point 400 feet downstream. It is unlawful to take or possess chinook, coho or pink salmon.

AMENDATORY SECTION (Amending Order 88-15, filed 4/26/88)

WAC 220-57-495 Washougal River. Bag Limit A - January 1 through December 31 except that during the period October 16 through December 31 the daily bag limit may contain up to 4 adult coho salmon: Downstream from bridge at Salmon Falls to mouth. During the period October 1 through December 31, in waters upstream from the mouth of Little Washougal River, chinook salmon over 28 inches in length must be released. From September 1 to October 31, lawful salmon angling gear shall be restricted to bait or lures with one single point hook only, measuring no more than 1/2 inch from point to shank.

AMENDATORY SECTION (Amending Order 89-12, filed 3/16/89)

WAC 220-57-445 Snake River. (~~Bag Limit C - September 1 through November 30: Downstream from a point 400 feet below Little Goose Dam to the mouth, except waters within 400 feet of the Lyons Ferry hatchery fishway and waters at both Lower Monumental Dam and Ice Harbor Dam between the upstream line of each dam and points 400 feet below each dam are~~) Closed to ((fishing for food fish at all times)) salmon angling the entire year.

AMENDATORY SECTION (Amending Order 86-08, filed 4/9/86)

WAC 220-57A-183 Lake Wenatchee. Special daily bag limit of ((three)) two sockeye salmon not less than 16 inches in length - August 1 through ((Labor Day)) August 15, except closed to salmon angling within 300 feet of the mouths of the Little Wenatchee River and the White River.

WSR 93-08-036

PERMANENT RULES

DEPARTMENT OF HEALTH

[Order 354B—Filed April 1, 1993, 3:44 p.m.]

Date of Adoption: March 10, 1993.

Purpose: Updates AIDS case reporting requirements to include amendments to U.S. Centers for Disease Control AIDS case definition and makes symptomatic pediatric HIV infection a reportable condition by amendment to WAC 246-100-011, 246-100-041, 246-100-076, and 246-100-236.

Citation of Existing Rules Affected by this Order: Amending WAC 246-100-011, 246-100-041, 246-100-076, and 246-100-236.

Statutory Authority for Adoption: Chapter 70.24 RCW.

Pursuant to notice filed as WSR 93-03-003 on January 7, 1993.

Changes Other than Editing from Proposed to Adopted Version: The adopted version clarifies the definition of "HIV testing" pertaining to use of CD4+ tests in diagnosing HIV infection and allows laboratories to submit CD4+ test results to the state Department of Health by patient name only when authorized by the patient.

Effective Date of Rule: Thirty-one days after filing.

March 29, 1993
Sylvia Beck
Executive Director

AMENDATORY SECTION (Amending Order 225B, filed 12/23/91, effective 1/23/92)

WAC 246-100-011 Definitions. The following definitions shall apply in the interpretation and enforcement of chapter 246-100 WAC:

(1) "Acquired immunodeficiency syndrome (AIDS)" means ~~(an illness characterized by the diseases and)~~ illness, disease, or conditions defined and described by the Centers for Disease Control, U.S. Public Health Service((s)), Morbidity and Mortality Weekly Report (MMWR), ((August 14, 1987, Volume 36, Number 1S)) December 18, 1992, Volume 41, Number RR-17.

(2) "AIDS counseling" means counseling directed toward:

- (a) Increasing the individual's understanding of acquired immunodeficiency syndrome; and
- (b) Assessing the individual's risk of HIV acquisition and transmission; and
- (c) Affecting the individual's behavior in ways to reduce the risk of acquiring and transmitting HIV infection.

(3) "Board" means the Washington state board of health.

(4) "Carrier" means a person harboring a specific infectious agent and serving as a potential source of infection to others, but who may or may not have signs and/or symptoms of the disease.

(5) "Case" means a person, alive or dead, having been diagnosed to have a particular disease or condition by a health care provider with diagnosis based on clinical or laboratory criteria or both.

(6) "Category A disease or condition" means a reportable disease or condition of urgent public health importance, a case or suspected case of which must be reported to the local or state health officer immediately at the time of diagnosis or suspected diagnosis.

(7) "Category B disease or condition" means a reportable disease or condition of public health importance, a case of which must be reported to the local health officer no later than the next working day following date of diagnosis.

(8) "Category C disease or condition" means a reportable disease or condition of public health importance, a case of which must be reported to the local health officer within seven days of diagnosis.

(9) "Child day care facility" means an agency regularly providing care for a group of children for less than twenty-four hours a day and subject to licensing under chapter 74.15 RCW.

(10) "Communicable disease" means an illness caused by an infectious agent which can be transmitted from one person, animal, or object to another person by direct or indirect means including transmission via an intermediate host or vector, food, water, or air.

(11) "Contact" means a person exposed to an infected person, animal, or contaminated environment which might provide an opportunity to acquire the infection.

(12) "Department" means the Washington state department of social and health services.

(13) "Detention" or "detainment" means physical restriction of activities of an individual by confinement, consistent with WAC 246-100-206(8), for the purpose of monitoring and eliminating behaviors presenting imminent danger to public health and may include physical plant, facilities, equipment, and/or personnel to physically restrict activities of the individual to accomplish such purposes.

(14) "Food handler" means any person preparing, processing, handling, or serving food or beverages for people other than members of his or her household.

(15) "Food service establishment" means any establishment where food or beverages are prepared for sale or service on the premises or elsewhere, and any other establishment or operation where food is served or provided for the public with or without charge.

(16) "Health care facility" means:

(a) Any facility or institution licensed under chapter 18.20 RCW, boarding home, chapter 18.46 RCW, maternity homes, chapter 18.51 RCW, nursing homes, chapter 70.41 RCW, hospitals, or chapter 71.12 RCW, private establishments, clinics, or other settings where one or more health care providers practice; and

(b) In reference to a sexually transmitted disease, other settings as defined in chapter 70.24 RCW.

(17) "Health care provider" means any person having direct or supervisory responsibility for the delivery of health care or medical care who is:

(a) Licensed or certified in this state under Title 18 RCW; or

(b) Is military personnel providing health care within the state regardless of licensure.

(18) "HIV testing" means conducting a laboratory test or sequence of tests to detect the human immunodeficiency virus (HIV) or antibodies to HIV performed in accordance with requirements to WAC 246-100-207. To assure that the protection, including but not limited to, pre- and post-test counseling, consent, and confidentiality afforded to HIV testing as described in chapter 246-100 WAC also applies to the enumeration of CD4+ (T4) lymphocyte counts (CD4+ counts) and CD4+ (T4) percents of total lymphocytes (CD4+ percents) when used to diagnose HIV infection, CD4+ counts and CD4+ percents will be presumed HIV testing except when shown by clear and convincing evidence to be for use in the following circumstances:

(a) Monitoring previously diagnosed infection with HIV;

(b) Monitoring organ or bone marrow transplants;

(c) Monitoring chemotherapy;

(d) Medical research; or

(e) Diagnosis or monitoring of congenital immunodeficiency states or autoimmune states not related to HIV.

The burden of proving the existence of one or more of the circumstances identified in (a) through (e) of this subsection shall be on the person asserting such existence.

(19) "Infection control measures" means the management of infected persons, persons suspected to be infected, and others in such a manner as to prevent transmission of the infectious agent.

(20) "Isolation" means the separation or restriction of activities of infected persons, or of persons suspected to be infected, from other persons to prevent transmission of the infectious agent.

(21) "Laboratory director" means the director or manager, by whatever title known, having the administrative responsibility in any medical laboratory.

(22) "Local health department" means the city, town, county, or district agency providing public health services to persons within the area, as provided in chapter 70.05 RCW and chapter 70.08 RCW.

(23) "Local health officer" means the individual having been appointed under chapter 70.05 RCW as the health officer for the local health department, or having been appointed under chapter 70.08 RCW as the director of public health of a combined city-county health department.

(24) "Medical laboratory" means any facility analyzing specimens of original material from the human body for purposes of patient care.

(25) "Nosocomial infection" means an infection acquired in a hospital or other health care facility.

(26) "Outbreak" means the occurrence of cases of a disease or condition in any area over a given period of time in excess of the expected number of cases.

(27) "Post-test counseling" means counseling after the HIV test when results are provided and directed toward:

(a) Increasing the individual's understanding of human immunodeficiency virus (HIV) infection;

(b) Affecting the individual's behavior in ways to reduce the risk of acquiring and transmitting HIV infection;

(c) Encouraging the individual testing positive to notify persons with whom there has been contact capable of spreading HIV;

(d) Assessing emotional impact of HIV test results; and

(e) Appropriate referral for other community support services.

(28) "Pretest counseling" means counseling provided prior to HIV testing and aimed at:

(a) Helping an individual to understand:

(i) Ways to reduce the risk of human immunodeficiency virus (HIV) transmission;

(ii) The nature, purpose, and potential ramifications of HIV testing;

(iii) The significance of the results of HIV testing; and

(iv) The dangers of HIV infection; and

(b) Assessing the individual's ability to cope with the results of HIV testing.

(29) "Principal health care provider" means the attending physician or other health care provider recognized as primarily responsible for diagnosis and treatment of a patient or, in the absence of such, the health care provider initiating diagnostic testing or therapy for a patient.

(30) "Quarantine" means the separation or restriction on activities of a person having been exposed to or infected with an infectious agent, to prevent disease transmission.

(31) "Reportable disease or condition" means a disease or condition of public health importance, a case of which, and for certain diseases, a suspected case of which, must be brought to the attention of the local health officer.

(32) "School" means a facility for programs of education as defined in RCW ((~~28A.31.102~~) 28A.210.070 (preschool and kindergarten through grade twelve).

(33) "Sexually transmitted disease (STD)" means a bacterial, viral, fungal, or parasitic disease or condition which is usually transmitted through sexual contact, including:

(a) Acute pelvic inflammatory disease;

(b) Chancroid;

(c) Chlamydia ((~~trachemittis~~) trachomatis infection);

(d) Genital and neonatal herpes simplex;

(e) Genital human papilloma virus infection;

(f) Gonorrhea;

(g) Granuloma inguinale;

(h) Hepatitis B infection;

(i) Human immunodeficiency virus infection (HIV) and acquired immunodeficiency syndrome (AIDS);

(j) Lymphogranuloma venereum;

(k) Nongonococcal urethritis (NGU); and

(l) Syphilis.

(34) "State health officer" means the person designated by the secretary of the department to serve as statewide health officer, or, in the absence of such designation, the person having primary responsibility for public health matters in the state.

(35) "Suspected case" means a person whose diagnosis is thought likely to be a particular disease or condition with suspected diagnosis based on signs and symptoms, laboratory evidence, or both.

(36) "Unusual communicable disease" means a communicable disease which is not commonly seen in the state of Washington but which is of general public health concern including, but not limited to, Lassa fever, smallpox, typhus, and yellow fever.

(37) "Veterinarian" means an individual licensed under provisions of chapter 18.92 RCW, veterinary medicine, surgery, and dentistry and practicing animal health care.

AMENDATORY SECTION (Amending Order 225B, filed 12/23/91, effective 1/23/92)

WAC 246-100-041 Responsibilities and duties—State health officer. (1) The state health officer shall have authority to:

(a) Require reporting of cases and suspected cases of disease and conditions in addition to those required in WAC 246-100-076 for a period of time less than thirty-six months when:

(i) The disease or condition is newly recognized or recently acknowledged as a public health concern, and

(ii) Epidemiologic investigation based on reports of cases may contribute to understanding of the disease or condition, and

(iii) Written notification is provided to all local health officers regarding:

(A) Additional reporting requirements, and

(B) Rationale or justification for specifying the disease or condition as reportable.

(b) Require laboratories to submit specimens indicative of infections in addition to those required in WAC 246-100-231 for a period of time less than thirty-six months, provided:

(i) The infection is of public health concern, and

(ii) Written notification is provided to all local health officers and all directors of medical laboratories registered as described in WAC 246-100-221 explaining:

(A) Actions required, and

(B) Reason for the addition.

(c) Eliminate the requirement for laboratories to report CD4+ counts and CD4+ percents as specified in WAC 246-100-236 if state and federal funding of HIV/AIDS-related health services do not depend on numbers of reported AIDS cases or if less than ten percent of cases reported are discovered through laboratory reporting of CD4+ count and CD4+ percent results.

(2) The state health officer's authorization to require reporting of cases or submission of laboratory specimens, other than those specified in WAC 246-100-076 and 246-100-231, shall expire thirty-six months from the date of written notification of local health officers and laboratory directors unless amended rules are adopted by the state board of health.

(3) The state health officer shall distribute periodic epidemiologic summary reports and an annual review of public health issues to local health officers and local health departments.

AMENDATORY SECTION (Amending Order 225B, filed 12/23/91, effective 1/23/92)

WAC 246-100-076 Reportable diseases and conditions. (1) The following diseases and conditions shall be reported as individual case reports to the local health department in accordance with requirements and procedures described throughout chapter 246-100 WAC:

(a) Category A diseases require an immediate report at the time a case is suspected or diagnosed and include:

- (i) Anthrax,
- (ii) Botulism (including food-borne, infant, and wound),
- (iii) Cholera,
- (iv) Diphtheria, noncutaneous,
- (v) Measles (rubeola),
- (vi) Paralytic shellfish poisoning,
- (vii) Plague,
- (viii) Poliomyelitis, and
- (ix) Rabies.

(b) Category B diseases or conditions require a case report within one day of diagnosis and include:

- (i) Brucellosis,
- (ii) Gastroenteritis of suspected food-borne or water-borne origin,
- (iii) Hemophilus influenzae invasive disease (excluding otitis media) in children age five years and under,
- (iv) Hepatitis A and B, acute,
- (v) Leptospirosis,
- (vi) Listeriosis,
- (vii) Meningococcal disease,
- (viii) Paratyphoid fever (see salmonellosis),
- (ix) Pertussis,
- (x) Rubella, including congenital,
- (xi) Salmonellosis, including paratyphoid fever and typhoid fever,
- (xii) Shigellosis,
- (xiii) Syphilis—primary, secondary, or congenital (for other, see Category C),
- (xiv) Typhoid fever, including carrier (see salmonellosis),
- (xv) Unusual communicable disease (see definition WAC 246-100-011).

(c) Category C diseases or conditions require a case report within seven days of diagnosis and include:

(i) ~~Acquired immunodeficiency syndrome (AIDS) ((and class IV human immunodeficiency virus (HTLV III or LAV diseases classified by centers for disease control, United States public health service, MMWR, 5/23/86)))~~ class IV human immunodeficiency virus (HIV, HTLV III, or LAV) disease (as classified by the Centers for Disease Control, U.S. Public Health Service, Morbidity and Mortality Weekly Report (MMWR), May 23, 1986, Volume 35, Number 20), and class P-2 pediatric HIV illness (as classified by the Centers for Disease Control, U.S. Public Health Service, MMWR, April 24, 1987, Volume 36, Number 15),

- (ii) Amebiasis,
- (iii) Campylobacteriosis,
- (iv) Chancroid,
- (v) Chlamydia trachomatis infection,
- (vi) Ecoli 0157:H7 infection,
- (vii) Encephalitis, viral,
- (viii) Giardiasis,
- (ix) Gonorrhea,
- (x) Granuloma inguinale,
- (xi) Herpes simplex, initial genital infection,
- (xii) Herpes simplex, neonatal,
- (xiii) Hepatitis non-A, non-B, and unspecified,
- (xiv) Kawasaki syndrome,
- (xv) Legionellosis,
- (xvi) Leprosy (Hansen's disease),
- (xvii) Lyme disease,
- (xviii) Lymphogranuloma venereum,
- (xix) Malaria,
- (xx) Mycobacteriosis, including tuberculosis,
- (xxi) Mumps,
- (xxii) Nongonococcal urethritis,
- (xxiii) Pelvic inflammatory disease, acute,
- (xxiv) Pseudomonas folliculitis of suspected waterborne origin,
- (xxv) Psittacosis,
- (xxvi) Q fever,
- (xxvii) Relapsing fever (borreliosis),
- (xxviii) Reye Syndrome,
- (xxix) Rheumatic fever,
- (xxx) Rocky mountain spotted fever,
- (xxxi) Syphilis—other (see also Category B),
- (xxxii) Tetanus,
- (xxxiii) Tick paralysis,
- (xxxiv) Toxic shock syndrome,
- (xxxv) Trichinosis,
- (xxxvi) Tuberculosis,
- (xxxvii) Tularemia,
- (xxxviii) Vibriosis,
- (xxxix) Yersiniosis, and
- (xxxx) Severe adverse reaction to immunization.

(2) Any cluster or pattern of cases, suspected cases, deaths, or increased incidence of any disease or condition beyond that expected in a given period which may indicate an outbreak, epidemic, or related public health hazard shall be reported immediately by telephone to the local health officer. Such patterns include, but are not limited to, suspected or confirmed outbreaks of food borne or water-borne disease, chickenpox, influenza, viral meningitis,

nosocomial infection suspected due to contaminated products or devices, or environmentally related disease.

(3) Local health officers may require reporting of additional diseases and conditions.

AMENDATORY SECTION (Amending Order 225B, filed 12/23/91, effective 1/23/92)

WAC 246-100-236 Duties of laboratories—Reporting of laboratory results indicative of certain reportable diseases. (1) By December 31, 1987, medical laboratories shall:

(a) Report each positive culture or other suggestive test results to the local health officer by phone, written report, or submission of specimen within two working days, unless specified otherwise, for:

- (i) Anthrax (*Bacillus anthracis*),
- (ii) Botulism (*Clostridium botulinum*),
- (iii) Cholera (*Vibrio cholerae*),
- (iv) Diphtheria (*Corynebacterium diphtheriae*) - toxigenic strains,
- (v) Gonorrhea (*Neisseria gonorrhoeae*) (report within seven days),
- (vi) Measles (rubeola) (measles virus),
- (vii) Plague (*Yersinia pestis*),
- (viii) Rabies (rabies virus),
- (ix) Brucellosis (*Brucella* species),
- (x) Leptospirosis (*Leptospira interrogans*),
- (xi) Listeria infection of blood or spinal fluid (*Listeria monocytogenes*),
- (xii) Meningococcal infection of blood or spinal fluid (*N. meningitidis*),
- (xiii) Pertussis (*Bordetella pertussis*),
- (xiv) Salmonellosis (*Salmonella* species),
- (xv) Shigellosis (*Shigella* species), and
- (xvi) Hepatitis A (positive anti-HAV IgM).

(b) Send a copy of the state form accompanying specimen submitted as required in WAC 246-100-231 or identifying information including:

- (i) Type of specimen tested (e.g., serum or sputum),
- (ii) Test result,
- (iii) Name of reporting laboratory,
- (iv) Date of report,
- (v) Name of requesting health care provider or health care facility, and
- (vi) Name of patient.

(2) By December 31, 1987, medical laboratories shall report positive cultures or other suggestive test results for chlamydial infection (*chlamydia trachomatis*) to local health departments monthly including either:

- (a) Identifying information specified in subsection (1)(b)(i-vi) of this section, or
 - (b) Aggregate numbers of positive tests including age, sex, and site of infection when known.
- (3) Medical laboratories shall label or stamp reports appropriately with information indicating "reportable disease" and the telephone number of the local health department, if such labels or stamps are provided by the local health department.

(4) State and local health officers and health departments receiving reports from medical laboratories shall:

(a) Allow time for the laboratory to notify the principal health care provider prior to contact if:

- (i) Delay is unlikely to jeopardize public health, and
- (ii) The laboratory requests a delay.

(b) Try to contact the principal health care provider and discuss circumstances prior to contact of a patient when possible.

(5) By April 15, 1993, medical laboratories performing CD4+ (T4) tests shall submit to the state HIV/AIDS office quarterly reports on the enumeration of CD4+ (T4) lymphocyte counts (CD4+ counts) and CD4+ (T4) percents of total lymphocytes (CD4+ percents) for specimens submitted after January 1, 1993, of patients aged thirteen or older with CD4+ counts less than two hundred or CD4+ percents less than fourteen. Laboratories may, but are not required to, exclude information concerning specimens which are unrelated to HIV infection or performed in conjunction with medical research, but otherwise shall report the following information:

(a) Patient-specific identifier or anonymous code or, if authorized by the patient, the patient's name submitted to the laboratory; and

(b) Name of the patient's health care provider; and

(c) Address of patient's health care provider; and

(d) CD4+ count (and CD4+ percent if available); and

(e) Date of CD4+ count or CD4+ percent.

WSR 93-08-048

PERMANENT RULES

PERSONNEL BOARD

[Order 416—Filed April 2, 1993, 11:57 a.m.]

Date of Adoption: March 11, 1993.

Purpose: This rule provides general guidelines regarding the referral process when a request for certification has been made.

Citation of Existing Rules Affected by this Order: Amending WAC 356-26-060 Certification—General methods.

Statutory Authority for Adoption: RCW 41.06.040 and 41.06.150.

Pursuant to notice filed as WSR 93-06-077 on March 3, 1993.

Effective Date of Rule: Thirty-one days after filing.

March 23, 1993

Marilyn Glenn

Acting Secretary

AMENDATORY SECTION (Amending Order 366, filed 12/24/90, effective 2/1/91)

WAC 356-26-060 Certification—General methods. Upon receipt of a request for certification, the director of personnel shall normally certify to the appointing authority a list of names equal in number to four more than there are vacancies to be filled from the ranked registers except:

(1) One name will constitute a complete certification when referrals are made from the agency reduction in force register, the service-wide reduction in force register, or the dual agency reversion register. When an appointing authority requests a selective certification for specialized qualifica-

tions, the eligible candidate must meet the selective criteria in order to be referred to the position, provided:

(a) The criteria were approved when the position was established, reallocated, or last filled; or

(b) The specialized qualifications were previously required for a classification that was later merged with other classifications that did not require them; or

(c) It has been determined that the position involves new duties that would warrant future selective certification. Such selective criteria shall not be applied for certification purposes until six months after the department of personnel approves the selective criteria for the position.

(d) In the case of (a), (b), or (c) of this subsection, the director of personnel or designee must determine that the specialized qualifications are still required for successful job performance and cannot be learned within a reasonable length of time.

(2) Where all names are certified exclusively from an open competitive register, the director of personnel may certify in ranked order up to all of the names from the open competitive register: **PROVIDED**, That the appointing authority shall select from those eligibles available from the highest ranking names which constitute five names per vacancy to be filled.

(3) The names of candidates from the same register who have the same score as the lowest score to be certified will also be certified.

(4) An unranked register may be used to complete a certification. An agency may request the transfer, reemployment, and/or voluntary demotion register(s) to complete a certification. In such cases, all names appearing on ~~((that))~~ the specified register shall be certified. Subsequent unranked registers shall not be used until the certification is again incomplete.

(5) When the vacancy to be filled is identified as part of an agency's affirmative action goals as established by their approved affirmative action plan, the director of personnel may, except where there are employees on the reduction in force register, refer up to three additional names per vacancy of individuals who are on existing registers and who are members of the protected groups. More than three additional names per vacancy will be certified if there are protected group candidates with the same score as the lowest score to be certified. This action may be taken when necessary to comply with the best standards of personnel administration as contemplated by chapter 41.06 RCW.

Prior to the utilization of this subsection, the agency shall determine if there are protected group members on the existing registers. If there are fewer than three protected group members on the register, the agency shall:

(a) Appoint one of the eligibles from the register; or
(b) Request assistance from the department of personnel in completing the certification. The department of personnel and the agency will then initiate targeted recruitment.

(6) When one or more of the following conditions exist, the director of personnel or designee may certify a sufficient number of names to assure that the requesting agency has not less than five names available for consideration:

(a) The position is in an isolated or undesirable location.
(b) The position has undesirable working conditions.
(c) The agency needs to fill several positions in the class.

(d) One or more agencies have had difficulty filling positions in the class.

(e) The director of personnel or designee determines that such certification is necessary to provide the requesting agency with efficient service.

If such certification contains five or more available promotional candidates, agencies shall appoint from the promotional candidates.

(7) Permanent employees certified from a ranked register for consideration of appointment shall be notified by the agency at the time of the referral. Upon appointment the agency shall advise those employees certified but not appointed of the action taken.

WSR 93-08-049
PERMANENT RULES
DEPARTMENT OF REVENUE
[Filed April 2, 1993, 11:58 a.m.]

Date of Adoption: April 2, 1993.

Purpose: To clarify the definition of real property, particularly with respect to fixtures; and also to clarify and update the new construction rule.

Citation of Existing Rules Affected by this Order:
Repealing WAC 458-12-240; and amending WAC 458-12-010 and 458-12-342.

Statutory Authority for Adoption: RCW 84.41.090 and 84.08.010.

Pursuant to notice filed as WSR 93-05-016 on February 9, 1993.

Effective Date of Rule: Thirty-one days after filing.

April 2, 1993
William N. Rice
Assistant Director

REPEALER

The following section of the Washington Administrative Code is hereby repealed:

WAC 458-12-240 Listing of property—Nonprofit organizations—Taxable interests in real property owned or used by nonprofit organizations

AMENDATORY SECTION (Amending Order PT 69-1, filed 4/14/69)

WAC 458-12-010 Definition—Property—Real. The term "real property" is defined in RCW 84.04.090; this definition should be consulted as a matter of course in all ~~((doubtful))~~ cases where the meaning of "real property" is in doubt. As there defined, "real property" includes but is not limited to the following:

(1) All land, whether platted or unplatted.
(2) All buildings, structures or permanent improvements built upon or attached to privately-owned land.

(3) ~~((Machinery, equipment or))~~ Any fixture((s)) permanently affixed to and intended to be annexed to land or ~~((to))~~ permanently affixed to and intended to be a component of a building, structure, or improvement on land, including machinery and equipment which become fixtures.

Intent is to be gathered from all the surrounding circumstances at the time of annexation or installation of the item, including consideration of the nature of the item affixed, the manner of annexation and the purpose for which the annexation is made and is not to be gathered exclusively from the statements of the annexor, installer, or owner as to his or her actual state of mind.

(a) Such items shall be considered as permanently affixed when they are owned by the owner of the real property and:

(i) They are securely attached to the real property; or

(ii) Although not so attached, the item appears to be permanently situated in one location on real property and is adapted to use in the place it is located(=:). For example a heavy piece of machinery or equipment set upon a foundation without being bolted thereto could be considered as affixed.

(b) Such items shall not be considered as affixed when they are owned separately from the real property unless ~~((the))~~ an agreement specifically provides that such items are to be considered as part of the real property and are to be left with the real property when the occupant vacates the premises.

(c) Whenever the ~~((taxable))~~ property taxable status of engines, machinery, equipment ~~((and))~~ or fixtures is questioned by the assessor, the taxpayer may be required to list such items in the manner provided by chapter 84.40 RCW and WAC 458-12-080. The assessor shall make the determination of whether such property is real, and shall amend the taxpayer's statement as provided by WAC 458-12-080(2).

~~((The foregoing definitions will not answer the question whether an article is a fixture in all cases. In such cases the numerous decisions of the Washington supreme court digested in 6 Wash. Digest Ann., "Fixtures" will have to be consulted.))~~

(d) The explanations relating to fixtures under subsection (3) of this section are for purposes of clarification and may not answer the question as to whether an item is a fixture in all cases. In the event these explanations do not clearly indicate whether the item is a fixture, the numerous decisions of the Washington appellate courts regarding fixtures should be consulted.

(4) Privately-owned easements and easement-like privileges, irrespective of whether the servient estate is public or privately-owned land. However, easements of public service corporations other than railroads are personal property by reason of RCW 84.20.010.

(5) Leases of real property and leasehold interests therein having a term coextensive with the life of the tenant.

(6) Title to minerals in place which belongs to someone other than the surface owner. Such a title to minerals in place is ~~((often called))~~ a "mineral right((s))" but must be distinguished from mineral leases and permits, which do not give title to minerals in place and which are intangible *personal* property. Mineral rights, as defined herein, are realty regardless of whether they were created by grant or reservation.

(7) Standing timber growing on land which belongs to the same person as the timber.

(8) Water rights, whether riparian, appropriative, or in the nature of an easement.

(9) Buildings and similar permanent improvements erected or made by a tenant on land which he does not own, and title to which is not reserved in the tenant by the lease or some other landlord-tenant agreement. Such buildings and improvements become the landlord's real property.

(10) All life estates in real property, whether created by grant or a reservation. A person has such a life estate when he has a right to the possession, occupation and use of a piece of realty, and to the crops, rents and profits produced by it, during his or her natural life.

(11) All possessory rights in realty which are coextensive with the natural life of their holder. Such possessory rights are analogous to leases, and since leases for life are realty, possessory rights for life are also realty.

AMENDATORY SECTION (Amending Order PT 83-6 filed 10/20/83)

WAC 458-12-342 New construction—Assessment.

(1) New construction covered under the provisions of RCW ~~((36.21.040 through))~~ 36.21.070 and 36.21.080 shall be assessed at its true and fair value as of July 31st each year regardless of its percentage of completion. New construction as used in this section refers only to real property, as defined in RCW 84.04.090 and further defined in WAC 458-12-010, for which a building permit was issued or should have been issued pursuant to chapter 19.27, 19.27A, or 19.28 RCW or other laws providing for building permits.

(2) The assessor is authorized to place new construction on the assessment rolls up to August 31st each year and shall notify the owner of the value of any new construction that has been assessed. The notice shall advise the owner that he has thirty days to appeal the valuation to the county board of equalization as provided ~~((for))~~ in WAC ~~((458-14-120))~~ 458-14-056.

WSR 93-08-050
PERMANENT RULES
DEPARTMENT OF REVENUE
[Filed April 2, 1993, 12:01 p.m.]

Date of Adoption: April 2, 1993.

Purpose: Amendments are for purposes of clarification and to comply with recent statutory changes.

Citation of Existing Rules Affected by this Order: Amending WAC 458-14-015, 458-14-025, 458-14-127, and 458-14-170.

Statutory Authority for Adoption: RCW 84.08.010, 84.08.070, and 84.48.200.

Pursuant to notice filed as WSR 93-05-015 on February 9, 1993.

Effective Date of Rule: Thirty-one days after filing.

April 2, 1993
William N. Rice
Assistant Director

AMENDATORY SECTION (Amending WSR 90-23-097, filed 11/21/90, effective 12/22/90)

WAC 458-14-015 Jurisdiction of county boards of equalization. (1) Boards have jurisdiction to hear all

appeals as may be authorized by statute, including the following types of appeals:

(a) Appeals of exemption denials arising under RCW 35.21.755 (public corporations).

(b) Appeals of decisions or disputes pursuant to RCW 84.26.130 (historic property).

(c) Forest land determinations pursuant to RCW 84.33.116, 84.33.118, 84.33.120, 84.33.130, and 84.33.140.

(d) Current use determinations pursuant to RCW 84.34.108 and, effective January 1, 1993, RCW 84.34.035.

(e) Appeals pursuant to RCW 84.36.385 (senior citizen exemption denials).

(f) Appeals pursuant to RCW 84.36.812 (cessation of exempt use).

~~((f))~~ (g) Determinations pursuant to RCW 84.38.040 (property tax deferrals).

~~((g))~~ (h) Determinations pursuant to RCW 84.40.085 (omitted property or value).

~~((h))~~ (i) Valuation appeals of taxpayers pursuant to RCW 84.48.010.

~~((i))~~ (j) Destroyed property appeals pursuant to RCW 84.70.010.

(2) Boards have jurisdiction to equalize property values in the assessor's approved revaluation area on their own initiative pursuant to RCW 84.48.010.

~~((3) Boards have jurisdiction to review manifest error determinations of assessors or county financial authorities pursuant to RCW 84.48.065.)~~

AMENDATORY SECTION (Amending WSR 90-23-097, filed 11/21/90, effective 12/22/90)

WAC 458-14-025 Assessment roll corrections not requiring board action. (1) Introduction. The board need not be involved in all determinations made by an assessor relative to property tax matters, but may become involved in instances when a taxpayer appeals from an assessor's determination.

(2) Statutorily required corrections to the assessment rolls shall be made by the assessor as necessary and shall not require any board action. Such corrections include:

(a) Change of tax status due to a sale to or by a public corporation;

(b) The removal, addition, or change of status of a senior citizens/disabled exemption;

(c) The removal, addition, or change of status of a current use assessment;

(d) The removal, addition, or change of status of forest land classification or designation;

(e) The reduction of property value with respect to destroyed property;

(f) The removal, addition, or change of status of a special valuation assessment (chapter 84.26 RCW);

(g) The exemption with respect to physical improvements to a single family dwelling (RCW 84.36.400);

(h) The change of status of property determined to be exempt by the department;

(i) The change of status of property owned by a public corporation, commission or authority, based on use (RCW 35.21.755); and

(j) The cancellation or correction of assessment rolls which assessments are manifestly erroneous (RCW 84.48.065).

(3) Notice of any of the above changes, except for subsection (2)(h) of this section, shall be personally served upon the taxpayer, or mailed to the taxpayer by the assessor, and shall notify the taxpayer of the right to appeal the change to the board and shall notify the taxpayer of the time period in which to file his or her petition.

NEW SECTION

WAC 458-14-026 Assessment roll corrections agreed to by taxpayer. (1) The assessor shall make a correction to the assessment roll for the current assessment year when the correction involves an error in the determination of the valuation of property and the following conditions are met:

(a) The assessment roll has previously been certified in accordance with RCW 84.40.320;

(b) The taxpayer has timely filed a completed petition with the board for the current assessment year;

(c) The board has not yet held a hearing on the merits of the taxpayer's petition; and

(d) The assessor and taxpayer have signed an agreement as to the true and fair value of the taxpayer's property in which agreement the parties set forth the valuation information which was used to establish such true and fair value. The true and fair value shall be the value as of January 1 of the year in which the property was last revalued by the assessor according to a revaluation cycle approved by the department. For example, if the county is on a multiyear revaluation cycle, and the taxpayer's property was last revalued in 1990, any agreement between the taxpayer and the assessor based on an appeal by the taxpayer in 1992, must use the true and fair value of the taxpayer's property in 1990 as the basis of the agreement. The value thus agreed to will, in this example, only apply to the 1992 assessment year (the assessment year for which the taxpayer timely filed his or her appeal) and thereafter until the taxpayer's property is again revalued in accordance with an approved revaluation cycle.

(2) The assessor shall immediately notify the board of any corrections to the assessment roll made in accordance with subsection (1) of this section and the taxpayer's petition shall be deemed withdrawn as of the date of notification to the board.

AMENDATORY SECTION (Amending WSR 90-23-097, filed 11/21/90, effective 12/22/90)

WAC 458-14-127 Reconvened boards—Authority.

(1) Boards of equalization may reconvene on their own authority to hear requests or appeals concerning the current assessment year ~~((until))~~ when the request or appeal is filed with the board by April 30 of the year immediately following the board's regularly convened session ~~((and for prior assessment years in accordance with (c) of this subsection, when))~~ and at least one of the following conditions is met:

(a) A taxpayer requests the board reconvene and submits to the clerk of the board a sworn affidavit stating that notice of change of value for the assessment year was not received by the taxpayer at least fifteen calendar days prior to the

deadline for filing the petition, and can show proof that the value was actually changed.

(b) An assessor submits an affidavit to the clerk of the board stating that the assessor was unaware of facts which were discoverable at the time of appraisal and that such lack of facts caused the valuation of property to be materially affected. In the affidavit, the assessor shall state the facts which affected the value and also state both the incorrect value and the true and fair market value of the property and shall mail a copy of the affidavit to the taxpayer. If the board decides to reconvene to consider the valuation, it shall notify both the taxpayer and assessor of its decision in writing.

~~(c) ((A valuation adjustment for a prior year is ordered by the state board of tax appeals or by a court of law, and no intervening change of value has occurred, and the request to reconvene is made within thirty days after receipt by the taxpayer of the order providing for the adjustment.~~

~~(d))~~ A bona fide purchaser or contract buyer of record has acquired an interest in real property subsequent to the first day of July of the assessment year and the sale price was less than ninety percent of the assessed value.

~~(2) ((Boards of equalization may reconvene on their own authority to hear requests to correct errors as authorized by RCW 84.48.065.))~~ Boards may reconvene on their own authority to adjust values for assessment years subsequent to the assessment year under appeal when a valuation adjustment for a prior year is ordered by the state board of tax appeals or by a court of law, and no intervening change of value has occurred, and the request to reconvene is made within thirty days after mailing of the order providing for the adjustment.

(3) Upon request of either the taxpayer or the assessor, boards may reconvene on their own authority to hear appeals with respect to property or value which was omitted from the assessment rolls. No request shall be accepted for any period more than three years preceding the year in which the omission is discovered.

(4) Requests for reconvening boards concerning prior year's assessments or for an extension of the annual regularly convened session to enable the board to complete its annual equalization duties shall be submitted to the clerk of the board who shall submit such request to the department for determination.

~~((4))~~ (5) The department may require any board to reconvene at any time for the purpose of performing or completing any duty or taking any action the board might lawfully have performed or taken at any of its previous meetings, or for any other purpose allowed by law.

~~((5))~~ (6) The department shall reconvene a board upon request of a taxpayer when the taxpayer makes a prima facie showing of actual or constructive fraud on the part of taxing officials. The department shall reconvene a board upon request of an assessor when the assessor makes a prima facie showing of actual or constructive fraud on the part of a taxpayer.

~~((6))~~ (7) All reconvening requests shall:

(a) Specify the assessment year(s) which is the subject of the request; and

(b) State the specific grounds upon which the request is based; and

(c) If the taxpayer is the party requesting the reconvening, state that he or she is the owner or duly authorized agent, personal representative or guardian, of the property or is a lessee responsible for the payment of the property taxes.

~~((7))~~ (8) No board shall reconvene later than three years after the adjournment of its regularly convened session.

AMENDATORY SECTION (Amending WSR 90-23-097, filed 11/21/90, effective 12/22/90)

WAC 458-14-170 Appeals to the state board of tax appeals. (1) Pursuant to RCW 84.08.130, any taxpayer, taxing unit, or assessor feeling aggrieved by the action of a board may appeal to the board of tax appeals by filing with the county auditor a notice of appeal in duplicate within thirty days after the board has served or mailed its decision. The appeal is deemed timely filed with the board of tax appeals if postmarked on or before the thirtieth day after the board of equalization has served or mailed its decision.

(2) The notice of appeal shall specify the actions of the board which the appellant is appealing, and shall be in such form as is required by the board of tax appeals (see WAC 456-10-310 and 456-09-310).

(3) The board appealed from shall file with the board of tax appeals a true and correct copy of its decision in such action and all evidence taken in connection therewith.

NEW SECTION

WAC 458-14-171 Direct appeals to board of tax appeals. (1) In an appeal involving complex issues or requiring expertise beyond the board's proficiency, a taxpayer, prior to the hearing before the board, may file a request with the board for a direct appeal to the state board of tax appeals without first having been heard by the board. The taxpayer and assessor (or the assessor's authorized designee) must jointly sign this request. Without holding a public hearing on the request, the board, by simple majority vote, shall approve or deny the request within fifteen calendar days of its receipt.

(2) If the board denies the request, the board shall notify all parties to the appeal, in writing, of the denial, and process the taxpayer's appeal as though no request had been made. The board need not provide reasons for its denial. If the board fails to act timely on the request, the taxpayer may petition the board to schedule a hearing on the taxpayer's appeal. Within thirty days of receipt of the taxpayer's petition, the board will schedule a future date for the taxpayer's appeal to be heard.

(3) If the board approves the request, the board shall notify all parties to the appeal, in writing, of the approval, and shall forward the taxpayer's appeal to the state board of tax appeals together with the request for direct appeal and the signed approval of the board. The direct appeal will not be filed with the county auditor.

(4) If the state board of tax appeals rejects the request, it must do so within thirty calendar days of receipt of the request and shall at the same time notify all parties and the board of the reason or reasons for the rejection. In such cases, the board shall process the taxpayer's appeal as though no request had been made.

WSR 93-08-076
PERMANENT RULES
DEPARTMENT OF LICENSING
 [Filed April 6, 1993, 3:15 p.m.]

Date of Adoption: April 5, 1993.

Purpose: Separates chapter 308-61 WAC into three chapters, chapter 308-61 WAC, Unauthorized and abandoned vehicles; chapter 308-63 WAC, Wreckers; and chapter 308-65 WAC, Hulk haulers/scrap processors. These sections are being separated for readability. The rules also include some housekeeping changes.

Citation of Existing Rules Affected by this Order: Separation of chapter 308-61 WAC into three chapters, unauthorized and abandoned vehicles; wreckers; and hulk haulers/scrap processors.

Unauthorized and abandoned vehicles, amending WAC 308-61-026 Definitions—Registered tow truck operator, 308-61-135 General provisions and 308-61-168 Disputed impound; and repealing WAC 308-61-010 Definitions—General, 308-61-025 Definitions, 308-61-030 Established place of business, 308-61-040 Documents supporting acquisition of vehicles, 308-61-200 Wreckers—Application for license, 308-61-205 Expiration of motor vehicle wrecker's license, 308-61-210 Wreckers—Special plates, 308-61-220 Wreckers—General procedures and requirements, 308-61-230 Wreckers—Procedures for acquiring vehicles and vehicle parts, 308-61-240 Wreckers—Records and procedures for monthly reports, 308-61-250 Wreckers—Must furnish bill of sale for parts, 308-61-260 Wreckers—Selling used vehicles, 308-61-270 Wreckers—Additional grounds for denial, suspension, revocation or civil fine, 308-61-300 Hulk hauler—Application for license, 308-61-305 Expiration of hulk hauler license, 308-61-310 Hulk hauler—Special plates, 308-61-320 Hulk hauler—General procedures and requirements, 308-61-330 Hulk hauler—Procedures for acquiring and selling vehicles, 308-61-340 Hulk hauler—Grounds for denial, suspension, revocation—Unlawful practices, 308-61-400 Scrap processor—Application for license, 308-61-405 Expiration of scrap processor license, 308-61-410 Scrap processor—Special plates, 308-61-420 Scrap processor—General procedures and requirements, 308-61-430 Scrap processor—Procedures for acquiring vehicles for demolition, 308-61-440 Scrap processor—Procedures for monthly reports, and 308-61-450 Scrap processor—Grounds for denial, suspension, revocation—Unlawful practices.

Statutory Authority for Adoption: RCW 46.55.190, 46.79.080, and 46.80.140.

Pursuant to notice filed as WSR 93-01-115 on December 21, 1992.

Changes Other than Editing from Proposed to Adopted Version: Deleted "major component parts" section in WAC 308-63-070(8) and replaced with current language in WAC 308-61-220(8); and referenced the definition of the "bill of sale" contained in WAC 308-63-020 in WAC 308-63-080(8).

Effective Date of Rule: Thirty-one days after filing.

April 5, 1993

Katherine Baros Friedt
 Director

Chapter 308-61 WAC
UNAUTHORIZED AND ABANDONED ((AND INOPERATIVE)) VEHICLES

AMENDATORY SECTION (Amending Order DLR 164, filed 2/25/88)

WAC 308-61-026 Definitions ((continued))—Registered tow truck operator. (1) "Affidavit of sale" - that document prescribed by the department and given to the successful bidder by the operator. The affidavit shall state that the sale was conducted properly pursuant to chapter 46.55 RCW. The affidavit may be submitted to the department with an application for certificate of title or may be used as a title document by a licensed auto wrecker, hulk hauler or scrap processor.

(2) "Secure area" - a place of safety for vehicle storage and in an area completely enclosed by a fence of sufficient height and construction to prevent access by the general public, with a gate which can be locked. The fence shall be at least six feet high with at least two strands of barbed wire along the top, for a total combined height of eight feet or more, provided, however, that the fencing requirement may be waived by the department where, due to the topography or zoning a fence would be impracticable and the storage area is secure without a fence. When a licensee has operator registrations under more than one name and owns or leases a common secure area, the areas for each operator registration must be segregated by a physical barrier at least as strong as one strand of chain, cable or barbed wire. When two or more operators with different ownership share a secured area, those respective areas must be segregated by an eight-foot fence as described above.

Wherever practicable secure storage areas will be located on improved property which is leveled and illuminated at night for the safe keeping of stored vehicles.

(3) "Abandoned vehicle report" - is that document, prescribed by the department, by which the operator is to report to the department his/her possession of an abandoned vehicle.

(4) "Notice of custody and sale" - is that document sent by the operator to the registered owner, legal owner (lien holder) giving notice of the amount of the operator's lien for services, place and time of public auction if the vehicle is not redeemed, and of the operator's right to seek a deficiency against the last registered owner.

(5) "Registered tow truck operator's business location" - is a location at which records and files necessary to conduct the business are kept, and where the operator can normally be contacted by the public.

AMENDATORY SECTION (Amending WSR 90-01-060, filed 12/18/89, effective 1/18/90)

WAC 308-61-135 General provisions. (1) The properly executed written authority to tow or other evidence of lawful possession shall suffice in lieu of current license plates or trip permits for unauthorized or abandoned vehicles.

(2) Billing invoices shall indicate the time of day when an unauthorized or abandoned vehicle arrived at the secure storage area.

(3) A seller's report of sale filed with the department on a form furnished by the department shall relieve a registered owner from liability for costs incurred in the removal and storage of an unauthorized/abandoned vehicle, in addition to relieving that person from other liability pursuant to RCW 46.12.101.

(4) The junk vehicle affidavit of sale as described in ~~((section 23))~~ RCW 46.55.230 may be used to sell a vehicle to a licensed hulk hauler, scrap processor, vehicle wrecking yard or it may be used as a supporting document for issuance of a title.

(5) A stored vehicle may be redeemed any time before the start of auctioning of that particular vehicle.

(6) The written notice of the right of redemption and opportunity for a hearing to contest the validity of an impoundment, to be sent with the twenty-four hour impoundment notice on an unauthorized vehicle impoundment, shall be separate and in addition to the notice of opportunity for a hearing given to those who redeem vehicles.

(7) Information contained in the master log shall include:

- (a) The dates of impound and release of vehicles;
- (b) Storage lot used if multiple lots;
- (c) If impound was from public or from private property and the location where the vehicle was impounded;
- (d) Identity of vehicle by year, make, model, license number, and vehicle identification number;
- (e) Dates of all required notices to law enforcement and to vehicle owners;
- (f) Date of auction advertisement and of auction;
- (g) Amount of towing and storage lien;
- (h) Amount of auction proceeds;
- (i) Amount of excess funds and date the disposition notice was sent to the Washington state patrol.

Entries on the master log must be made within seventy-two hours following the activity being logged.

AMENDATORY SECTION (Amending Order DLR-088, filed 1/6/86)

WAC 308-61-168 Disputed impound. (1) Where a timely request has been made for a district court hearing and where the vehicle owner has failed to redeem the vehicle, the abandoned vehicle procedural requirements may be followed, but the sale of the vehicle at public auction shall not take place until after the court has disposed of the request.

(2) For purposes of RCW 46.55.220, it shall not be necessary to hold a hearing to refuse a license unless such a hearing is requested.

(3) The administrative hearings officer, provided in ~~((section 24))~~ RCW 46.55.240 (1)(d), shall mean a hearings officer authorized by ordinance or resolution of a city, town or county for the purpose of conducting hearings on disputed vehicle impound cases.

(4) Operators shall maintain a trust account solely for the deposit of funds received pending the disposition of any district court hearing requests.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- 308-61-010 Definitions—General.
- 308-61-025 Definitions.
- 308-61-030 Established place of business.
- 308-61-040 Documents supporting acquisition of vehicles.
- 308-61-200 Wreckers—Application for license.
- 308-61-205 Expiration of motor vehicle wrecker's license.
- 308-61-210 Wreckers—Special plates.
- 308-61-220 Wreckers—General procedures and requirements.
- 308-61-230 Wreckers—Procedures for acquiring vehicles and vehicle parts.
- 308-61-240 Wreckers—Records and procedures for monthly reports.
- 308-61-250 Wreckers—Must furnish bill of sale for parts.
- 308-61-260 Wreckers—Selling used vehicles.
- 308-61-270 Wreckers—Additional grounds for denial, suspension, revocation or civil fine assessment—Unlawful practices.
- 308-61-300 Hulk hauler—Application for license.
- 308-61-305 Expiration of hulk hauler license.
- 308-61-310 Hulk hauler—Special plates.
- 308-61-320 Hulk hauler—General procedures and requirements.
- 308-61-330 Hulk hauler—Procedures for acquiring and selling vehicles.
- 308-61-340 Hulk hauler—Grounds for denial, suspension, revocation—Unlawful practices.
- 308-61-400 Scrap processor—Application for license.
- 308-61-405 Expiration of scrap processor license.
- 308-61-410 Scrap processor—Special plates.
- 308-61-420 Scrap processor—General procedures and requirements.
- 308-61-430 Scrap processor—Procedures for acquiring vehicles for demolition.
- 308-61-440 Scrap processor—Procedures for monthly reports.
- 308-61-450 Scrap processor—Grounds for denial, suspension, revocation—Unlawful practices.

Chapter 308-63 WAC WRECKERS

NEW SECTION

WAC 308-63-010 Definitions—General. (1) Department - means the department of licensing of the state of Washington.

(2) Director - means the director of the department of licensing.

(3) Destroy - means the dismantling, disassembling or wrecking of a vehicle with the intent of never again operating such as a vehicle, or the sustaining of damage to a vehicle either (a) to the extent that the cost of repairing it

exceeds its fair market value immediately prior to the accident or occurrence, or (b) to the extent that the cost of repairing it plus its salvage value in its damaged condition exceeds or approximately equals the market value of the vehicle in its repaired or restored condition.

(4) Acquire - shall be construed to mean physical custody together with proof of ownership as provided under WAC 308-63-080.

(5) Custody - means the possession of a vehicle in which there is equitable ownership but for which ownership documents required in WAC 308-63-080 have not been received, or a vehicle placed for safekeeping by a law enforcement officer or others.

(6) Obscure - means to screen the wrecker activity from public view.

NEW SECTION

WAC 308-63-020 Definitions. (1) Bill of sale for acquiring vehicles. A bill of sale shall include the names and addresses of the seller and purchaser; a description of the vehicle or part being sold, including the make, model and identification or serial number; the date of sale; and the purchase price of the vehicle. Bills of sale are acceptable in lieu of title in the cases of:

(a) Vehicles from nontitle jurisdictions;

(b) When an insurance company or private owner has turned in the title to a vehicle previously destroyed as provided under WAC 308-58-030; or

(c) For vehicles of the type to which titles are not issued.

(2) In the case of vehicle parts a bill of sale from the seller describing the specific part and giving the full name, address and verification of the seller's identity, plus date of sale. In addition, if a major component part is acquired the vehicle identification number from which it came must also be set forth on the bill of sale. A copy of each bill of sale shall be maintained on acquired parts for a period of three years.

NEW SECTION

WAC 308-63-030 Established place of business. Wrecker. A wrecker's established place of business is a building or enclosure which the owner occupies either continuously or at regular intervals and where his/her books and records are kept available for inspection during normal business hours and dismantling of vehicles is accomplished and which must conform with local zoning regulations.

NEW SECTION

WAC 308-63-040 Wreckers—Application for license. An original application for a wrecker license shall be filed with the director on the form provided for this purpose. The application must be endorsed by the chief of police if city is over five thousand population; otherwise, by a member of the Washington state patrol. The endorsement certifies that the wrecker has an established place of business at the address shown on the application and that his/her vehicle(s) are properly identified in accordance with WAC 308-63-070(6).

Each application shall specify the number of vehicles owned, leased, rented or otherwise operated for towing or transportation of vehicles or hulks in the conduct of his/her business by the applicant, or wrecker seeking renewal and shall identify such vehicles by make, model, year or other adequate description, and identification number.

NEW SECTION

WAC 308-63-050 Expiration of motor vehicle wrecker's license. (1) A motor vehicle wrecker's license shall expire twelve consecutive months from the date of issuance for purposes of staggered licensing.

(2) Motor vehicle wrecker license plates shall expire on the same date as the expiration of the license.

NEW SECTION

WAC 308-63-060 Wreckers—Special plates. All vehicles used for towing or transporting vehicles or hulks by a motor vehicle wrecker on the highways of this state in the conduct of his/her business shall bear regular license plates and, in addition, special wrecker's plates. Wrecker's plates may be obtained at a fee of six dollars which includes one dollar for reflectorization under RCW 46.16.237 for the first set, and three dollars including reflectorization for each additional set.

The wrecker may purchase sets of plates equal in number to the number of vehicles reported on his/her application as owned, rented, leased and operated by him/her and used by him/her for towing or transporting of vehicles or hulks in the conduct of his/her business. Should the wrecker purchase, lease, or rent additional vehicles for towing or transporting of vehicles or hulks in his/her business during the course of the year, he/she shall so inform the department and may, at the department's discretion, obtain additional plates for such vehicles.

Each vehicle used for towing or transporting of vehicles or hulks shall display both wrecker plates assigned to it, provided that when any vehicle being towed does not have valid license plates, wrecker plates may be split, with one being displayed on the front of the towing vehicle and the other on the rear of the vehicle being towed.

NEW SECTION

WAC 308-63-070 Wreckers—General procedures and requirements. All wreckers shall comply with all rules and regulations relative to the handling of vehicles to be wrecked or dismantled.

(1) Enclosure. The activities of a motor vehicle wrecker shall be conducted entirely within the established place of business. A physical barrier shall designate the boundary of the wrecking yard except that, where necessary to obscure public view of the premises, such premises shall be enclosed by a sight-obscuring wall or fence at least eight feet high.

(a) Where required, such sight-obscuring wall or fence shall be painted or stained in neutral shade to blend with surrounding premises. If the fence is made of chain link, it must have sufficient slats or other construction to obscure public view of the premises.

(b) A living hedge of equal height and sufficient density to prevent view of the premises may be substituted for the wall or fence.

(c) All enclosures and barriers shall be kept in good repair.

(d) Reasonable consideration shall be given to the topography of the land by enforcement personnel when inspecting premises for such fence, enclosure or barrier.

(e) Exceptions to this section must be granted in writing by the department.

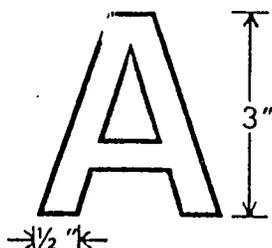
(2) Additional places of business. Each licensed wrecker may maintain one or more additional places of business within the same law enforcement jurisdiction, such as a city or county, under the same permit. The wrecker may maintain as many storage yards or sales outlets as needed so long as each is registered with the department. Each wrecking or storage yard shall comply with local zoning regulations and with such other requirements as the department may provide, particularly those in subsection (1) of this section. Duplicate wrecker's licenses will be issued to be posted at each additional place of business.

(3) Change of address. The department shall be notified immediately of any change of address of any business location or of the addition of any such location.

(4) Display of license certificate. The license certificate of a licensed wrecker shall be displayed conspicuously at each business address(es) and shall be available for periodic inspection by law enforcement officers and authorized representatives of the department.

(5) Tow car fee. The licensee of any fixed load vehicle equipped for lifting or towing any disabled, impounded, or abandoned vehicle or part thereof, may pay a twenty-five dollar fee in lieu of tonnage fees as provided in RCW 46.16.079.

(6) Identification of licensee's vehicles. All vehicles equipped for lifting or transporting vehicles or hulks which are operated on the highways of this state shall display the licensee's name, the city in which the licensee's established place of business is located, and current business telephone number of such licensee. Such information shall be painted on or permanently affixed to both sides of the vehicle. Each letter and numeral shall be made with at least a half-inch stroke for the width and shall be at least three inches high. See example.



(7) License plates from vehicles entered into the wrecking yard shall be removed within twenty-four hours, except that plates on vehicles in the segregated area may be left on until the vehicle is entered into the wrecking yard. The wrecker shall destroy such plates prior to submitting the

monthly report for the month the vehicle was entered into the wrecking yard.

(8) Major component parts. Under RCW 46.80.010(3) the term "engines, short blocks, transmissions and drive axles" shall not include cores or parts which are limited to value as scrap metal or for remanufacturing only. The term "seat" shall be interpreted to mean bucket seat.

(9) Vehicles in custody and awaiting approved ownership documents, as provided under WAC 308-63-080, must be placed in a segregated storage area within the wrecking yard which must be designated by a physical barrier. Vehicles may remain in this area after ownership documents have arrived and the vehicle has been properly entered into the wrecking yard inventory. There will be no dismantling or parts removal in this area. The physical barrier may be portable, made of substantial posts and connected by a chain, cable, barbed wire, or of other equally strong construction.

This area can be used for storage of dealer cars or equipment if the wrecker is both a wrecker and a dealer however, there will be no storage of vehicle parts.

NEW SECTION

WAC 308-63-080 Wreckers—Procedures for acquiring vehicles and vehicle parts. Supporting acquisition. The wrecker may acquire vehicles and vehicle parts if the seller can furnish ownership documents as follows:

(1) Certificate of title, including salvage certificates, properly endorsed in the case of vehicles from states issuing a title.

(2) Bills of sale pursuant to WAC 308-63-020(1) for vehicles from nontitle jurisdictions, for vehicles that have had their title surrendered to a state after having been declared a total loss, and for vehicles of the type to which titles are not issued.

(3) Affidavit of lost or stolen title if executed by the registered and legal owner of record.

(4) Insurance company bills of sale pursuant to WAC 308-58-020(2).

(5) Affidavit of sale of an abandoned vehicle pursuant to WAC 308-61-026(1).

(6) Affidavit of junk vehicle pursuant to RCW 46.55.230.

(7) A court order.

(8) A bill of sale for parts pursuant to WAC 308-63-020(2).

NEW SECTION

WAC 308-63-090 Wreckers—Records and procedures for monthly reports. (1) Wrecker books and files. The wrecker shall maintain books and files which shall contain the following:

(a) A record of each vehicle or part acquired giving:

(i) A description of the vehicle or part by make, model, year, and for major component parts vehicle identification number and "yard number" assigned at the time the vehicle or major component part was placed in the wrecking yard;

(ii) The date purchased or acquired by the wrecker, and the name of the person, firm or corporation from which the vehicle or parts were obtained;

(iii) The certificate of title number if registered in a title state, or registration number if a nontitle state or description

of document used in lieu of title such as affidavits of sale or bills of sale for vehicle parts; and

(iv) The name of the state and license number in state last registered.

(b) A record of the disposition of the motor, body, and major component parts giving the name of the person purchasing the part(s), if any. Sales to scrap processors shall be accompanied by an invoice or bill of sale, listing each vehicle by its yard number. The wrecker shall retain a copy of such invoice or bill of sale for purposes of inspection for three years.

These records will be subject to inspection by authorized representatives of the department and law enforcement officials during regular business hours. The foregoing information shall be entered in the wrecker's records within two business days of the event requiring the entry, such as receipt of a vehicle.

(2) Must furnish written reports. By the tenth of the month following acquisition of vehicles entered into the wrecking yard inventory, each wrecker will submit a report on the form provided by the department documenting that those vehicles were entered into the wrecking yard inventory during the month. Vehicles being held in the segregated storage area awaiting ownership documents, pursuant to WAC 308-63-070(9), will not be reported. The report shall be made in duplicate. The original shall be sent to the department and the duplicate retained for the wrecker's files. If no vehicles are acquired during the month, the monthly report must be sent in stating "none." The report shall give such information for vehicles only as the wrecker is required to keep by subsection (1)(a)(i), (ii), (iii), and (iv) of this section; it shall be accompanied by properly endorsed certificates of title or other adequate evidence of ownership and registration certificates: *Provided*, That records on acquisitions and sales of vehicle parts need not be included in reports submitted to the department but records shall be kept for three years from date of purchase and available for inspection.

(3) Identity of vehicles in yard. All vehicles placed in the yard shall be identified by a yard number as assigned in the records with numerals marked so as to be clearly visible and legible. If a part of a vehicle is sold which has the number on it, the vehicle shall be renumbered in another location on the vehicle.

NEW SECTION

WAC 308-63-100 Wreckers—Must furnish bill of sale for parts. No wrecker may sell a motor vehicle part unless he/she gives the purchaser a bill of sale for such part. Whenever the wrecker sells a motor, frame, or other major component part, he/she shall describe the part fully, giving make, model, year, and vehicle identification number or yard number of the vehicle from which the part was taken.

No wrecker may sell vehicles or hulks to a scrap processor or to a hulk hauler for transportation to a scrap processor unless he/she gives the scrap processor or the hulk hauler an invoice or bill of sale listing each vehicle or hulk by yard number; the wrecker shall retain a copy of such invoices for inspection purposes.

NEW SECTION

WAC 308-63-110 Wreckers—Selling used vehicles.

(1) All vehicles acquired for sale under a vehicle dealer's license which are inoperable at the time of acquisition shall be kept inside the wrecking yard and shall be segregated from the remainder of the operation by a continuous physical barrier.

(2) "Inoperable" as used in this section shall mean a vehicle which does not comply with requirements for vehicles used on public streets with regard to brakes, lights, tires, safety glass and other safety equipment. However, for purposes of this section, inoperable shall not include a requirement to be currently licensed.

NEW SECTION

WAC 308-63-120 Statement of change in business structure, ownership interest or control. Any person, firm, association, corporation or trust licensed under chapter 46.80 RCW must, within ten days following any change in its business or ownership structure, file a statement describing with particularity the change in its business structure or the change in ownership interest.

NEW SECTION

WAC 308-63-130 Termination of business. A motor vehicle wrecker who terminates his/her business shall return his/her license and special license plates to the department for cancellation within ten business days of such termination, except as provided in RCW 46.70.081.

NEW SECTION

WAC 308-63-140 Sale, transfer or other disposition of noncorporate licensee. Upon the sale, transfer or other disposition of fifty percent or more of the ownership interest in a noncorporate licensee:

(1) A rider to the bond revealing the change in ownership shall be filed with the department.

(2) A new application for an appropriate license by the purchaser or transferee is required and the fee will be the same as for an original application.

(3) The former owner must turn into the department his/her special license plates. The new owner or transferee must purchase new plates in his/her own name.

NEW SECTION

WAC 308-63-150 Partial sales transfer or disposition of noncorporate licensee. When a licensee transfers less than fifty percent of the ownership interest in a noncorporate licensee to a person not licensed at the licensee's place of business:

(1) A rider to the bond revealing the change in ownership shall be filed with the department.

(2) A new application reflecting the change in ownership must be filed. The parties thereto shall be considered temporarily licensed until renewal or denial of the application and no additional fee will be required. Upon renewal of the license an original application and fee will be required.

(3) The special license plates issued to the original licensee may continue to be used. The same license number may be retained upon renewal if requested.

NEW SECTION

WAC 308-63-160 Incorporation of licensee while licensed. A licensee which incorporates while licensed:

- (1) Shall file an application for an appropriate license.
- (2) Shall file a new bond with the department.

(3) If the transfer involves a change in the business structure only and does not involve the transfer of fifty percent or more of the ownership interest in the firm, the corporation may be considered temporarily licensed until the end of the licensing period or until the application is denied, and during such period:

(a) No additional fees will be required until renewal, at which time an original application for license and fee will be required.

(b) The same special license plates may be used until renewal. The firm may request the preincorporation license number upon renewal.

Chapter 308-65 WAC HULK HAULERS/SCRAP PROCESSORS

NEW SECTION

WAC 308-65-010 Definitions—General. Demolish. To demolish means the rendering of vehicle salvage into recyclable metals, for example, by means of a hydraulic baler and shears or a shredder operated by a licensed scrap processor.

NEW SECTION

WAC 308-65-020 Definitions. (1) Bill of sale for acquiring vehicles. A bill of sale shall include the names and addresses of the seller and purchaser; a description of the vehicle or part being sold, including the make, model and identification or serial number; the date of sale; and the purchase price of the vehicle. Bills of sale are acceptable in lieu of title in the cases of:

(a) Vehicles from nontitle jurisdictions;

(b) When an insurance company or private owner has turned in the title to a vehicle previously destroyed as provided under WAC 308-58-030; or

(c) For vehicles of the type to which titles are not issued.

(2) In the case of vehicle parts a bill of sale from the seller describing the specific part and giving the full name, address and verification of the seller's identity, plus date of sale. In addition, if a major component part is acquired the vehicle identification number from which it came must also be set forth on the bill of sale. A copy of each bill of sale shall be maintained on acquired parts for a period of three years.

NEW SECTION

WAC 308-65-030 Established place of business. (1) Hulk hauler. A hulk hauler's established place of business is an address at which he/she receives mail and can normally be reached.

(2) Scrap processor. A scrap processor's established place of business is a place where (a) vehicles may be stored lawfully, (b) hydraulic balers, shears or shredders or other equipment for recycling vehicle salvage may be used lawfully, and (c) there is a building in which the scrap processor's license is conspicuously displayed and where all records required of the scrap processor are available for inspection.

NEW SECTION

WAC 308-65-040 Hulk hauler—Application for license. The application for a hulk hauler's license shall be made on the form provided by the department and shall include, in addition to any other information the department may require, and in addition to the provisions of RCW 46.79.030:

(1) A statement regarding whether or not the applicant has ever previously had a license as a hulk hauler denied, suspended, or revoked and on what dates and what grounds.

(2) A certification from a member of the Washington state patrol that his/her vehicle(s) are properly identified in accordance with WAC 308-61-320(5).

The license may be renewed prior to the expiration date by filing a renewal application, securing a signature of the appropriate member of the Washington state patrol on his/her application, and paying a renewal fee of ten dollars.

NEW SECTION

WAC 308-65-050 Expiration of hulk hauler license.

(1) A hulk hauler's license shall expire twelve consecutive months from the date of issuance for purposes of staggered licensing.

(2) Motor vehicle hulk hauler license plates shall expire on the same date as the expiration of the license.

NEW SECTION

WAC 308-65-060 Hulk hauler—Special plates. All vehicles used by hulk haulers on the highways of this state shall bear regular license plates and in addition, special hulk hauler's plates. Each vehicle shall display both special plates assigned to it, provided that when any vehicle being towed does not have valid license plates, the hulk hauler plates may be split, with one being displayed on the front of the towing vehicle and the other on the rear of the vehicle being towed. The plates serve in lieu of a trip permit or current license plates for the vehicle(s) being transported.

The plates may be obtained at a fee of six dollars for the first set, and three dollars for each additional set which charges include the reflectorization fee required by RCW 46.16.237.

NEW SECTION

WAC 308-65-070 Hulk hauler—General procedures and requirements. Hulk haulers shall comply with all statutes, rules and regulations relative to the handling of vehicles and vehicle hulks.

(1) Change of address. The department shall be notified immediately of any change of mailing address.

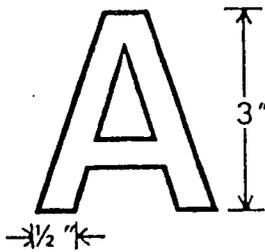
(2) License certificate. The license certificate shall be carried in the vehicles operated by hulk haulers. If a hulk

hauler operates more than one vehicle he/she shall request additional license certificates for each vehicle. Such certificates shall also be carried for inspection by law enforcement officers.

(3) Tow car fee. The licensee of any fixed load vehicle equipped for lifting or transporting any disabled, impounded or abandoned vehicle or part thereof, may pay a twenty-five dollar fee in lieu of tonnage fees provided in RCW 46.16.070.

(4) Inspection of transport vehicle. Prior to the issuance of a hulk hauler license the vehicle to be used in transporting vehicle salvage must be inspected by the appropriate law enforcement official to verify compliance with safety requirements applying to transportation of vehicle salvage on the highways of the state.

(5) Identification of licensee's vehicles. All vehicles equipped for lifting or transporting vehicles or hulks which are operated on the highways of this state shall display the licensee's name, mailing address, and current business telephone number of such licensee. Such information shall be painted on or permanently affixed to both sides of the vehicle. Each letter and numeral shall be made with at least a half-inch stroke for the width and shall be at least three inches high. See example.



NEW SECTION

WAC 308-65-080 Hulk hauler—Procedures for acquiring and selling vehicles. (1) Supporting acquisition for transport, resale. The hulk hauler may acquire vehicles or hulks for transport and resale to a licensed motor vehicle wrecker or scrap processor upon obtaining ownership documents in the form of a certificate of title properly endorsed, from a state issuing a title, or a certificate of registration and notarized bill of sale from a jurisdiction issuing only a registration certificate or other approved ownership documents as follows:

- (a) Affidavit of lost or stolen title signed by the owner on record with the department, and release of interest from the owner.
- (b) Affidavit of sale of a junk vehicle from the landowner who has complied with RCW 46.55.230.
- (c) Affidavit of sale from a registered tow truck operator.
- (d) A court order.

(e) Acquisition from wreckers licensed by the department may be supported by obtaining the wrecker's invoice or bill of sale listing each vehicle by the wrecker's "yard number." Such invoice or bill of sale shall be given to the scrap processor or vehicle wrecker purchasing the vehicles listed therein.

(f) Bills of sale pursuant to WAC 308-63-020 for vehicles from nontitle jurisdictions that have had their titles surrendered to a state after having been declared a total loss and for vehicles of the type to which titles are not issued.

(2) Must possess supporting documentation. Before a hulk hauler may transport any vehicle for resale, he/she shall have in his/her possession ownership documents to support lawful acquisition or possession, as enumerated in subsection (1) of this section. Such documentation shall be in his/her possession at all times while the vehicle is transported.

(3) Handling vehicles. A hulk hauler may not operate as a wrecker or remove parts from vehicles, provided that he/she may remove the parts necessary to sell vehicle salvage to a licensed scrap processor, e.g., the upholstery, gasoline tank, and tires, so long as such parts are removed on the premises of a licensed wrecker or scrap processor where prior permission is granted or at a location approved by the department.

(4) May sell to licensed wreckers and scrap processors. Vehicles in the possession of a licensed hulk hauler may only be sold to a licensed wrecker or scrap processor.

NEW SECTION

WAC 308-65-090 Scrap processor—Application for license. The application for a scrap processor's license shall contain, in addition to any other information the department may require, evidence the application is approved by the local government planning and zoning authorities pursuant to the provisions of the State Environmental Act, chapter 43.21C RCW.

NEW SECTION

WAC 308-65-100 Expiration of scrap processor license. (1) A scrap processor's license shall expire twelve consecutive months from the date of issuance for purposes of staggered licensing.

(2) Any special license plates issued to a scrap processor shall expire on the same date as the expiration of the license.

NEW SECTION

WAC 308-65-110 Scrap processor—Special plates. Vehicles owned or operated on the highways of this state by a scrap processor and used by him/her in gathering vehicle hulks or salvage shall bear regular license plates and, in addition, hulk hauler plates. Such plates serve in lieu of a trip permit or current license for any vehicle being transported. Each vehicle shall display all plates issued to it.

The plates may be obtained at a fee of six dollars for the first set, and three dollars for each additional set including the reflectorization fee required by RCW 46.16.237; they expire simultaneously with the scrap processor's license.

NEW SECTION

WAC 308-65-120 Scrap processor—General procedures and requirements. All scrap processors shall comply with all statutes, rules and regulations relative to the demolition of vehicles and vehicle hulks.

PERMANENT

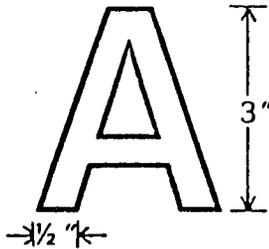
(1) Change of address. The department shall be notified immediately of any change of address of any business location or of the addition of any such location.

(2) Display of license certificate. The license certificate of the scrap processor shall be displayed conspicuously at the business address shown on the application and shall be available for inspection by law enforcement officers and authorized representatives of the department.

(3) Inspection of premises. The premises of the scrap processor shall be subject to periodic inspection by appropriate law enforcement officers and authorized representatives of the department.

(4) Destroying of license plates. All license plates coming into the possession of the scrap processor shall be destroyed by the scrap processor prior to forwarding the monthly report to the department under RCW 46.79.020.

(5) Identification of licensee's vehicles. All vehicles equipped for lifting or transporting vehicles or hulks shall display the licensee's name, address and current telephone number. Such information shall be painted on or permanently affixed to both sides of the vehicle. Each letter and numeral shall be made with at least a half-inch stroke for the width and shall be at least three inches high. See example.



NEW SECTION

WAC 308-65-130 Scrap processor—Procedures for acquiring vehicles for demolition. Supporting acquisition. A scrap processor may acquire vehicles for demolition if the transferor can furnish ownership documents, in the form of a certificate of title properly endorsed, from a state issuing a title, or a certificate of registration and notarized bill of sale from a jurisdiction issuing a registration certificate only or other approved ownership documents as follows:

(1) Affidavit of lost or stolen title and release of interest from the owner.

(2) Affidavit of sale of a junk vehicle from the landowner who has complied with RCW 46.55.230.

(3) Bills of sale pursuant to WAC 308-63-020 for vehicles from nontitle jurisdictions, for vehicles that have had their titles surrendered to a state after having been declared a total loss, and for vehicles of the type to which titles are not issued.

(4) Affidavit of sale from a registered tow truck operator.

(5) A court order.

(6) Invoice or bill of sale from wrecker.

(7) Scrap processors may acquire vehicle salvage from out-of-state provided that the out-of-state salvage company submits an affidavit certifying his/her rightful and true possession of the vehicles or parts contained in the bulk

shipment and that he/she has complied with all statutes, rules and regulations relating to such vehicles in the state or province of origin.

(8) Vehicle parts may be acquired by use of an invoice or bill of sale which describes the part and identifies the seller by name and address.

NEW SECTION

WAC 308-65-140 Scrap processor—Procedures for monthly reports. (1) Must maintain books and files.

(a) The scrap processor shall maintain the following books and files of all vehicles, acquired other than from a wrecker or out-of-state salvage company, which shall contain the following:

(i) A description of each vehicle acquired by make, model, year and vehicle identification number;

(ii) The date acquired, name of the person, firm or corporation from which obtained, and the wrecker license numbers if such person is licensed as a wrecker by the department;

(iii) A description of the document evidencing ownership, and if a certificate of title or registration, the title or registration number; and

(iv) The license plate number and name of state in which vehicle was last registered.

(b) For all vehicles acquired from a licensed wrecker, a copy of the wrecker's invoice or bill of sale shall suffice as the record of acquisition and demolition.

(c) For vehicles acquired from out-of-state salvage companies, an invoice listing the vehicles and the affidavit of compliance with the out-of-state jurisdiction.

(d) For vehicle parts, an invoice or bill of sale describing the part and identifying the seller by name and address. That record will be available for inspection.

(e) Such records shall be maintained for three years and shall be subject to periodic inspection by authorized representatives of the department and appropriate law enforcement officers.

(2) Must furnish written reports. By the tenth of the month following acquisition of vehicles or hulks for demolition, each scrap processor shall submit a report, on the form prescribed by the department, listing each vehicle, whether or not such vehicles have been demolished. This report shall be made in duplicate, retaining the duplicate for the scrap processor's files. The report shall give such information as the scrap processor is required to keep by subsection (1) of this section, provided that the scrap processor need not include copies of a wrecker's invoice or bill of sale in such report so long as he/she retains copies of the invoices and bills of sale for a period of three years. It shall be accompanied by properly endorsed certificates of title or registration or such other adequate evidence of ownership as may come into the scrap processor's possession when he/she acquires vehicles for salvage from other than wreckers licensed by the department.

NEW SECTION

WAC 308-65-150 Statement of change in business structure, ownership interest or control. Any person, firm, association, corporation or trust licensed under chapter 46.79 RCW must, within ten days following any change in

its business or ownership structure, file a statement describing with particularity the change in its business structure or the change in ownership interest.

NEW SECTION

WAC 308-65-160 Termination of business. A hulk hauler or scrap processor who terminates his business shall return his/her license and special license plates to the department for cancellation within ten business days of such termination, except as provided in RCW 46.70.081.

NEW SECTION

WAC 308-65-170 Sale, transfer or other disposition of noncorporate licensee. Upon the sale, transfer or other disposition of fifty percent or more of the ownership interest in a noncorporate licensee:

(1) A new application for an appropriate license by the purchaser or transferee is required and the fee will be the same as for an original application.

(2) The former owner must turn into the department his/her special license plates. The new owner or transferee must purchase new plates in his/her own name.

NEW SECTION

WAC 308-65-180 Partial sales transfer or disposition of noncorporate licensee. When a licensee transfers less than fifty percent of the ownership interest in a noncorporate licensee to a person not licensed at the licensee's place of business:

(1) A new application reflecting the change in ownership must be filed. The parties thereto shall be considered temporarily licensed until renewal or denial of the application and no additional fee will be required. Upon renewal of the license an original application and fee will be required.

(2) The special license plates issued to the original licensee may continue to be used. The same license number may be retained upon renewal if requested.

NEW SECTION

WAC 308-65-190 Incorporation of licensee while licensed. A licensee which incorporates while licensed:

(1) Shall file an application for an appropriate license.

(2) If the transfer involves a change in the business structure only and does not involve the transfer of fifty percent or more of the ownership interest in the firm, the corporation may be considered temporarily licensed until the end of the licensing period or until the application is denied, and during such period:

(a) No additional fees will be required until renewal, at which time an original application for license and fee will be required.

(b) The same special license plates may be used until renewal. The firm may request the preincorporation license number upon renewal.

WSR 93-08-111
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3532—Filed April 7, 1993, 11:56 a.m.]

Date of Adoption: April 7, 1993.

Purpose: Provide medical coverage to the family members of newly legalized aliens as provided under the family unity program.

Citation of Existing Rules Affected by this Order: Amending WAC 388-83-015 Citizenship and alien status.

Statutory Authority for Adoption: RCW 74.08.090.

Other Authority: Section 301 - Family Unity of Immigration Act of 1990, P.L. 101-649.

Pursuant to notice filed as WSR 93-06-009 on February 19, 1993.

Changes Other than Editing from Proposed to Adopted Version: Subsection (3)(b) changed to read . . . a medical assistance program as described under . . . This change has been made at the request of Evergreen Legal Services and is in technical language only and has not changed the original intent of the agency.

Effective Date of Rule: Thirty-one days after filing.

April 7, 1993

Rosemary Carr

Acting Director

Administrative Services

AMENDATORY SECTION (Amending Order 2798, filed 5/17/89)

WAC 388-83-015 Citizenship and ((alienage)) alien status. (1) The department shall provide Medicaid to an otherwise eligible ((individual)) person who is:

(a) A citizen of the United States; or

(b) A North American Indian born in Canada:

(i) Claiming fifty percent Indian blood; or

(ii) Claiming fifty percent or less Indian blood and maintains United States residency since before December 25, 1952; or

(c) An alien lawfully admitted for permanent residence or otherwise permanently residing under color of law (PRUCOL) in the United States; or

(d) An alien who is lawfully present in the United States according to provisions of sections 203 (a)(7), 207(c), 208, and 212 (d)(5) of the Immigration and Nationality Act (INA); or

((d)) (e) An alien granted lawful temporary residence, or permanent residence according to provisions of section 245((A)) (a), 210, 210(f) and 210A of INA and sections 202 and 302 of the Immigration Reform and Control Act (IRCA) ((if the alien is:

(i) Aged, blind, or disabled;

(ii) Seventeen years of age or under;

(iii) Pregnant; or

(iv) A Cuban/Haitian entrant as defined in sections 501(e)(1) and (2)(A) of P.L. 96-422.

(2) For five years from the date Immigration and Naturalization Service (INS) grants lawful temporary or permanent resident status to an alien, under sections 245A, 210, and 210A of INA, the alien, other than those described

~~under subsection (1)(d) of this section, shall be eligible for Medicaid services only as follows:~~

~~(a) Medical care and services necessary for treatment of the alien's emergency medical condition. For purposes of this subsection, the term "emergency medical condition" means a medical condition manifesting itself by acute symptoms of sufficient severity, including severe pain, such that the absence of immediate medical attention could reasonably be expected to result in:~~

- ~~(i) Placing the alien's health in serious jeopardy;
(ii) Serious impairment to bodily functions; or
(iii) Serious dysfunction of any bodily organ or part.~~

~~(b) When such alien meets the eligibility requirements of any one of the medical assistance programs under chapters 388-82, 388-83, 388-92, 388-95, and 388-99 WAC.~~

~~(3) The department shall consider a seasonal agricultural worker (SAW), granted temporary or permanent residence under sections 210(f) of INA and 302 of IRCA, eligible for Medicaid on the same basis as aliens under subsections (1)(d) or (2) of this section.~~

~~(4)) unless five years from the date Immigration and Naturalization Service (INS) grants lawful temporary resident status has not passed; or~~

~~(f) An alien approved by the INS under the family unity program, unless five years from the date INS grants lawful temporary resident status for the petitioning relative has not passed.~~

~~(2) When an alien as described under subsection (1)(e) or (f) of this section has not passed the five-year disqualification period, the department shall provide Medicaid to an otherwise eligible person when an alien is:~~

~~(a) Aged, blind, or disabled;~~

~~(b) Seventeen years of age or under;~~

~~(c) Pregnant; or~~

~~(d) A Cuban/Haitian entrant as defined under sections 501 (e)(1) and (2)(A) of P.L. 96-422.~~

~~(3) All other aliens, including an alien described in subsection (1)(e) or (f) of this section who is still under the five-year disqualification and is not described under subsection (2) of this section and who is not lawfully admitted for permanent residence, or otherwise permanently residing in the United States under color of law, or described in subsection (2) ((or (3))) of this section, shall be eligible for Medicaid ((only if)) as follows:~~

~~(a) Medical care and services are necessary for treatment of ((an)) the alien's emergency medical condition ((of the alien); and~~

~~(b) Such alien meets the eligibility requirements of any one of the medical assistance programs under chapters 388-82, 388-83, 388-92, 388-95, and 388-99 WAC;~~

~~(e)) For purposes of this subsection, the term emergency medical condition means a medical condition (including emergency labor and delivery) manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in:~~

~~(i) Placing the alien's health in serious jeopardy;~~

~~(ii) Serious impairment to bodily functions; or~~

~~(iii) Serious dysfunction of any bodily organ or part((-);~~

~~and~~

(b) Such alien meets the eligibility requirements of a medical assistance program as described under chapters 388-82, 388-83, 388-92, 388-95, and 388-99 WAC.

WSR 93-08-112
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3533—Filed April 7, 1993, 11:58 a.m.]

Date of Adoption: April 7, 1993.

Purpose: Adds EITC, crime victim's compensation, Agent Orange settlement, German restitution, radiation exposure and Austrian Social Insurance funds as SSI-related income exemptions. Clarifies language.

Citation of Existing Rules Affected by this Order: Amending WAC 388-92-036 SSI-related income exemption. Statutory Authority for Adoption: RCW 74.08.090.

Other Authority: POMS 830.660, 830.710, 830.715, 830.730, 830.740 and Federal Register change to CFR 20 Part 416.

Pursuant to notice filed as WSR 93-06-054 on February 26, 1993.

Changes Other than Editing from Proposed to Adopted Version: Subsection (1)(1) is changed to include . . . allowance and unusual medical expense allowance (UME) . . . This change has not changed the original intent of the agency.

Effective Date of Rule: Thirty-one days after filing.

April 7, 1993

Rosemary Carr

Acting Director

Administrative Services

AMENDATORY SECTION (Amending Order 2907, filed 12/1/89, effective 1/1/90)

WAC 388-92-036 SSI-related income ((exclusions)) exemptions. (1) The department shall ~~((exclude the following from income in the order listed))~~ exempt:

~~((a) Any ((amount a client receives from any)) public ((agency as a return of)) agency's refund of taxes paid on real property or on food ((purchased by such client or spouse));~~

~~((b) State public assistance and supplemental security income (SSI) based on financial need;~~

~~((c) Any portion of ((any)) a grant, scholarship, or fellowship ((received by a client for use in paying the cost of)) used to pay tuition ((and)), fees, or other necessary educational expenses at ((any)) an educational institution;~~

~~((d) Income ((that)) a client does not reasonably anticipate, or ((may)) receives infrequently or irregularly, ((and)) when such income does not exceed twenty dollars per month if unearned, or ten dollars per month if earned;~~

~~((e) Any amount((s)) a client receives for the foster care of a child who lives in the same household, if the child is not SSI-eligible and was placed in such home by a public or nonprofit private child-placement or child-care agency;~~

(f) One-third of any payment for child support (~~((an individual))~~) a parent receives from an absent parent for a minor child who is not institutionalized;

(g) The first twenty dollars per month of earned or unearned income, not otherwise excluded in subsection (1)(a) through (f) of this section, for a client at home. The department shall consider the ~~((exclusion))~~ exemption only once for a husband and wife. The department shall apply no ~~((exclusion))~~ such exemption on income paid on the basis of an eligible ~~((individual))~~ person's needs, ~~((such as VA pension and cash from private charitable organizations))~~ which is totally or partially funded by the federal government or a private agency;

(h) Tax exempt payments Alaska natives receive under the Alaska Native Claims Settlement Act;

(i) Tax rebates or special payments ~~((excluded))~~ exempted by other statutes~~((When necessary, the department shall publicize these exclusions));~~

(j) Compensation provided to volunteers in ACTION programs established by ~~((Public Law))~~ P.L. 93-113, the Domestic Volunteer Service Act of 1973;

(k) An amount to meet ~~((the needs of))~~ an ineligible minor child's needs residing in the household of an SSI ~~((applicant))~~ or SSI-related client. The ~~((exclusion))~~ exemption is ~~((the difference between the SSI couple cash benefit and the SSI individual cash benefit))~~ one-half of the one-person Federal Benefit Rate (FBR) less any income of the child;

(l) ~~((The following portions of))~~ Veteran's benefits designated for the veteran's:

(i) ~~((The veteran's))~~ Dependent; or

(ii) Aid and attendance/housebound allowance and unusual medical expense allowance (UME). For an institutionalized client((s)), ~~((the department shall consider the amount subsequently in the cost of the client's institutional care; and~~

(ii) The portion attributable to the veteran's dependent) see WAC 388-95-340(6).

(m) Title II Social Security Administration benefits. The department shall:

(i) ~~((The department shall))~~ Determine current client eligibility for categorically needy medical assistance under WAC 388-82-115(4), including all Title II cost of living adjustment (COLA) benefit increases received by the:

(A) ~~((By the))~~ Client since termination from SSI/SSP;
or

(B) ~~((By the))~~ Client's spouse and/or other financially responsible family member living in the same household during the time period under subsection (m)(i) of this section; and

(ii) ~~((The department shall))~~ Consider the total of the COLA benefit increases and the Title II Social Security Administration benefits in the cost of the institutionalized client's care.

(n) A ~~((reimbursable))~~ fee a guardian charges as reimbursement for providing services ~~((provided));~~

(o) Income an ineligible or nonapplying spouse receives from a governmental agency for services provided to an eligible client ~~((e.g.))~~ such as chore services~~((?));~~

(p) Certain cash payments a client receives from a governmental or nongovernmental medical or social service agency to pay for medical or social services;

(q) Restitution payment to a civilian of Japanese or Aleut ancestry under P.L. 100-383 and any interest earned from such payment;

(r) The amount of the expenses directly related to a client's impairment that allows the permanently and totally disabled client to continue to work;

(s) The amount of the blindness-related work expenses of a blind client; ~~((and))~~

(t) Interest earned on excluded burial funds and any appreciation in the value of an excluded burial arrangement which are left to accumulate and become part of the separately identified burial funds set aside on or after November 1, 1982;

(u) Earned income tax credit (EITC);

(v) Crime victim's compensation funds;

(w) Agent Orange Settlement Fund or any other funds established to settle Agent Orange liability claims under P. L. 101-201;

(x) Payments to certain survivors of the Holocaust under the Federal Republic of Germany's Law for Compensation of National Socialist Persecution or German Restitution Act. Interest earned on this income is not exempt;

(y) Payments to the injured person, the surviving spouse, children, grandchildren, or grandparents under the Radiation Exposure Compensation Act; and

(z) Payments under section 500 through 506 of the Austrian General Social Insurance Act. The department shall consider the earned interest from such payments as countable income.

(2) ~~((Unless income is contributed to the applicant, the department shall exclude all earned income of an ineligible or nonapplying individual twenty years of age and under who is a student regularly attending a school, college or university, or pursuing a vocational or technical training designed to prepare the student for gainful employment.~~

~~((?))~~ For the SSI-related ~~((individual))~~ client, the department shall exclude the first sixty-five dollars per month of earned income not excluded according to subsection (1) of this section, plus one-half of the remainder.

WSR 93-08-016
EMERGENCY RULES
DEPARTMENT OF FISHERIES

[Order 93-17—Filed March 26, 1993, 4:29 p.m., effective April 1, 1993, 12:01 a.m.]

Date of Adoption: March 26, 1993.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
 Amending WAC 220-56-105, 220-57-290, 220-57-315, 220-57-497, 220-57-505, and 220-57-515.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable spring chinook salmon are available for a recreational fishery in these tributaries of the Columbia River.

Effective Date of Rule: April 1, 1993, 12:01 a.m.

March 26, 1993

Judith Freeman

Deputy

for Robert Turner

Director

NEW SECTION

WAC 220-56-10500B River mouth definitions. Notwithstanding the provisions of WAC 220-56-105, effective April 1, 1993 through June 30, 1993:

(1) The mouth of the White Salmon River is defined as a line between a set of fishing boundary markers located immediately downstream of the Burlington Northern Railroad Bridge.

(2) The mouth of the Little White Salmon River (Drano Lake) is defined as the Highway 14 Bridge.

NEW SECTION

WAC 220-57-29000N Icicle River. Notwithstanding the provisions of WAC 220-57-290, effective May 8, 1993 through June 30, a daily bag limit of two salmon in those waters of the Icicle River downstream from a point 400 feet below Leavenworth National Fish Hatchery to fishing boundary markers at the mouth of the Icicle River.

NEW SECTION

WAC 220-57-31500W Klickitat River. Notwithstanding the provisions of WAC 220-57-315, effective April 1 through May 31, 1993, open to salmon angling on Saturdays only, daily bag limit of two salmon in those waters of the Klickitat River downstream from the Fisher Hill Bridge to the mouth.

NEW SECTION

WAC 220-57-49700 Wenatchee River. Notwithstanding the provisions of WAC 220-57-497, effective May 8 through June 15, 1993, daily bag limit of two salmon in those waters of the Wenatchee River downstream from the

mouth of Icicle River to the Highway 2 Bridge at Leavenworth.

NEW SECTION

WAC 220-57-50500U Little White Salmon River (Drano Lake). Notwithstanding the provisions of WAC 220-57-505 and WAC 220-56-105, effective April 1 through May 16, 1993, a daily bag limit of two salmon in those waters of the Little White Salmon River downstream and across from the Federal Salmon Hatchery and upstream of the Highway 14 Bridge.

NEW SECTION

WAC 220-57-51500I Wind River. Notwithstanding the provisions of WAC 220-57-515 and WAC 220-56-105, it is unlawful to fish for salmon for personal use or to possess salmon taken for personal use, except::

(1) Effective April 1 through June 15, 1993, a daily bag limit of 2 salmon in those waters of the Wind River from markers 400 feet below Shipperd Falls to markers at the river mouth boundary.

(2) Effective June 1 through June 15, 1993, a daily bag limit of 2 salmon in those waters of the Wind River from the High Bridge located just north of the town of Carson on the Wind River Highway to boundary markers 800 yards downstream of the Carson Federal Salmon Hatchery.

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

WSR 93-08-017
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 93-18—Filed March 26, 1993, 4:31 p.m.]

Date of Adoption: March 26, 1993.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 220-56-36000C.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Test results show that adequate clams are available for harvest in Razor Clam Area 3. Limitation of harvest to odd numbered days allows adequate monitoring to prevent overharvest of existing resources. Department of Health has not certified clams from Razor Clam Areas 1 and 2 as safe for human consumption at this time. Digging clams determined to be unsafe for human consumption would result in wastage.

Effective Date of Rule: Immediately.

March 26, 1993
Judith Freeman
Deputy
for Robert Turner
Director

NEW SECTION

WAC 220-57-16000S Columbia River. Notwithstanding the provisions of WAC 220-57-160 (7) and (8), effective immediately through April 7, 1993, bag limit A for those waters of the Columbia River from the Interstate 5 Bridge to the Buoy 10 line.

NEW SECTION

WAC 220-56-36000D Razor clams—Areas and seasons. Notwithstanding the provisions of WAC 220-56-360, it is unlawful to dig for or possess razor clams taken for personal use from any beach in Razor Clam Areas 1, 2, 3 or except as provided for in this section:

(1) Effective immediately through 11:59 p.m. May 11, 1993 razor clam digging is allowed in Razor Clam Area 3 from the Grays Harbor north jetty north to the Moclips River and from the Olympic National Park beach Trail 2 (Kalaloch area, Jefferson County) to Olympic National Park Beach Trail 3 (Kalaloch area, Jefferson County) only.

(2) Digging is allowed on odd numbered days only from 12:01 a.m. to 11:59 a.m.

(3) It is unlawful to dig for razor clams at any time in Long Beach, Twin Harbors Beach or Copalis Beach Clam sanctuaries defined in WAC 220-56-372.

(4) Razor Clam Areas 1 and 2 will remain closed to digging or possession of razor clams until further notice.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-36000C Razor clams—Areas and seasons. (93-15)

**WSR 93-08-018
EMERGENCY RULES
DEPARTMENT OF FISHERIES**

[Order 93-19—Filed March 29, 1993, 2:25 p.m.]

Date of Adoption: March 29, 1993.

Purpose: Personal use fishery.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-57-160.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable lower river spring chinook salmon are available, and the ESA management criteria for impacts on wild Snake River spring chinook will not be reached by virtue of this extension.

Effective Date of Rule: Immediately.

March 29, 1993
Judith Freeman
Deputy
for Robert Turner
Director

**WSR 93-08-023
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Order 3530—Filed March 29, 1993, 4:22 p.m., effective March 30, 1993, 12:01 a.m.]

Date of Adoption: March 29, 1993.

Purpose: To update the references to the federal poverty level (FPL) to the April 1, 1993, standards as published by the Secretary of Health and Human Services. The increase in the FPL occurs annually and is built into the budget estimates.

Citation of Existing Rules Affected by this Order: Amending WAC 388-82-140 Qualified Medicare beneficiaries eligible for Medicare cost sharing; 388-82-150 Special low-income Medicare beneficiaries (SLMB) eligible for Medicare cost sharing; 388-82-160 Hospital premium insurance enrollment for the working disabled; 388-83-032 Pregnant women; 388-83-033 Children—Eligible to nineteen years of age; and 388-95-360 Allocation of income and resources—Institutionalized client.

Statutory Authority for Adoption: RCW 74.08.090.

Other Authority: Federal Register.

Pursuant to RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: HCFA requires annual update of FPL income guidelines.

Effective Date of Rule: March 30, 1993, 12:01 a.m.

March 29, 1993

Rosemary Carr

Acting Director

Administrative Services

AMENDATORY SECTION (Amending Order 3389, filed 5/19/92, effective 6/19/92)

WAC 388-82-140 Qualified Medicare beneficiaries eligible for Medicare cost sharing. (1) The department shall provide Medicare cost sharing under WAC 388-81-060(2) for ~~((an individual))~~ a person:

(a) Meeting the general nonfinancial requirements under chapter 388-83 WAC;

(b) Entitled to Medicare hospital insurance benefits, Part A, under Title XVIII of the Social Security Act;

(c) Having resources, as determined under chapter 388-92 WAC, not exceeding twice the maximum supplemental security income (SSI) resource limits; and

(d) Having a total countable income, as determined under chapter 388-92 WAC, except as specified in subsection (2) of this section, not exceeding one((-) hundred

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percent of the federal poverty (~~income guidelines as published and updated by the secretary of health and human services~~) level (FPL). (~~Effective April 1, 1992,~~) One(-) hundred percent of the current (~~federal poverty income guidelines~~) FPL is:

| | Family Size | Monthly |
|------|-------------|-------------------------------|
| (i) | One | \$(568) <u>581</u> |
| (ii) | Two | ((766)) <u>786</u> |

(2) (~~Effective January 1, 1991, for applicants and recipients,~~) The department shall not consider a person's Social Security cost of living allowance increase until April 1, of each year.

AMENDATORY SECTION (Amending Order 3502, filed 1/27/93, effective 2/27/93)

WAC 388-82-150 Special low-income Medicare beneficiaries (SLMB) eligible for Medicare cost sharing. (1) (~~Effective January 1, 1993,~~) The department shall provide Medicare cost sharing under WAC 388-81-060(4) for a person:

- (a) Meeting the general nonfinancial requirements under chapter 388-83-WAC;
- (b) Entitled to Medicare hospital insurance benefits, Part A, under Title XVIII of the Social Security Act;
- (c) Having resources, as determined under chapter 388-92 WAC, not exceeding twice the maximum supplemental security income (SSI) resource limits; and
- (d) Having a total countable income, as determined under chapter 388-92 WAC, over one hundred percent of the federal poverty level (FPL) but not exceeding one hundred ten percent of the FPL (~~as published and updated by the secretary of health and human services~~). One hundred ten percent of the current FPL is:

| | Family Size | Monthly Income |
|------|-------------|----------------------------------|
| (i) | One | \$(625.00) <u>639</u> |
| (ii) | Two | ((843.00)) <u>864</u> |

(2) Effective January 1, 1995, the department shall find a person eligible, under subsection (1)(d) of this section, whose total countable income does not exceed one(-) hundred twenty percent of the FPL.

AMENDATORY SECTION (Amending Order 3389, filed 5/19/92, effective 6/19/92)

WAC 388-82-160 Hospital premium insurance enrollment for the working disabled. The department shall pay premiums for Medicare Part A for (~~an individual~~) a person:

- (1) Who is not otherwise entitled for medical assistance;
- (2) Entitled to enroll for Medicare hospital insurance benefits, Part A, under section 1818A of the Social Security Act;
- (3) Having resources, as determined under chapter 388-92 WAC, not exceeding twice the maximum supplemental security income (SSI) resource limits (~~under chapter 388-92 WAC for an individual or a couple (individual with a spouse))~~); and

(4) Having a total countable family income, as determined under chapter 388-92 WAC, not exceeding two hundred percent of the current federal poverty (~~income guidelines as published and updated by the secretary of health and human services~~) level (FPL). Two hundred percent of the current (~~poverty income guidelines~~) FPL is:

| | Family Size | Monthly |
|-----|-------------|--------------------------------------|
| (a) | One | \$(1,135.00) <u>1,162</u> |
| (b) | Two | ((1,532.00)) <u>1,572</u> |

AMENDATORY SECTION (Amending Order 3389, filed 5/19/92, effective 6/19/92)

WAC 388-83-032 Pregnant women. (1) The department shall find a pregnant woman eligible for Medicaid as categorically needy, if the pregnant woman meets:

- (a) The income requirements of this section; and
 - (b) Citizenship, Social Security number, and residence requirements under chapter 388-83 WAC.
- (2) (~~(f)~~) When a pregnant woman applies on or before the last day of pregnancy, the department shall find her eligible for continued Medicaid coverage through the end of the month containing the sixtieth day from the day pregnancy ends.

(3) Income eligibility:
 (a) Total family income shall not exceed one hundred eighty-five percent of the federal poverty (~~income guidelines as published and updated by the secretary of health and human services. Effective April 1, 1992,~~) level (FPL). One hundred eighty-five percent of the current (~~federal poverty income guidelines~~) FPL is:

| | Family Size | Monthly |
|--------|-------------|-----------------------------------|
| (i) | One | \$(1,050) <u>1,075</u> |
| (ii) | Two | ((1,417)) <u>1,454</u> |
| (iii) | Three | ((1,784)) <u>1,833</u> |
| (iv) | Four | ((2,154)) <u>2,212</u> |
| (v) | Five | ((2,518)) <u>2,592</u> |
| (vi) | Six | ((2,885)) <u>2,971</u> |
| (vii) | Seven | ((3,252)) <u>3,350</u> |
| (viii) | Eight | ((3,619)) <u>3,729</u> |

(ix) For family units with nine members or more, add ~~\$(367)~~ 379 to the monthly income for each additional member.

(b) The department shall determine family income:
 (i) According to AFDC methodology, except the department shall:

- (A) Exclude the income of the unmarried father of the unborn or unborns unless the income is actually contributed; and
 - (B) Determine eligibility as if the unborn or unborns are born.
- (ii) By applying the special situations as required under WAC 388-83-130.

(c) The department shall consider the provisions of WAC 388-83-130(1) in determining countable income for a pregnant minor.

(4) The department shall not consider resources in determining the pregnant woman's eligibility.

(5) Changes in family income shall not affect eligibility for medical assistance for the pregnant woman during

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pregnancy and when eligible under subsection (2) of this section through the end of the month that contains the sixtieth day from the last day of pregnancy:

(a) Once the department determines a pregnant woman eligible under this section; or

(b) If, at any time while eligible for and receiving medical assistance, a pregnant woman meets the eligibility requirements of this section.

AMENDATORY SECTION (Amending Order 3516, filed 2/24/93, effective 3/27/93)

WAC 388-83-033 Children—Eligible to nineteen years of age. (1) The department shall find a child who has not yet attained nineteen years of age eligible for Medicaid when the child meets citizenship, residence, and Social Security Number requirements under this chapter and the income requirement corresponding to the age levels under the following subsections:

(a) A child under nineteen years of age shall be eligible as categorically needy when the family income is equal to or less than one hundred percent of the federal poverty level (FPL). One hundred percent of the current FPL is:

| | Family Size | Monthly |
|--------|-------------|-----------------|
| (i) | One | \$((568)) 581 |
| (ii) | Two | ((766)) 786 |
| (iii) | Three | ((965)) 991 |
| (iv) | Four | ((1,163)) 1,196 |
| (v) | Five | ((1,361)) 1,401 |
| (vi) | Six | ((1,560)) 1,606 |
| (vii) | Seven | ((1,758)) 1,811 |
| (viii) | Eight | ((1,956)) 2,016 |

(ix) For family units with more than eight members, add \$((199)) 205 to the monthly income for each additional member.

(b) A child one year of age, but under six years of age, shall be eligible as categorically needy when the total family countable income does not exceed one hundred thirty-three percent of the FPL ((as published and updated by the secretary of health and human services)). One hundred thirty-three percent of the current FPL is:

| | Family Size | Monthly |
|--------|-------------|-----------------|
| (i) | One | \$((755)) 773 |
| (ii) | Two | ((1,019)) 1,045 |
| (iii) | Three | ((1,283)) 1,318 |
| (iv) | Four | ((1,547)) 1,590 |
| (v) | Five | ((1,810)) 1,863 |
| (vi) | Six | ((2,074)) 2,136 |
| (vii) | Seven | ((2,338)) 2,408 |
| (viii) | Eight | ((2,602)) 2,681 |

(ix) For family units with more than eight members, add \$((264)) 273 to the monthly income for each additional member.

(c) An infant under one year of age shall be eligible as categorically needy when the infant is a member of a family whose total family countable income does not exceed one hundred eighty-five percent of the current FPL. See income guidelines as described under WAC 388-83-032 (3)(a).

(2) The department shall:

(a) Find an infant under one year of age eligible as categorically needy when the infant:

(i) Is born to a woman eligible for and receiving medical assistance on the date of the infant's birth; and
 (ii) Remains a member of the mother's household.

(b) Not consider citizenship((?)); application for, or possession of, a Social Security Number((?)); income((?)); or resource requirements for infants under this subsection.

(3) ((Effective January 1, 1991,)) Regardless of citizenship; or application for, or possession of a Social Security Number, the department shall determine a child from birth to eighteen years of age, eligible for state-funded medical services with the same medical coverage as categorically needy, if the:

(a) Child is not eligible for any federally-funded Medicaid program; and

(b) Child's total family countable income does not exceed one hundred percent of the current FPL. See income guidelines as described under subsection (1)(a) of this section.

(4) The department shall determine family income according to AFDC methodology, and apply the special situations as required under WAC 388-83-130.

(5) The department shall not consider resources in determining eligibility of a child under this section.

(6) A child shall remain eligible under this section until the later of the end of the month:

(a) Of the child's birthday that exceeds the age requirement; or

(b) In which the child receives inpatient services if:

(i) The child is receiving inpatient services on the last day of the month of the child's birthday that exceeds the age requirement; and

(ii) The child's stay for inpatient services continues into the following month or months; and

(iii) Except for the age requirement, the child would be eligible for assistance under this section.

(7) A child eligible under subsection (3) of this section if pregnant, shall remain eligible:

(a) Regardless of the changes in family income; and

(b) Through the end of the month including the sixtieth day from the day the pregnancy ends.

AMENDATORY SECTION (Amending Order 3517, filed 2/24/93, effective 3/27/93)

WAC 388-95-360 Allocation of income and resources—Institutionalized client. (1) In reducing payment to the institution, the department shall consider the institutionalized client's:

(a) Income under WAC 388-95-335 (3)(a), (b), (c), and (d); and

(b) Resources under WAC 388-95-380 and 388-95-395.

(2) In reducing payment to the institution, the department shall consider the eligible institutional client's excess resources available to meet cost of care after the following allocations:

(a) Health insurance and Medicare premiums, deductions, and co-insurance not paid by a third party; and

(b) Noncovered medical bills which are the liability of the client and not paid by a third party.

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(3) The department shall not use allocations used to reduce excess resources under WAC 388-95-360(2) to reduce income under WAC 388-95-360(4).

(4) The department shall deduct the following amounts, in the following order, from the institutionalized client's total income, including amounts excluded in determining eligibility:

(a) Specified personal needs allowance;

(b) An amount an SSI, AFDC, or FIP-related client in a medical facility receives as a cash assistance payment sufficient to bring the client's income up to the personal needs allowance;

(c) The current personal needs allowance plus wages the SSI-related client receives for work approved by the department as part of a training or rehabilitative program designed to prepare the person for a less-restrictive placement when the total wages received plus the personal needs allowance do not exceed the one-person medically needy income level. When determining this deduction, the department shall:

(i) Not allow a deduction (~~(is not allowed)~~) for employment expenses; and

(ii) Apply the excess wages (~~(shall apply)~~) to the cost of care when the total wages received plus the initial personal needs allowance exceeds the one-person medically needy income level.

(d) A monthly needs allowance for the community spouse not to exceed one thousand seven hundred sixty-nine dollars, unless specified in subsection (6) of this section. The monthly needs allowance shall be:

(i) An amount added to the community spouse's income to provide a total community spouse's income of one thousand two hundred fifty-eight dollars; and

(ii) Excess shelter expenses as specified in subsection (5) of this section.

(e) An amount for the maintenance needs of each dependent family member residing with the community spouse (~~(Child support received from an absent parent is the child's income)~~):

(i) An amount equal to one-third of the amount one thousand one hundred (~~(forty)~~) seventy-nine dollars exceeds the family member's income. Child support received from an absent parent is the child's income.

(ii) A family member is a:

(A) Dependent or minor child;

(B) Dependent parent; or

(C) Dependent sibling of the institutionalized or community spouse.

(f) If an institutional client does not have a community spouse, an amount for the maintenance needs of family members residing in the client's home is equal to the medically needy income level for the number of legal dependents in the home less the income of the dependents;

(g) Amounts for incurred medical expenses not subject to third-party payment including, but not limited to:

(i) Health insurance premiums, co-insurance, or deductible charges; and

(ii) Necessary medical care recognized under state law, but not covered under Medicaid.

(h) Maintenance of the home of a single person or couple:

(i) Up to one hundred eighty dollars per month; and

(ii) Limited to a six-month period; and

(iii) A physician has certified that either of the persons is likely to return to the home within that period; and

(iv) Social service staff shall document initial need for the income exemption and review the person's circumstances after ninety days.

(5) For the purposes of this section, excess shelter expenses:

(a) Means the actual required maintenance expenses for the community spouse's principal residence for:

(i) Rent;

(ii) Mortgage;

(iii) Taxes and insurance;

(iv) Any maintenance care for a condominium or cooperative; and

(v) A food stamp standard allowance for utilities, provided the utilities are not included in the maintenance charges for a condominium or cooperative.

(b) Shall not exceed three hundred (~~(five)~~) fifty-three dollars and seventy cents, effective April 1, (~~(1992; and~~

~~(e) Shall not exceed three hundred forty-four dollars and seventy cents, effective July 1, 1992)) 1993.~~

(6) The amount (~~(allocated from)~~) the institutional spouse allocates to the community spouse may be greater than the amount in subsection (4)(d)(i) of this section only when:

(a) A court enters an order against the institutional client for the community spouse support; or

(b) A hearings officer determines a greater amount is needed because of exceptional circumstances resulting in extreme financial duress.

(7) The client shall use the income remaining after allocations specified in subsection (4) of this section, toward payment of the (~~(recipient's)~~) client's cost of care at the department rate.

(8)(a) (~~(Effective July 1, 1988,)~~) SSI-related clients shall continue to receive total payment under 1611 (b)(1) of the Social Security Act (SSA) for the first three full calendar months of institutionalization in a public or Medicaid-approved medical institution or facility (~~(if)~~) when the:

(i) Stay in the institution or facility is not expected to exceed three months; and

(ii) SSI-related clients plan to return to (~~(their)~~) former living arrangements.

(b) The department shall not consider the SSI payment when computing the client's participation amount.

(9) The department shall not consider income from reparation payments made by the Federal Republic of Germany when computing the client's participation amount.

WSR 93-08-024
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3531—Filed March 29, 1993, 4:24 p.m., effective March 30, 1993, 12:01 a.m.]

Date of Adoption: March 29, 1993.

Purpose: Amended to add to current list a licensed person to practice occupational, speech, or respiratory therapy. Adds intermediate care facility for mental diseases.

Expanded to add Washington state school district or educational service district; licensed birthing centers; and licensed and Medicare certified ambulatory surgical centers.

Citation of Existing Rules Affected by this Order: Amending WAC 388-87-005 Payment—Eligible providers defined.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Defines "provider enrollment" and "enroll" which is part of the department action taken, and "administration" which reflects the correct name of the MAA agency. "Recipient" is changed to the word "client." This amendment reflects current policy on who may be enrolled providers.

Effective Date of Rule: March 30, 1993, 12:01 a.m.

March 29, 1993

Rosemary Carr

Acting Director

Administrative Services

AMENDATORY SECTION (Amending Order 3064, filed 9/5/90, effective 10/6/90)

WAC 388-87-005 Payment—Eligible providers defined. (1) The following providers shall be eligible for enrollment to provide medical ~~((services))~~ care to eligible clients:

(a) Persons currently licensed by the state of Washington to practice medicine, osteopathy, dentistry, optometry, podiatry, midwifery, nursing, dental hygiene, chiropractic, or physical, occupational, speech, or respiratory therapy;

(b) A hospital currently licensed by the department of health;

(c) A ~~((nursing home))~~ facility currently licensed and classified by the department as a ~~((skilled))~~ nursing facility or an intermediate care facility for the mentally retarded (ICF-MR);

(d) A licensed pharmacy;

(e) A home health services agency licensed under chapter 70.127 RCW;

(f) A hospice care agency licensed under chapter 70.127 RCW;

(g) An independent (outside) laboratory certified to participate under Title XVIII or determined currently to meet the Medicare requirements for such participation;

(h) A company or ~~((individual))~~ person, not excluded in subsection (3) of this section, supplying items vital to the provision of medical services such as ambulance service, oxygen, eyeglasses, other appliances, or approved services, not otherwise covered under this section;

(i) A provider of screening services having a signed agreement with the department to provide such services to eligible ~~((individuals))~~ persons in the early and periodic screening and diagnosis and treatment (EPSDT) program;

(j) A qualified and approved center for the detoxification of acute alcohol or other drug intoxication conditions;

(k) A qualified and approved outpatient clinical community mental health center, an approved inpatient psychiatric facility, ~~((drug))~~ a qualified and approved chemical dependency treatment ~~((center))~~ facility, or Indian health service clinic;

(l) A Medicare-certified rural health clinic;

(m) A federally qualified health care center;

(n) Licensed or certified agencies or persons having a signed agreement with the department to provide Coordinat-ed Community AIDS Service Alternatives Program services:

(i) Home care agency personal care providers or self-employed independent contractors providing hourly attendant or respite care;

(ii) Facilities or agencies providing therapeutic home-delivered meals;

(iii) Dietitians or nutritionists; and

(iv) Social workers, mental health counselors, or psychologists who are self-employed independent contractors or employed by various licensed or certified agencies.

(o) Approved prepaid health maintenance, prepaid health plans, or health insuring organizations; ~~((and))~~

(p) An out-of-state provider of services listed under subsection (1)(a) through (m) ~~((under))~~ of this section subject to conditions specified under WAC 388-87-105;

(q) A Washington state school district or educational service district;

(r) A licensed birthing center; and

(s) A licensed and Medicare-certified ambulatory surgical center.

(2) The department shall not pay for services performed by the following practitioners:

(a) Acupuncturists;

(b) Sanipractors;

(c) Naturopaths;

(d) Homeopaths;

(e) Herbalists;

(f) Masseurs or manipulators;

(g) Christian Science practitioners or theological healers; and

(h) Any other licensed or unlicensed practitioners not otherwise specifically provided for ~~((in these))~~ under the rules of this chapter.

(3) Conditions of ~~((eligibility))~~ provider enrollment.

(a) Nothing in this section shall bind the department to enroll all eligible providers capable of delivering covered services. The department shall demonstrate the department's plan for service delivery creates adequate access to covered services.

(b) When a provider has a restricted professional license or has been terminated, excluded, or suspended from the Medicare/Medicaid programs, the department shall not ~~((authorize))~~ enroll the provider ~~((eligibility))~~ unless the department ~~((has determined))~~ determines the violations leading to the sanction or license restriction are not likely to be repeated. In ~~((its))~~ the department's determination, the department shall consider whether the provider has been convicted of offenses related to the delivery of professional or other medical services not considered during the development of the previous sanction.

(c) The department shall not reinstate in the medical assistance program, a provider suspended from Medicare or suspended by the United States Department of Health and

Human Services (DHHS) until DHHS notifies the department that the provider may be reinstated.

(d) Nothing in this subsection shall preclude the department from denying provider enrollment if, in the opinion of the medical director, ~~((division of))~~ medical assistance administration, the provider constitutes a danger to the health and safety of ~~((recipients))~~ clients.

WSR 93-08-037
EMERGENCY RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Order 93-06—Filed April 1, 1993, 3:59 p.m.]

Date of Adoption: April 1, 1993.

Purpose: To set forth policies and procedures for the administration of project even start, including the establishment of eligibility criteria for the award of grants to eligible grantees.

Citation of Existing Rules Affected by this Order: Repealing WAC 392-315-005 through 392-315-165.

Statutory Authority for Adoption: RCW 28A.610.030(5).

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: See Purpose above.

Effective Date of Rule: Immediately.

April 1, 1993
 Judith A. Billings
 Superintendent of
 Public Instruction

- WAC 392-315-075 Assurance of nonsupplanting—Program standard.
- WAC 392-315-080 Assurance of cooperation with the department of social and health services regarding public assistance reports—Program standard.
- WAC 392-315-085 Assurance to submit annual evaluation report to the superintendent of public instruction.
- WAC 392-315-090 Reporting requirements.
- WAC 392-315-095 Request for even start project grants to the superintendent of public instruction.
- WAC 392-315-100 Assurance of cooperation with state auditor.
- WAC 392-315-105 Assurance of service to targeted groups.
- WAC 392-315-110 Priority groups.
- WAC 392-315-115 Date of receipt of even start project proposals.
- WAC 392-315-120 Even start advisory committee.
- WAC 392-315-125 Duties of even start advisory committee.
- WAC 392-315-130 Priority projects.
- WAC 392-315-135 Coordination of programs.
- WAC 392-315-140 Evaluation criteria for project even start.
- WAC 392-315-145 Performance standards for project even start.
- WAC 392-315-150 Administrative expenditures.
- WAC 392-315-155 Liability insurance.
- WAC 392-315-160 Bonding.
- WAC 392-315-165 Maximum grant award per participant.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 392-315-005 Authority.
- WAC 392-315-010 Purpose.
- WAC 392-315-015 Public policy goals of project even start.
- WAC 392-315-020 Project even start—Definition.
- WAC 392-315-025 Child development knowledge—Definition.
- WAC 392-315-030 Other eligible program components—Definition.
- WAC 392-315-035 Eligible grantee—Definition.
- WAC 392-315-040 Eligible parents—Definition.
- WAC 392-315-045 Basic skills—Definition.
- WAC 392-315-050 Standardized test—Definition.
- WAC 392-315-055 Transportation—Definition.
- WAC 392-315-060 Child care—Definition.
- WAC 392-315-065 Directly necessary activities—Definition.
- WAC 392-315-070 Indirect expenditures—Definition.

WSR 93-08-059
EMERGENCY RULES
DEPARTMENT OF FISHERIES

[Order 93-21—Filed April 5, 1993, 2:14 p.m., effective April 16, 1993, 12:01 a.m.]

Date of Adoption: April 5, 1993.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-56-350.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: There are insufficient clams to support a longer recreational fishery.

Effective Date of Rule: April 16, 1993, 12:01 a.m.

EMERGENCY

April 5, 1993
Judith Freeman
Deputy
for Robert Turner
Director

NEW SECTION

WAC 220-56-35000R Clam area closures. Notwithstanding the provisions of WAC 220-56-350, the following areas are closed to clam harvest during the periods indicated:

(1) Twanoh State Park - Closed April 16, 1993 until further notice.

(2) Camano Island State Park - Closed April 16 through May 31, 1993, and July 1, 1993 until further notice.

EMERGENCY

WSR 93-08-001
NOTICE OF PUBLIC MEETINGS
CENTRAL WASHINGTON UNIVERSITY
[Memorandum—March 23, 1993]

The board of trustees of Central Washington University will meet at 11 a.m., May 14, 1993, at Edmonds Community College, Sno-king Building, Room 103, 6600 196th Street S.W., Lynnwood, WA.

WSR 93-08-019
RULES COORDINATOR
HEALTH CARE AUTHORITY
[Filed March 29, 1993, 2:47 p.m.]

I have designated Elin Meyer, Internal Control and Operations Policy Manager, as the rules coordinator for the Health Care Authority. She may be reached at (206) 438-7961.

Margaret T. Stanley
Administrator

WSR 93-08-002
RULES COORDINATOR
PUBLIC DISCLOSURE COMMISSION
[Filed March 24, 1993, 1:25 p.m.]

In accordance with RCW 34.05.310, the rules coordinator for the Public Disclosure Commission is Karen M. Copeland, P.O. Box 40908, Olympia, WA 98504-0908, phone (206) 753-1111, 234-1111 SCAN.

Graham E. Johnson
Executive Director

WSR 93-08-031
RULES COORDINATOR
DEPARTMENT OF PERSONNEL
[Filed March 31, 1993, 12:30 p.m.]

In accordance with RCW 34.05.310, the rules coordinator for the Department of Personnel is Lori Parker, P.O. Box 47500, Olympia, WA 98504-7500. She can be reached at 586-1770 or SCAN 321-1770.

Marilyn Glenn
Acting Director

WSR 93-08-008
NOTICE OF PUBLIC MEETINGS
STATE BOARD OF EDUCATION
[Memorandum—March 24, 1993]

The State Board of Education schedule of meeting dates and locations for the 1993 calendar year, filed with the state code reviser on November 16, 1992, WSR 92-23-043, is amended as follows.

The dates and location of the July meeting have been changed to: July 19-21, 1993, Skamania Lodge, Highway 14, Stevenson, Washington 98648.

WSR 93-08-035
NOTICE OF PUBLIC MEETINGS
BOARD FOR
VOLUNTEER FIREFIGHTERS
[Memorandum—March 30, 1993]

Please be advised that the regular July meeting of the Board for Volunteer Firefighters has been rescheduled from July 23, 1993, to July 16, 1993.

WSR 93-08-014
RULES COORDINATOR
DEPARTMENT OF CORRECTIONS
[Filed March 26, 1993, 3:44 p.m.]

In accordance with RCW 34.05.310(3), the rules coordinator for the Department of Corrections is Kay Wilson-Kirby, 410 West 5th, P.O. Box 41114, Olympia, WA 98504-1114, phone (206) 753-5770 or 234-5770 scan.

Chase Riveland
Secretary

WSR 93-08-056
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF AGRICULTURE
(Farmed Salmon Commission)
[Memorandum—March 30, 1993]

The newly-formed Washington Farmed Salmon Commission has recently hired an executive director and established a permanent mailing address. It also would like to give public notice of its regular meetings as a state commodity commission under the Open Public Meetings Act, chapter 42.30 RCW. The following are the dates of all regular meetings for calendar 1993:

- April 13
- May 11
- June 15
- July 13
- August 10
- September 14
- October 12
- November 9
- December 14

WSR 93-08-015
NOTICE OF PUBLIC MEETINGS
HARDWOODS COMMISSION
[Memorandum—March 24, 1993]

There will be a meeting of the Washington State Hardwoods Commission on April 8, 1993, at 8:30 a.m. until completed at the BAC Building, 919 Lakeridge Way, Olympia, WA.

MISCELLANEOUS

All meetings will be held at 1:00 p.m. at the National Marine Fisheries Service Montlake Laboratory, 2725 Montlake Avenue East, Seattle, WA.

Any change in this schedule will be reported at least 34 days before the scheduled meeting date.

WSR 93-08-057
NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE
 [Memorandum—April 2, 1993]

The board of trustees of Bellingham Technical College will hold a study session to discuss budgetary matters on Wednesday, April 14, 11:30-1:00 p.m., in the Bellingham Technical College Building G Restaurant.

WSR 93-08-058
NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE
 [Memorandum—April 2, 1993]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College will be held on Thursday, April 15, 1993, 9-11 a.m., in the Bellingham Technical College Building G Conference Center A.

WSR 93-08-061
RULES COORDINATOR
PARKS AND RECREATION
COMMISSION
 [Filed April 5, 1993, 3:02 p.m.]

In accordance with RCW 34.05.310, this is to inform you that the rules coordinator for the Washington State Parks and Recreation Commission is Sharon Howdeshell, Officer Manager, 7150 Cleanwater Lane, P.O. Box 42650, Olympia, WA 98504-2650.

Cleve Pinnix
 Director

WSR 93-08-062
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH
 (Board of Chiropractic Examiners)
 [Memorandum—March 31, 1993]

The Board of Chiropractic Examiners will not be meeting July 8, and August 12, 1993. Also, the date for the December meeting should be the 2nd and not the 3rd.

WSR 93-08-063
NOTICE OF PUBLIC MEETINGS
TRANSPORTATION IMPROVEMENT BOARD
 [Memorandum—April 2, 1993]

MEETING NOTICE FOR APRIL 1993
TRANSPORTATION IMPROVEMENT BOARD
 OLYMPIA, WASHINGTON 98504-0901

Increase subcommittee, 5:00 p.m., Thursday, April 22, 1993, in Kelso at the Kelso/Longview Red Lion Inn, 510 Kelso Drive.

Work session, 7:00 p.m., Thursday, April 22, 1993, in Kelso at the Kelso/Longview Red Lion Inn.

Board meeting, 9:00 a.m., Friday, April 23, 1993, in Kelso at the Kelso/Longview Red Lion.

The next scheduled meeting is May 28, 1993, in Clarkston, Washington.

WSR 93-08-086
NOTICE OF PUBLIC MEETINGS
FOREST PRACTICES BOARD
 [Memorandum—April 6, 1993]

This notice is given pursuant to provisions of RCW 42.30.075 and WAC 222-08-040.

The Washington Forest Practices Board will hold its regular quarterly meeting on Wednesday, May 12, 1993. The meeting will convene at 10:00 a.m. at the Yakima School District Administration Building, Conference Room AB, 104 North 4th Avenue, Yakima, WA.

Additional information may be obtained from: Forest Practices Division, P.O. Box 47012, Olympia, WA 98504-7012, phone (206) 902-1413.

Table of WAC Sections Affected

KEY TO TABLE

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

Symbols:

- AMD = Amendment of existing section
- A/R = Amending and recodifying a section
- DECOD = Decodification of an existing section
- NEW = New section not previously codified
- OBJEC = Notice of objection by Joint Administrative Rules Review Committee
- PREP = Prepropositional comments
- RE-AD = Readoption of existing section
- RECOD = Recodification of previously codified section
- REP = Repeal of existing section
- RESCIND = Rescind previous emergency rule
- REVIEW = Review of previously adopted rule

Suffixes:

- P = Proposed action
- C = Continuance of previous proposal
- E = Emergency action
- S = Supplemental notice
- W = Withdrawal of proposed action
- No suffix means permanent action

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits identify the document within the issue.

| WAC # | | WSR # | WAC # | | WSR # | WAC # | | WSR # |
|-----------|-------|-----------|------------|-------|-----------|------------|-------|-----------|
| 4-24-010 | REP-P | 93-08-089 | 16-10-010 | NEW-P | 93-04-113 | 44-10-030 | AMD-E | 93-07-017 |
| 4-24-020 | REP-P | 93-08-089 | 16-10-010 | NEW-W | 93-06-008 | 50-48-100 | AMD-P | 93-05-052 |
| 4-24-021 | REP-P | 93-08-089 | 16-10-010 | NEW-P | 93-06-076 | 50-48-100 | AMD | 93-07-113 |
| 4-24-030 | REP-P | 93-08-089 | 16-10-020 | NEW-P | 93-04-113 | 51-11-0101 | AMD-P | 93-08-077 |
| 4-24-040 | REP-P | 93-08-089 | 16-10-020 | NEW-W | 93-06-008 | 51-11-0101 | AMD-W | 93-08-084 |
| 4-24-041 | REP-P | 93-08-089 | 16-10-020 | NEW-P | 93-06-076 | 51-11-0200 | AMD-P | 93-08-077 |
| 4-24-050 | REP-P | 93-08-089 | 16-10-030 | NEW-P | 93-04-113 | 51-11-0201 | AMD-P | 93-08-077 |
| 4-24-060 | REP-P | 93-08-089 | 16-10-030 | NEW-W | 93-06-008 | 51-11-0401 | AMD-P | 93-08-077 |
| 4-24-070 | REP-P | 93-08-089 | 16-10-030 | NEW-P | 93-06-076 | 51-11-0401 | AMD-W | 93-08-084 |
| 4-24-080 | REP-P | 93-08-089 | 16-228-900 | REP-P | 93-04-114 | 51-11-0502 | AMD-P | 93-08-077 |
| 4-24-090 | REP-P | 93-08-089 | 16-228-900 | REP-W | 93-06-007 | 51-11-0502 | AMD-W | 93-08-084 |
| 4-24-101 | REP-P | 93-08-089 | 16-228-900 | REP-P | 93-06-075 | 51-11-0503 | AMD-P | 93-08-077 |
| 4-24-110 | REP-P | 93-08-089 | 16-228-905 | NEW-P | 93-04-114 | 51-11-0503 | AMD-W | 93-08-084 |
| 4-24-120 | REP-P | 93-08-089 | 16-228-905 | NEW-W | 93-06-007 | 51-11-0505 | AMD-P | 93-08-077 |
| 4-24-131 | REP-P | 93-08-089 | 16-228-905 | NEW-P | 93-06-075 | 51-11-0505 | AMD-W | 93-08-084 |
| 4-24-140 | REP-P | 93-08-089 | 16-228-910 | NEW-P | 93-04-114 | 51-11-0528 | AMD-P | 93-08-077 |
| 4-24-150 | REP-P | 93-08-089 | 16-228-910 | NEW-W | 93-06-007 | 51-11-0528 | AMD-W | 93-08-084 |
| 4-25-010 | REP-P | 93-08-089 | 16-228-910 | NEW-P | 93-06-075 | 51-11-0529 | AMD-P | 93-08-077 |
| 4-25-040 | REP-P | 93-08-089 | 16-228-915 | NEW-P | 93-04-114 | 51-11-0529 | AMD-W | 93-08-084 |
| 4-25-140 | REP-P | 93-08-089 | 16-228-915 | NEW-W | 93-06-007 | 51-11-0531 | AMD-P | 93-08-077 |
| 4-25-141 | REP-P | 93-08-089 | 16-228-915 | NEW-P | 93-06-075 | 51-11-0531 | AMD-W | 93-08-084 |
| 4-25-142 | REP-P | 93-08-089 | 16-228-920 | NEW-P | 93-04-114 | 51-11-0532 | AMD-P | 93-08-077 |
| 4-25-190 | REP-P | 93-08-089 | 16-228-920 | NEW-W | 93-06-007 | 51-11-0532 | AMD-W | 93-08-084 |
| 4-25-191 | REP-P | 93-08-089 | 16-228-920 | NEW-P | 93-06-075 | 51-11-0538 | AMD-P | 93-08-077 |
| 4-25-260 | REP-P | 93-08-089 | 16-228-925 | NEW-P | 93-04-114 | 51-11-0538 | AMD-W | 93-08-084 |
| 4-25-360 | REP-P | 93-08-089 | 16-228-925 | NEW-W | 93-06-007 | 51-11-0539 | AMD-P | 93-08-077 |
| 4-25-400 | NEW-P | 93-08-090 | 16-228-925 | NEW-P | 93-06-075 | 51-11-0539 | AMD-W | 93-08-084 |
| 4-25-510 | NEW-P | 93-08-091 | 16-228-930 | NEW-P | 93-04-114 | 51-11-0540 | AMD-P | 93-08-077 |
| 4-25-511 | NEW-P | 93-08-092 | 16-228-930 | NEW-W | 93-06-007 | 51-11-0540 | AMD-W | 93-08-084 |
| 4-25-520 | NEW-P | 93-08-093 | 16-228-930 | NEW-P | 93-06-075 | 51-11-0542 | AMD-P | 93-08-077 |
| 4-25-530 | NEW-P | 93-08-094 | 16-400-210 | AMD-E | 93-04-078 | 51-11-0542 | AMD-W | 93-08-084 |
| 4-25-540 | NEW-P | 93-08-095 | 16-400-210 | AMD-P | 93-04-103 | 51-11-0601 | AMD-P | 93-08-077 |
| 4-25-550 | NEW-P | 93-08-096 | 16-400-210 | AMD | 93-07-105 | 51-11-0601 | AMD-W | 93-08-084 |
| 4-25-551 | NEW-P | 93-08-097 | 16-409-015 | AMD-W | 93-05-022 | 51-11-0601 | AMD-P | 93-08-077 |
| 4-25-710 | NEW-P | 93-08-098 | 16-409-065 | REP-W | 93-05-022 | 51-11-0605 | AMD-W | 93-08-084 |
| 4-25-720 | NEW-P | 93-08-099 | 16-409-075 | AMD-W | 93-05-022 | 51-11-0606 | AMD-P | 93-08-077 |
| 4-25-721 | NEW-P | 93-08-100 | 16-415 | PREP | 93-07-053 | 51-11-0606 | AMD-W | 93-08-084 |
| 4-25-730 | NEW-P | 93-08-101 | 16-432 | PREP | 93-07-053 | 51-11-0607 | AMD-P | 93-08-077 |
| 4-25-740 | NEW-P | 93-08-102 | 16-461-011 | NEW-P | 93-08-060 | 51-11-0607 | AMD-W | 93-08-084 |
| 4-25-755 | NEW-P | 93-08-103 | 16-532-120 | AMD-P | 93-06-083 | 51-11-0608 | AMD-P | 93-08-077 |
| 4-25-760 | NEW-P | 93-08-104 | 16-555-010 | AMD-P | 93-04-094 | 51-11-0608 | AMD-W | 93-08-084 |
| 10-04-020 | AMD-P | 93-07-097 | 16-555-020 | AMD-P | 93-04-094 | 51-11-0631 | AMD-P | 93-08-077 |
| 10-08-150 | AMD-P | 93-07-096 | 16-570-040 | AMD-P | 93-07-085 | 51-11-0631 | AMD-W | 93-08-084 |
| 16-08-021 | AMD-P | 93-07-021 | 16-674-002 | REP | 93-03-079 | 51-11-0700 | AMD-P | 93-08-077 |
| 16-08-021 | AMD-E | 93-07-022 | 16-674-010 | AMD | 93-03-079 | 51-11-1000 | AMD-P | 93-08-077 |
| 16-08-022 | NEW-P | 93-07-021 | 16-674-020 | REP | 93-03-079 | 51-11-1100 | NEW-P | 93-08-077 |
| 16-08-022 | NEW-E | 93-07-022 | 16-674-060 | NEW | 93-03-079 | 51-11-1101 | NEW-W | 93-08-084 |
| 16-08-141 | AMD-P | 93-07-021 | 16-674-070 | NEW | 93-03-079 | 51-11-1102 | NEW-W | 93-08-084 |
| 16-08-141 | AMD-E | 93-07-022 | 16-674-080 | NEW | 93-03-079 | 51-11-1103 | NEW-W | 93-08-084 |
| 16-08-151 | AMD-P | 93-07-021 | 16-674-090 | NEW | 93-03-079 | 51-11-1104 | NEW-W | 93-08-084 |
| 16-08-151 | AMD-E | 93-07-022 | 16-674-100 | NEW | 93-03-079 | 51-11-1105 | NEW-W | 93-08-084 |

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| 132J-120-040 | REP | 93-04-022 | 173-19-2521 | AMD | 93-04-106 | 173-226-050 | NEW-E | 93-03-067 |
| 132J-120-050 | REP | 93-04-022 | 173-19-2521 | AMD-P | 93-05-043 | 173-226-060 | NEW-P | 93-03-066 |
| 132J-120-060 | REP | 93-04-022 | 173-19-350 | AMD | 93-02-048 | 173-226-060 | NEW-E | 93-03-067 |
| 132J-120-070 | REP | 93-04-022 | 173-19-3503 | AMD-C | 93-04-064 | 173-226-070 | NEW-P | 93-03-066 |
| 132J-120-080 | REP | 93-04-022 | 173-19-3503 | AMD | 93-08-026 | 173-226-070 | NEW-E | 93-03-067 |
| 132J-120-090 | REP | 93-04-022 | 173-19-3903 | AMD-P | 93-03-091 | 173-226-080 | NEW-P | 93-03-066 |
| 132J-120-100 | REP | 93-04-022 | 173-19-3911 | AMD-P | 93-06-051 | 173-226-080 | NEW-E | 93-03-067 |
| 132J-120-110 | REP | 93-04-022 | 173-19-410 | AMD-C | 93-04-065 | 173-226-090 | NEW-P | 93-03-066 |
| 132J-120-120 | REP | 93-04-022 | 173-19-410 | AMD-C | 93-07-091 | 173-226-090 | NEW-E | 93-03-067 |
| 132J-120-130 | REP | 93-04-022 | 173-19-4203 | AMD-P | 93-06-050 | 173-226-100 | NEW-P | 93-03-066 |
| 132J-125-010 | NEW | 93-04-022 | 173-19-450 | AMD | 93-04-063 | 173-226-100 | NEW-E | 93-03-067 |
| 132J-125-020 | NEW | 93-04-022 | 173-202-020 | AMD-P | 93-05-042 | 173-226-110 | NEW-P | 93-03-066 |
| 132J-125-030 | NEW | 93-04-022 | 173-202-020 | AMD-E | 93-07-090 | 173-226-110 | NEW-E | 93-03-067 |
| 132J-125-055 | NEW | 93-04-022 | 173-205-010 | NEW-P | 93-08-085 | 173-226-120 | NEW-P | 93-03-066 |
| 132J-125-060 | NEW | 93-04-022 | 173-205-020 | NEW-P | 93-08-085 | 173-226-120 | NEW-E | 93-03-067 |
| 132J-125-065 | NEW | 93-04-022 | 173-205-030 | NEW-P | 93-08-085 | 173-226-130 | NEW-P | 93-03-066 |
| 132J-125-070 | NEW | 93-04-022 | 173-205-040 | NEW-P | 93-08-085 | 173-226-130 | NEW-E | 93-03-067 |
| 132J-125-075 | NEW | 93-04-022 | 173-205-050 | NEW-P | 93-08-085 | 173-226-140 | NEW-P | 93-03-066 |
| 132J-125-080 | NEW | 93-04-022 | 173-205-060 | NEW-P | 93-08-085 | 173-226-140 | NEW-E | 93-03-067 |
| 132J-125-085 | NEW | 93-04-022 | 173-205-070 | NEW-P | 93-08-085 | 173-226-150 | NEW-P | 93-03-066 |
| 132J-125-090 | NEW | 93-04-022 | 173-205-080 | NEW-P | 93-08-085 | 173-226-150 | NEW-E | 93-03-067 |
| 132J-125-095 | NEW | 93-04-022 | 173-205-090 | NEW-P | 93-08-085 | 173-226-160 | NEW-P | 93-03-066 |
| 132J-125-100 | NEW | 93-04-022 | 173-205-100 | NEW-P | 93-08-085 | 173-226-160 | NEW-E | 93-03-067 |
| 132J-125-105 | NEW | 93-04-022 | 173-205-110 | NEW-P | 93-08-085 | 173-226-170 | NEW-P | 93-03-066 |
| 132J-125-110 | NEW | 93-04-022 | 173-205-120 | NEW-P | 93-08-085 | 173-226-170 | NEW-E | 93-03-067 |
| 132J-125-115 | NEW | 93-04-022 | 173-205-130 | NEW-P | 93-08-085 | 173-226-180 | NEW-P | 93-03-066 |
| 132J-125-120 | NEW | 93-04-022 | 173-216-010 | AMD-P | 93-03-066 | 173-226-180 | NEW-E | 93-03-067 |
| 132J-125-125 | NEW | 93-04-022 | 173-216-010 | AMD-E | 93-03-067 | 173-226-190 | NEW-P | 93-03-066 |
| 132J-125-130 | NEW | 93-04-022 | 173-216-030 | AMD-P | 93-03-066 | 173-226-190 | NEW-E | 93-03-067 |
| 132J-125-135 | NEW | 93-04-022 | 173-216-030 | AMD-E | 93-03-067 | 173-226-200 | NEW-P | 93-03-066 |
| 132J-125-140 | NEW | 93-04-022 | 173-216-040 | AMD-P | 93-03-066 | 173-226-200 | NEW-E | 93-03-067 |
| 132J-125-145 | NEW | 93-04-022 | 173-216-040 | AMD-E | 93-03-067 | 173-226-210 | NEW-P | 93-03-066 |
| 132J-125-150 | NEW | 93-04-022 | 173-216-050 | AMD-P | 93-03-066 | 173-226-210 | NEW-E | 93-03-067 |
| 132J-125-155 | NEW | 93-04-022 | 173-216-050 | AMD-E | 93-03-067 | 173-226-220 | NEW-P | 93-03-066 |
| 132J-125-160 | NEW | 93-04-022 | 173-216-070 | AMD-P | 93-03-066 | 173-226-220 | NEW-E | 93-03-067 |
| 132J-125-165 | NEW | 93-04-022 | 173-216-070 | AMD-E | 93-03-067 | 173-226-230 | NEW-P | 93-03-066 |
| 132J-125-170 | NEW | 93-04-022 | 173-216-130 | AMD-P | 93-03-066 | 173-226-230 | NEW-E | 93-03-067 |
| 132J-125-180 | NEW | 93-04-022 | 173-216-130 | AMD-E | 93-03-067 | 173-226-240 | NEW-P | 93-03-066 |
| 132J-125-190 | NEW | 93-04-022 | 173-216-140 | AMD-P | 93-03-066 | 173-226-240 | NEW-E | 93-03-067 |
| 132J-125-200 | NEW | 93-04-022 | 173-216-140 | AMD-E | 93-03-067 | 173-226-250 | NEW-P | 93-03-066 |
| 132J-125-210 | NEW | 93-04-022 | 173-220-010 | AMD-P | 93-03-066 | 173-226-250 | NEW-E | 93-03-067 |
| 132J-125-220 | NEW | 93-04-022 | 173-220-010 | AMD-E | 93-03-067 | 173-303-070 | AMD-E | 93-02-049 |
| 132J-125-230 | NEW | 93-04-022 | 173-220-020 | AMD-P | 93-03-066 | 173-303-070 | AMD | 93-02-050 |
| 132J-125-240 | NEW | 93-04-022 | 173-220-020 | AMD-E | 93-03-067 | 173-303-120 | AMD-E | 93-02-049 |
| 132J-125-250 | NEW | 93-04-022 | 173-220-030 | AMD-P | 93-03-066 | 173-303-120 | AMD | 93-02-050 |
| 132J-125-260 | NEW | 93-04-022 | 173-220-030 | AMD-E | 93-03-067 | 173-303-506 | NEW-E | 93-02-049 |
| 132J-125-270 | NEW | 93-04-022 | 173-220-040 | AMD-P | 93-03-066 | 173-303-506 | NEW | 93-02-050 |
| 132J-125-280 | NEW | 93-04-022 | 173-220-040 | AMD-E | 93-03-067 | 173-400 | AMD-C | 93-03-065 |
| 132J-125-290 | NEW | 93-04-022 | 173-220-045 | REP-P | 93-03-066 | 173-400-030 | AMD-S | 93-05-048 |
| 132J-125-300 | NEW | 93-04-022 | 173-220-045 | REP-E | 93-03-067 | 173-400-040 | AMD-S | 93-05-048 |
| 132J-125-310 | NEW | 93-04-022 | 173-220-050 | AMD-P | 93-03-066 | 173-400-070 | AMD-W | 93-07-042 |
| 132L-133-020 | NEW-P | 93-06-067 | 173-220-050 | AMD-E | 93-03-067 | 173-400-075 | AMD | 93-05-044 |
| 132V-300-010 | NEW | 93-03-078 | 173-220-060 | AMD-P | 93-03-066 | 173-400-080 | NEW-S | 93-05-048 |
| 132V-300-020 | NEW | 93-03-078 | 173-220-060 | AMD-E | 93-03-067 | 173-400-100 | AMD-S | 93-05-048 |
| 132V-300-030 | NEW | 93-03-078 | 173-220-070 | AMD-P | 93-03-066 | 173-400-105 | AMD-S | 93-05-048 |
| 136-320-010 | AMD-P | 93-07-045 | 173-220-070 | AMD-E | 93-03-067 | 173-400-107 | NEW-S | 93-05-048 |
| 136-320-020 | AMD-P | 93-07-045 | 173-220-090 | AMD-P | 93-03-066 | 173-400-110 | AMD-S | 93-05-048 |
| 136-320-030 | AMD-P | 93-07-045 | 173-220-090 | AMD-E | 93-03-067 | 173-400-112 | NEW-S | 93-05-048 |
| 136-320-040 | AMD-P | 93-07-045 | 173-220-100 | AMD-P | 93-03-066 | 173-400-113 | NEW-S | 93-05-048 |
| 136-320-050 | AMD-P | 93-07-045 | 173-220-100 | AMD-E | 93-03-067 | 173-400-114 | NEW-S | 93-05-048 |
| 136-320-060 | AMD-P | 93-07-045 | 173-220-110 | AMD-P | 93-03-066 | 173-400-115 | AMD | 93-05-044 |
| 136-320-070 | AMD-P | 93-07-045 | 173-220-110 | AMD-E | 93-03-067 | 173-400-116 | NEW-W | 93-07-042 |
| 136-320-080 | AMD-P | 93-07-045 | 173-220-225 | AMD-P | 93-03-066 | 173-400-120 | AMD-S | 93-05-048 |
| 139-05-240 | AMD-W | 93-05-039 | 173-220-225 | AMD-E | 93-03-067 | 173-400-131 | AMD-S | 93-05-048 |
| 139-05-240 | AMD-P | 93-07-118 | 173-226-010 | NEW-P | 93-03-066 | 173-400-136 | AMD-S | 93-05-048 |
| 139-05-242 | NEW-C | 93-03-084 | 173-226-010 | NEW-E | 93-03-067 | 173-400-141 | AMD-S | 93-05-048 |
| 139-05-242 | NEW-C | 93-08-030 | 173-226-020 | NEW-P | 93-03-066 | 173-400-171 | AMD-S | 93-05-048 |
| 139-05-250 | AMD-P | 93-08-055 | 173-226-020 | NEW-E | 93-03-067 | 173-400-180 | AMD-S | 93-05-048 |
| 139-10-220 | AMD-W | 93-05-040 | 173-226-030 | NEW-P | 93-03-066 | 173-400-230 | AMD | 93-05-044 |
| 139-10-220 | AMD-P | 93-07-120 | 173-226-030 | NEW-E | 93-03-067 | 173-400-250 | AMD-S | 93-05-048 |
| 139-10-222 | NEW-C | 93-03-085 | 173-226-040 | NEW-P | 93-03-066 | 173-401-100 | NEW-P | 93-07-062 |
| 139-10-222 | NEW | 93-07-119 | 173-226-040 | NEW-E | 93-03-067 | 173-401-200 | NEW-P | 93-07-062 |

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| 173-401-400 | NEW-P | 93-07-062 | 173-430-060 | AMD-P | 93-03-090 | 180-20-145 | NEW | 93-08-007 |
| 173-401-500 | NEW-P | 93-07-062 | 173-430-060 | AMD-E | 93-04-002 | 180-20-150 | NEW-P | 93-04-117 |
| 173-401-510 | NEW-P | 93-07-062 | 173-430-070 | AMD-P | 93-03-090 | 180-20-150 | NEW | 93-08-007 |
| 173-401-520 | NEW-P | 93-07-062 | 173-430-070 | AMD-E | 93-04-002 | 180-20-155 | NEW-P | 93-04-117 |
| 173-401-600 | NEW-P | 93-07-062 | 173-430-080 | AMD-P | 93-03-090 | 180-20-155 | NEW | 93-08-007 |
| 173-401-605 | NEW-P | 93-07-062 | 173-430-080 | AMD-E | 93-04-002 | 180-20-160 | NEW-P | 93-04-117 |
| 173-401-610 | NEW-P | 93-07-062 | 173-433-100 | AMD | 93-04-105 | 180-20-160 | NEW | 93-08-007 |
| 173-401-615 | NEW-P | 93-07-062 | 173-433-110 | AMD | 93-04-105 | 180-20-200 | REP-P | 93-04-117 |
| 173-401-620 | NEW-P | 93-07-062 | 173-433-170 | AMD | 93-04-105 | 180-20-200 | REP | 93-08-007 |
| 173-401-625 | NEW-P | 93-07-062 | 173-491-020 | AMD-P | 93-04-108 | 180-20-205 | REP-P | 93-04-117 |
| 173-401-630 | NEW-P | 93-07-062 | 173-491-040 | AMD-P | 93-04-108 | 180-20-205 | REP | 93-08-007 |
| 173-401-635 | NEW-P | 93-07-062 | 173-491-050 | AMD | 93-03-089 | 180-20-210 | REP-P | 93-04-117 |
| 173-401-640 | NEW-P | 93-07-062 | 173-491-050 | AMD-P | 93-04-108 | 180-20-210 | REP | 93-08-007 |
| 173-401-645 | NEW-P | 93-07-062 | 180-16-222 | AMD-P | 93-04-116 | 180-20-215 | REP-P | 93-04-117 |
| 173-401-650 | NEW-P | 93-07-062 | 180-16-222 | AMD | 93-07-102 | 180-20-215 | REP | 93-08-007 |
| 173-401-700 | NEW-P | 93-07-062 | 180-16-223 | AMD-P | 93-04-116 | 180-20-220 | REP-P | 93-04-117 |
| 173-401-705 | NEW-P | 93-07-062 | 180-16-223 | AMD | 93-07-102 | 180-20-220 | REP | 93-08-007 |
| 173-401-710 | NEW-P | 93-07-062 | 180-20-005 | NEW-P | 93-04-117 | 180-20-225 | REP-P | 93-04-117 |
| 173-401-720 | NEW-P | 93-07-062 | 180-20-005 | NEW | 93-08-007 | 180-20-225 | REP | 93-08-007 |
| 173-401-722 | NEW-P | 93-07-062 | 180-20-030 | NEW-P | 93-04-117 | 180-20-230 | REP-P | 93-04-117 |
| 173-401-725 | NEW-P | 93-07-062 | 180-20-030 | NEW | 93-08-007 | 180-20-230 | REP | 93-08-007 |
| 173-401-730 | NEW-P | 93-07-062 | 180-20-031 | NEW-P | 93-04-117 | 180-26-020 | AMD-P | 93-04-118 |
| 173-401-735 | NEW-P | 93-07-062 | 180-20-031 | NEW | 93-08-007 | 180-26-020 | AMD | 93-07-104 |
| 173-401-750 | NEW-P | 93-07-062 | 180-20-034 | NEW-P | 93-04-117 | 180-26-025 | AMD-P | 93-04-119 |
| 173-401-800 | NEW-P | 93-07-062 | 180-20-034 | NEW | 93-08-007 | 180-26-025 | AMD-W | 93-07-100 |
| 173-401-805 | NEW-P | 93-07-062 | 180-20-035 | NEW-P | 93-04-117 | 180-27-070 | AMD-P | 93-08-041 |
| 173-401-810 | NEW-P | 93-07-062 | 180-20-035 | NEW | 93-08-007 | 180-27-505 | AMD | 93-04-019 |
| 173-401-820 | NEW-P | 93-07-062 | 180-20-040 | NEW-P | 93-04-117 | 180-51-005 | AMD | 93-04-115 |
| 173-420-010 | NEW | 93-04-006 | 180-20-040 | NEW | 93-08-007 | 180-51-025 | AMD | 93-04-115 |
| 173-420-020 | NEW | 93-04-006 | 180-20-045 | NEW-P | 93-04-117 | 180-51-030 | AMD | 93-04-115 |
| 173-420-030 | NEW | 93-04-006 | 180-20-045 | NEW | 93-08-007 | 180-51-055 | AMD | 93-04-115 |
| 173-420-040 | NEW | 93-04-006 | 180-20-050 | NEW-P | 93-04-117 | 180-51-100 | AMD | 93-04-115 |
| 173-420-050 | NEW | 93-04-006 | 180-20-055 | NEW-P | 93-04-117 | 180-78-010 | AMD-P | 93-04-120 |
| 173-420-060 | NEW | 93-04-006 | 180-20-055 | NEW | 93-08-007 | 180-78-010 | AMD | 93-07-101 |
| 173-420-070 | NEW | 93-04-006 | 180-20-060 | NEW-P | 93-04-117 | 180-79-010 | AMD-P | 93-04-120 |
| 173-420-080 | NEW | 93-04-006 | 180-20-060 | NEW | 93-08-007 | 180-79-010 | AMD | 93-07-101 |
| 173-420-090 | NEW | 93-04-006 | 180-20-065 | NEW-P | 93-04-117 | 180-79-236 | AMD | 93-05-007 |
| 173-420-100 | NEW | 93-04-006 | 180-20-065 | NEW | 93-08-007 | 192-12-141 | AMD-P | 93-07-086 |
| 173-420-110 | NEW | 93-04-006 | 180-20-070 | NEW-P | 93-04-117 | 194-10-030 | AMD | 93-02-033 |
| 173-422-010 | AMD-P | 93-03-092 | 180-20-070 | NEW | 93-08-007 | 194-10-100 | AMD | 93-02-033 |
| 173-422-020 | AMD-P | 93-03-092 | 180-20-075 | NEW-P | 93-04-117 | 194-10-110 | AMD | 93-02-033 |
| 173-422-030 | AMD-P | 93-03-092 | 180-20-075 | NEW | 93-08-007 | 194-10-130 | AMD | 93-02-033 |
| 173-422-035 | AMD-P | 93-03-092 | 180-20-080 | NEW-P | 93-04-117 | 194-10-140 | AMD | 93-02-033 |
| 173-422-040 | AMD-P | 93-03-092 | 180-20-080 | NEW | 93-08-007 | 196-26-020 | AMD-P | 93-07-111 |
| 173-422-050 | AMD-P | 93-03-092 | 180-20-090 | NEW-P | 93-04-117 | 204-10-120 | AMD-P | 93-05-029 |
| 173-422-060 | AMD-P | 93-03-092 | 180-20-090 | NEW | 93-08-007 | 204-44-040 | NEW-P | 93-05-028 |
| 173-422-065 | NEW-P | 93-03-092 | 180-20-095 | NEW-P | 93-04-117 | 204-84-010 | REP-P | 93-05-029 |
| 173-422-070 | AMD-P | 93-03-092 | 180-20-095 | NEW | 93-08-007 | 204-84-020 | REP-P | 93-05-029 |
| 173-422-075 | NEW-P | 93-03-092 | 180-20-100 | REP-P | 93-04-117 | 204-84-030 | REP-P | 93-05-029 |
| 173-422-080 | REP-P | 93-03-092 | 180-20-100 | REP | 93-08-007 | 204-84-040 | REP-P | 93-05-029 |
| 173-422-090 | AMD-P | 93-03-092 | 180-20-101 | NEW-P | 93-04-117 | 204-84-050 | REP-P | 93-05-029 |
| 173-422-095 | NEW-P | 93-03-092 | 180-20-101 | NEW | 93-08-007 | 204-84-060 | REP-P | 93-05-029 |
| 173-422-100 | AMD-P | 93-03-092 | 180-20-105 | REP-P | 93-04-117 | 204-84-070 | REP-P | 93-05-029 |
| 173-422-110 | REP-P | 93-03-092 | 180-20-105 | REP | 93-08-007 | 204-84-080 | REP-P | 93-05-029 |
| 173-422-120 | AMD-P | 93-03-092 | 180-20-106 | REP-P | 93-04-117 | 204-84-090 | REP-P | 93-05-029 |
| 173-422-130 | AMD-P | 93-03-092 | 180-20-106 | REP | 93-08-007 | 204-84-100 | REP-P | 93-05-029 |
| 173-422-140 | AMD-P | 93-03-092 | 180-20-111 | NEW-P | 93-04-117 | 212-12 | NEW-C | 93-04-060 |
| 173-422-150 | REP-P | 93-03-092 | 180-20-111 | NEW | 93-08-007 | 212-12-001 | NEW-E | 93-04-061 |
| 173-422-160 | AMD-P | 93-03-092 | 180-20-115 | NEW-P | 93-04-117 | 212-12-001 | NEW | 93-05-032 |
| 173-422-170 | AMD-P | 93-03-092 | 180-20-115 | NEW | 93-08-007 | 212-12-005 | NEW-E | 93-04-061 |
| 173-422-180 | REP-P | 93-03-092 | 180-20-120 | NEW-P | 93-04-117 | 212-12-005 | NEW | 93-05-032 |
| 173-430 | AMD-P | 93-03-090 | 180-20-120 | NEW | 93-08-007 | 212-12-011 | NEW-E | 93-04-061 |
| 173-430 | AMD-E | 93-04-002 | 180-20-120 | NEW | 93-08-007 | 212-12-011 | NEW | 93-05-032 |
| 173-430-010 | AMD-P | 93-03-090 | 180-20-123 | NEW-P | 93-04-117 | 212-12-015 | NEW-E | 93-04-061 |
| 173-430-010 | AMD-E | 93-04-002 | 180-20-123 | NEW | 93-08-007 | 212-12-015 | NEW | 93-05-032 |
| 173-430-020 | AMD-P | 93-03-090 | 180-20-125 | NEW-P | 93-04-117 | 212-12-020 | NEW-E | 93-04-061 |
| 173-430-020 | AMD-E | 93-04-002 | 180-20-125 | NEW | 93-08-007 | 212-12-020 | NEW | 93-05-032 |
| 173-430-030 | AMD-P | 93-03-090 | 180-20-130 | NEW-P | 93-04-117 | 212-12-025 | NEW-E | 93-04-061 |
| 173-430-030 | AMD-E | 93-04-002 | 180-20-130 | NEW | 93-08-007 | 212-12-025 | NEW | 93-05-032 |
| 173-430-040 | AMD-P | 93-03-090 | 180-20-135 | NEW-P | 93-04-117 | 212-12-030 | NEW-E | 93-04-061 |
| 173-430-040 | AMD-E | 93-04-002 | 180-20-135 | NEW | 93-08-007 | 212-12-030 | NEW | 93-05-032 |
| 173-430-050 | AMD-P | 93-03-090 | 180-20-140 | NEW-P | 93-04-117 | 212-12-035 | NEW-E | 93-04-061 |
| | | | 180-20-140 | NEW | 93-08-007 | | | |

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| 212-70-030 | REP | 93-05-032 | 220-56-116 | AMD-P | 93-04-096 | 220-57-255 | AMD | 93-08-034 |
| 212-70-040 | REP-E | 93-04-061 | 220-56-124 | NEW-P | 93-04-096 | 220-57-270 | AMD-P | 93-04-096 |
| 212-70-040 | REP | 93-05-032 | 220-56-124 | NEW | 93-08-034 | 220-57-29000N | NEW-E | 93-08-016 |
| 212-70-050 | REP-E | 93-04-061 | 220-56-126 | AMD-P | 93-04-096 | 220-57-310 | AMD-P | 93-04-096 |
| 212-70-050 | REP | 93-05-032 | 220-56-126 | AMD | 93-08-034 | 220-57-310 | AMD | 93-08-034 |
| 212-70-060 | REP-E | 93-04-061 | 220-56-128 | AMD-P | 93-04-096 | 220-57-315 | AMD-P | 93-04-096 |
| 212-70-060 | REP | 93-05-032 | 220-56-128 | AMD | 93-08-034 | 220-57-315 | AMD | 93-08-034 |
| 212-70-070 | REP-E | 93-04-061 | 220-56-131 | AMD-P | 93-04-096 | 220-57-31500W | NEW-E | 93-08-016 |
| 212-70-070 | REP | 93-05-032 | 220-56-131 | AMD | 93-08-034 | 220-57-319 | AMD-P | 93-04-096 |
| 212-70-080 | REP-E | 93-04-061 | 220-56-132 | AMD-P | 93-04-096 | 220-57-319 | AMD | 93-08-034 |
| 212-70-080 | REP | 93-05-032 | 220-56-132 | AMD | 93-08-034 | 220-57-350 | AMD-P | 93-04-096 |
| 212-70-090 | REP-E | 93-04-061 | 220-56-180 | AMD-P | 93-04-096 | 220-57-350 | AMD | 93-08-034 |
| 212-70-090 | REP | 93-05-032 | 220-56-180 | AMD | 93-08-034 | 220-57-380 | AMD-P | 93-04-096 |
| 212-70-100 | REP-E | 93-04-061 | 220-56-190 | AMD-P | 93-04-096 | 220-57-380 | AMD | 93-08-034 |
| 212-70-100 | REP | 93-05-032 | 220-56-190 | AMD-C | 93-08-033 | 220-57-400 | AMD-P | 93-04-096 |
| 212-70-110 | REP-E | 93-04-061 | 220-56-191 | NEW-P | 93-04-096 | 220-57-425 | AMD-P | 93-04-096 |
| 212-70-110 | REP | 93-05-032 | 220-56-191 | NEW-C | 93-08-033 | 220-57-425 | AMD-C | 93-08-033 |
| 212-70-120 | REP-E | 93-04-061 | 220-56-195 | AMD-P | 93-04-096 | 220-57-430 | AMD-P | 93-04-096 |
| 212-70-120 | REP | 93-05-032 | 220-56-195 | AMD-C | 93-08-033 | 220-57-430 | AMD-C | 93-08-033 |
| 212-70-130 | REP-E | 93-04-061 | 220-56-220 | AMD-P | 93-04-096 | 220-57-445 | AMD-P | 93-04-096 |
| 212-70-130 | REP | 93-05-032 | 220-56-235 | AMD-P | 93-04-096 | 220-57-445 | AMD | 93-08-034 |
| 212-70-140 | REP-E | 93-04-061 | 220-56-235 | AMD | 93-08-034 | 220-57-460 | AMD-P | 93-04-096 |
| 212-70-140 | REP | 93-05-032 | 220-56-240 | AMD-P | 93-04-096 | 220-57-460 | AMD | 93-08-034 |
| 212-70-150 | REP-E | 93-04-061 | 220-56-240 | AMD | 93-08-034 | 220-57-465 | AMD-P | 93-04-096 |
| 212-70-150 | REP | 93-05-032 | 220-56-245 | AMD-P | 93-04-096 | 220-57-465 | AMD | 93-08-034 |
| 212-70-160 | REP-E | 93-04-061 | 220-56-245 | AMD | 93-08-034 | 220-57-495 | AMD-P | 93-04-096 |
| 212-70-160 | REP | 93-05-032 | 220-56-255 | AMD-P | 93-04-096 | 220-57-495 | AMD | 93-08-034 |
| 212-70-170 | REP-E | 93-04-061 | 220-56-255 | AMD | 93-08-034 | 220-57-49700 | NEW-E | 93-08-016 |
| 212-70-170 | REP | 93-05-032 | 220-56-270 | AMD-P | 93-04-096 | 220-57-50500U | NEW-E | 93-08-016 |
| 212-70-180 | REP-E | 93-04-061 | 220-56-270 | AMD | 93-08-034 | 220-57-51500I | NEW-E | 93-08-016 |
| 212-70-180 | REP | 93-05-032 | 220-56-285 | AMD-P | 93-04-096 | 220-57A-183 | AMD-P | 93-04-096 |
| 212-70-190 | REP-E | 93-04-061 | 220-56-285 | AMD | 93-08-034 | 220-57A-183 | AMD | 93-08-034 |
| 212-70-190 | REP | 93-05-032 | 220-56-307 | AMD-P | 93-04-096 | 222-08-040 | AMD-P | 93-05-010 |
| 212-70-200 | REP-E | 93-04-061 | 220-56-307 | AMD | 93-08-034 | 222-10-110 | AMD-P | 93-05-010 |
| 212-70-200 | REP | 93-05-032 | 220-56-310 | AMD-P | 93-04-096 | 222-12-020 | AMD-P | 93-05-010 |
| 212-70-210 | REP-E | 93-04-061 | 220-56-310 | AMD | 93-08-034 | 222-12-050 | AMD-P | 93-05-010 |
| 212-70-210 | REP | 93-05-032 | 220-56-315 | AMD-P | 93-04-096 | 222-16-010 | AMD-P | 93-05-010 |
| 212-70-220 | REP-E | 93-04-061 | 220-56-315 | AMD | 93-08-034 | 222-16-010 | AMD-E | 93-07-060 |
| 212-70-220 | REP | 93-05-032 | 220-56-320 | AMD-P | 93-04-096 | 222-16-050 | AMD-P | 93-05-010 |
| 212-70-230 | REP-E | 93-04-061 | 220-56-320 | AMD | 93-08-034 | 222-16-070 | AMD-P | 93-05-010 |
| 212-70-230 | REP | 93-05-032 | 220-56-325 | AMD-P | 93-04-096 | 222-16-080 | AMD-P | 93-05-010 |
| 212-70-240 | REP-E | 93-04-061 | 220-56-325 | AMD | 93-08-034 | 222-16-080 | AMD-E | 93-07-060 |
| 212-70-240 | REP | 93-05-032 | 220-56-330 | AMD-P | 93-04-096 | 222-20-010 | AMD-P | 93-05-010 |
| 212-70-250 | REP-E | 93-04-061 | 220-56-330 | AMD | 93-08-034 | 222-24-050 | AMD-P | 93-05-010 |
| 212-70-250 | REP | 93-05-032 | 220-56-335 | AMD-P | 93-04-096 | 222-30-020 | AMD-P | 93-05-010 |
| 212-70-260 | REP-E | 93-04-061 | 220-56-335 | AMD | 93-08-034 | 222-30-040 | AMD-P | 93-05-010 |
| 212-70-260 | REP | 93-05-032 | 220-56-350 | AMD-P | 93-04-096 | 222-34-040 | AMD-P | 93-05-010 |
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| 220-32-05100U | NEW-E | 93-04-073 | 220-56-36000C | NEW-E | 93-07-092 | 222-46-020 | AMD-P | 93-05-010 |
| 220-32-05100V | REP-E | 93-06-015 | 220-56-36000C | REP-E | 93-08-017 | 222-50-020 | AMD-P | 93-05-010 |
| 220-32-05100V | NEW-E | 93-06-015 | 220-56-36000D | NEW-E | 93-08-017 | 222-50-020 | AMD-E | 93-07-060 |
| 220-32-05100V | REP-E | 93-06-069 | 220-56-380 | AMD-P | 93-04-096 | 230-02-035 | AMD | 93-06-011 |
| 220-32-05100W | NEW-E | 93-06-069 | 220-56-380 | AMD | 93-08-034 | 230-02-270 | AMD-P | 93-07-081 |
| 220-33-01000M | REP-E | 93-05-017 | 220-56-382 | AMD-P | 93-04-096 | 230-04-400 | AMD-P | 93-07-082 |
| 220-33-01000N | NEW-E | 93-05-017 | 220-56-382 | AMD | 93-08-034 | 230-08-010 | AMD-P | 93-08-066 |
| 220-33-01000N | REP-E | 93-06-014 | 220-56-390 | AMD-P | 93-04-096 | 230-08-090 | AMD-P | 93-06-036 |
| 220-33-01000P | NEW-E | 93-06-070 | 220-56-390 | AMD | 93-08-034 | 230-20-111 | NEW-E | 93-07-080 |
| 220-33-01000P | REP-E | 93-07-001 | 220-57-137 | AMD-P | 93-04-096 | 230-20-111 | NEW-P | 93-07-083 |
| 220-33-01000Q | NEW-E | 93-07-001 | 220-57-137 | AMD | 93-08-034 | 230-20-670 | AMD-P | 93-07-082 |
| 220-44-050 | AMD-P | 93-04-095 | 220-57-160 | AMD-P | 93-04-096 | 230-20-685 | AMD-P | 93-07-082 |
| 220-44-050 | AMD | 93-07-093 | 220-57-160 | AMD | 93-08-034 | 230-25-160 | AMD-P | 93-07-081 |
| 220-49-02000E | NEW-E | 93-06-044 | 220-57-16000Q | NEW-E | 93-04-043 | 230-30-060 | AMD-P | 93-07-081 |
| 220-52-06900A | NEW-E | 93-07-043 | 220-57-16000R | NEW-E | 93-06-013 | 230-30-072 | AMD-P | 93-08-066 |
| 220-52-07300M | REP-E | 93-05-006 | 220-57-16000R | REP-E | 93-06-068 | 230-30-075 | AMD | 93-04-007 |
| 220-52-07300N | NEW-E | 93-05-006 | 220-57-16000S | NEW-E | 93-08-018 | 230-30-080 | AMD-P | 93-07-083 |
| 220-52-07300N | REP-E | 93-07-006 | 220-57-175 | AMD-P | 93-04-096 | 230-30-095 | REP-P | 93-07-083 |
| 220-55-010 | AMD-P | 93-04-096 | 220-57-175 | AMD | 93-08-034 | 230-30-097 | NEW-P | 93-07-087 |
| 220-55-010 | AMD | 93-08-034 | 220-57-210 | AMD-P | 93-04-096 | 230-30-100 | AMD-P | 93-07-083 |
| 220-56-100 | AMD-P | 93-04-096 | 220-57-210 | AMD-C | 93-08-033 | 230-30-106 | AMD-P | 93-06-036 |
| 220-56-105 | AMD-P | 93-04-096 | 220-57-235 | AMD-P | 93-04-096 | 230-30-300 | AMD-P | 93-06-036 |
| 220-56-105 | AMD | 93-08-034 | 220-57-235 | AMD | 93-08-034 | 230-40-055 | AMD-P | 93-07-082 |

TABLE

Table of WAC Sections Affected

| WAC # | WSR # | WAC # | WSR # | WAC # | WSR # | | | |
|--------------|-------|-----------|------------|-------|-----------|------------|-------|-----------|
| 230-40-120 | AMD-P | 93-04-044 | 246-08-110 | REP-P | 93-08-071 | 246-10-606 | NEW-P | 93-08-071 |
| 232-12-017 | AMD | 93-04-039 | 246-08-120 | REP-P | 93-08-071 | 246-10-607 | NEW-P | 93-08-071 |
| 232-12-019 | AMD-P | 93-06-019 | 246-08-130 | REP-P | 93-08-071 | 246-10-608 | NEW-P | 93-08-071 |
| 232-12-019 | AMD-P | 93-06-020 | 246-08-140 | REP-P | 93-08-071 | 246-10-701 | NEW-P | 93-08-071 |
| 232-12-021 | AMD | 93-04-040 | 246-08-150 | REP-P | 93-08-071 | 246-10-702 | NEW-P | 93-08-071 |
| 232-12-045 | NEW-E | 93-04-083 | 246-08-160 | REP-P | 93-08-071 | 246-10-703 | NEW-P | 93-08-071 |
| 232-12-064 | AMD | 93-04-038 | 246-08-170 | REP-P | 93-08-071 | 246-10-704 | NEW-P | 93-08-071 |
| 232-12-074 | REP | 93-04-075 | 246-08-180 | REP-P | 93-08-071 | 246-10-705 | NEW-P | 93-08-071 |
| 232-12-166 | NEW-P | 93-06-018 | 246-08-190 | REP-P | 93-08-071 | 246-10-706 | NEW-P | 93-08-071 |
| 232-12-242 | NEW | 93-04-074 | 246-08-200 | REP-P | 93-08-071 | 246-10-707 | NEW-P | 93-08-071 |
| 232-12-619 | AMD-P | 93-06-017 | 246-08-210 | REP-P | 93-08-071 | 246-11-001 | NEW-P | 93-04-102 |
| 232-28-022 | AMD-P | 93-06-074 | 246-08-320 | REP-P | 93-08-071 | 246-11-001 | NEW | 93-08-003 |
| 232-28-226 | AMD-P | 93-06-064 | 246-08-330 | REP-P | 93-08-071 | 246-11-010 | NEW-P | 93-04-102 |
| 232-28-227 | AMD-P | 93-06-059 | 246-08-340 | REP-P | 93-08-071 | 246-11-010 | NEW | 93-08-003 |
| 232-28-228 | AMD-P | 93-06-058 | 246-08-350 | REP-P | 93-08-071 | 246-11-020 | NEW-P | 93-04-102 |
| 232-28-233 | REP-P | 93-06-062 | 246-08-360 | REP-P | 93-08-071 | 246-11-020 | NEW | 93-08-003 |
| 232-28-234 | REP-P | 93-06-063 | 246-08-370 | REP-P | 93-08-071 | 246-11-030 | NEW-P | 93-04-102 |
| 232-28-235 | REP-P | 93-06-060 | 246-08-380 | REP-P | 93-08-071 | 246-11-030 | NEW | 93-08-003 |
| 232-28-236 | NEW-P | 93-06-060 | 246-08-420 | NEW | 93-08-004 | 246-11-040 | NEW-P | 93-04-102 |
| 232-28-237 | NEW-P | 93-06-063 | 246-08-440 | NEW | 93-08-004 | 246-11-040 | NEW | 93-08-003 |
| 232-28-238 | NEW-P | 93-06-062 | 246-08-450 | NEW | 93-08-004 | 246-11-050 | NEW-P | 93-04-102 |
| 232-28-61914 | NEW-W | 93-03-015 | 246-08-520 | AMD | 93-08-004 | 246-11-050 | NEW | 93-08-003 |
| 232-28-61923 | NEW | 93-04-046 | 246-08-560 | AMD | 93-08-004 | 246-11-060 | NEW-P | 93-04-102 |
| 232-28-61924 | NEW | 93-04-047 | 246-10-101 | NEW-P | 93-08-071 | 246-11-060 | NEW | 93-08-003 |
| 232-28-61925 | NEW | 93-04-049 | 246-10-102 | NEW-P | 93-08-071 | 246-11-070 | NEW-P | 93-04-102 |
| 232-28-61926 | NEW | 93-04-050 | 246-10-103 | NEW-P | 93-08-071 | 246-11-070 | NEW | 93-08-003 |
| 232-28-61927 | NEW | 93-04-051 | 246-10-104 | NEW-P | 93-08-071 | 246-11-080 | NEW-P | 93-04-102 |
| 232-28-61928 | NEW | 93-04-048 | 246-10-105 | NEW-P | 93-08-071 | 246-11-080 | NEW | 93-08-003 |
| 232-28-61929 | NEW | 93-04-052 | 246-10-106 | NEW-P | 93-08-071 | 246-11-090 | NEW-P | 93-04-102 |
| 232-28-61930 | NEW | 93-04-053 | 246-10-107 | NEW-P | 93-08-071 | 246-11-090 | NEW | 93-08-003 |
| 232-28-61931 | NEW-E | 93-03-039 | 246-10-108 | NEW-P | 93-08-071 | 246-11-100 | NEW-P | 93-04-102 |
| 232-28-61932 | NEW-P | 93-06-021 | 246-10-109 | NEW-P | 93-08-071 | 246-11-100 | NEW | 93-08-003 |
| 232-28-61933 | NEW-P | 93-06-022 | 246-10-110 | NEW-P | 93-08-071 | 246-11-110 | NEW-P | 93-04-102 |
| 232-28-61934 | NEW-E | 93-06-061 | 246-10-111 | NEW-P | 93-08-071 | 246-11-110 | NEW | 93-08-003 |
| 232-28-61935 | NEW-P | 93-06-057 | 246-10-112 | NEW-P | 93-08-071 | 246-11-120 | NEW-P | 93-04-102 |
| 236-14-010 | NEW-W | 93-05-041 | 246-10-113 | NEW-P | 93-08-071 | 246-11-120 | NEW | 93-08-003 |
| 236-14-015 | NEW-W | 93-05-041 | 246-10-114 | NEW-P | 93-08-071 | 246-11-130 | NEW-P | 93-04-102 |
| 236-14-050 | NEW-W | 93-05-041 | 246-10-115 | NEW-P | 93-08-071 | 246-11-130 | NEW | 93-08-003 |
| 236-14-100 | NEW-W | 93-05-041 | 246-10-116 | NEW-P | 93-08-071 | 246-11-140 | NEW-P | 93-04-102 |
| 236-14-200 | NEW-W | 93-05-041 | 246-10-117 | NEW-P | 93-08-071 | 246-11-140 | NEW | 93-08-003 |
| 236-14-300 | NEW-W | 93-05-041 | 246-10-118 | NEW-P | 93-08-071 | 246-11-150 | NEW-P | 93-04-102 |
| 236-14-900 | NEW-W | 93-05-041 | 246-10-119 | NEW-P | 93-08-071 | 246-11-150 | NEW | 93-08-003 |
| 242-02-220 | AMD-P | 93-08-032 | 246-10-120 | NEW-P | 93-08-071 | 246-11-160 | NEW-P | 93-04-102 |
| 242-02-562 | NEW-W | 93-06-045 | 246-10-121 | NEW-P | 93-08-071 | 246-11-160 | NEW | 93-08-003 |
| 244-12-060 | AMD-P | 93-07-038 | 246-10-122 | NEW-P | 93-08-071 | 246-11-170 | NEW-P | 93-04-102 |
| 244-12-100 | NEW-P | 93-07-038 | 246-10-123 | NEW-P | 93-08-071 | 246-11-170 | NEW | 93-08-003 |
| 246-01-001 | NEW | 93-08-004 | 246-10-124 | NEW-P | 93-08-071 | 246-11-180 | NEW-P | 93-04-102 |
| 246-01-010 | NEW | 93-08-004 | 246-10-201 | NEW-P | 93-08-071 | 246-11-180 | NEW | 93-08-003 |
| 246-01-020 | NEW | 93-08-004 | 246-10-202 | NEW-P | 93-08-071 | 246-11-190 | NEW-P | 93-04-102 |
| 246-01-030 | NEW | 93-08-004 | 246-10-203 | NEW-P | 93-08-071 | 246-11-190 | NEW | 93-08-003 |
| 246-01-040 | NEW | 93-08-004 | 246-10-204 | NEW-P | 93-08-071 | 246-11-200 | NEW-P | 93-04-102 |
| 246-01-050 | NEW | 93-08-004 | 246-10-205 | NEW-P | 93-08-071 | 246-11-200 | NEW | 93-08-003 |
| 246-01-060 | NEW | 93-08-004 | 246-10-301 | NEW-P | 93-08-071 | 246-11-210 | NEW-P | 93-04-102 |
| 246-01-070 | NEW | 93-08-004 | 246-10-302 | NEW-P | 93-08-071 | 246-11-210 | NEW | 93-08-003 |
| 246-01-080 | NEW | 93-08-004 | 246-10-303 | NEW-P | 93-08-071 | 246-11-220 | NEW-P | 93-04-102 |
| 246-01-090 | NEW | 93-08-004 | 246-10-304 | NEW-P | 93-08-071 | 246-11-220 | NEW | 93-08-003 |
| 246-01-100 | NEW | 93-08-004 | 246-10-305 | NEW-P | 93-08-071 | 246-11-230 | NEW-P | 93-04-102 |
| 246-08-001 | REP-P | 93-08-071 | 246-10-306 | NEW-P | 93-08-071 | 246-11-230 | NEW | 93-08-003 |
| 246-08-020 | REP-P | 93-08-071 | 246-10-401 | NEW-P | 93-08-071 | 246-11-250 | NEW-P | 93-04-102 |
| 246-08-030 | REP-P | 93-08-071 | 246-10-402 | NEW-P | 93-08-071 | 246-11-250 | NEW | 93-08-003 |
| 246-08-040 | REP-P | 93-08-071 | 246-10-403 | NEW-P | 93-08-071 | 246-11-260 | NEW-P | 93-04-102 |
| 246-08-050 | REP-P | 93-08-071 | 246-10-404 | NEW-P | 93-08-071 | 246-11-260 | NEW | 93-08-003 |
| 246-08-060 | REP-P | 93-08-071 | 246-10-405 | NEW-P | 93-08-071 | 246-11-270 | NEW-P | 93-04-102 |
| 246-08-070 | REP-P | 93-08-071 | 246-10-501 | NEW-P | 93-08-071 | 246-11-270 | NEW | 93-08-003 |
| 246-08-080 | REP-P | 93-08-071 | 246-10-502 | NEW-P | 93-08-071 | 246-11-280 | NEW-P | 93-04-102 |
| 246-08-090 | REP-P | 93-08-071 | 246-10-503 | NEW-P | 93-08-071 | 246-11-280 | NEW | 93-08-003 |
| 246-08-100 | REP-P | 93-08-071 | 246-10-504 | NEW-P | 93-08-071 | 246-11-290 | NEW-P | 93-04-102 |
| 246-08-101 | NEW-P | 93-08-071 | 246-10-505 | NEW-P | 93-08-071 | 246-11-290 | NEW | 93-08-003 |
| 246-08-102 | NEW-P | 93-08-071 | 246-10-601 | NEW-P | 93-08-071 | 246-11-300 | NEW-P | 93-04-102 |
| 246-08-103 | NEW-P | 93-08-071 | 246-10-602 | NEW-P | 93-08-071 | 246-11-300 | NEW | 93-08-003 |
| 246-08-104 | NEW-P | 93-08-071 | 246-10-603 | NEW-P | 93-08-071 | 246-11-310 | NEW-P | 93-04-102 |
| 246-08-105 | NEW-P | 93-08-071 | 246-10-604 | NEW-P | 93-08-071 | 246-11-310 | NEW | 93-08-003 |
| 246-08-106 | NEW-P | 93-08-071 | 246-10-605 | NEW-P | 93-08-071 | 246-11-320 | NEW-P | 93-04-102 |

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| WAC # | WSR # | WAC # | WSR # | WAC # | WSR # | | | |
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| 246-11-320 | NEW | 93-08-003 | 246-254-120 | AMD-P | 93-08-069 | 246-290-650 | NEW-P | 93-04-122 |
| 246-11-330 | NEW-P | 93-04-102 | 246-290-001 | AMD-P | 93-04-122 | 246-290-650 | NEW | 93-08-011 |
| 246-11-330 | NEW | 93-08-003 | 246-290-001 | AMD | 93-08-011 | 246-290-652 | NEW-P | 93-04-122 |
| 246-11-340 | NEW-P | 93-04-102 | 246-290-010 | AMD-P | 93-04-122 | 246-290-652 | NEW | 93-08-011 |
| 246-11-340 | NEW | 93-08-003 | 246-290-010 | AMD | 93-08-011 | 246-290-654 | NEW-P | 93-04-122 |
| 246-11-350 | NEW-P | 93-04-102 | 246-290-020 | AMD-P | 93-04-122 | 246-290-654 | NEW | 93-08-011 |
| 246-11-350 | NEW | 93-08-003 | 246-290-020 | AMD | 93-08-011 | 246-290-660 | NEW-P | 93-04-122 |
| 246-11-360 | NEW-P | 93-04-102 | 246-290-030 | AMD-P | 93-04-122 | 246-290-660 | NEW | 93-08-011 |
| 246-11-360 | NEW | 93-08-003 | 246-290-030 | AMD | 93-08-011 | 246-290-662 | NEW-P | 93-04-122 |
| 246-11-370 | NEW-P | 93-04-102 | 246-290-040 | AMD-P | 93-04-122 | 246-290-662 | NEW | 93-08-011 |
| 246-11-370 | NEW | 93-08-003 | 246-290-040 | AMD | 93-08-011 | 246-290-664 | NEW-P | 93-04-122 |
| 246-11-380 | NEW-P | 93-04-102 | 246-290-050 | AMD-P | 93-04-122 | 246-290-664 | NEW | 93-08-011 |
| 246-11-380 | NEW | 93-08-003 | 246-290-050 | AMD | 93-08-011 | 246-290-666 | NEW-P | 93-04-122 |
| 246-11-390 | NEW-P | 93-04-102 | 246-290-060 | AMD-P | 93-04-122 | 246-290-666 | NEW | 93-08-011 |
| 246-11-390 | NEW | 93-08-003 | 246-290-060 | AMD | 93-08-011 | 246-290-668 | NEW-P | 93-04-122 |
| 246-11-400 | NEW-P | 93-04-102 | 246-290-100 | AMD-P | 93-04-122 | 246-290-668 | NEW | 93-08-011 |
| 246-11-400 | NEW | 93-08-003 | 246-290-100 | AMD | 93-08-011 | 246-290-670 | NEW-P | 93-04-122 |
| 246-11-420 | NEW-P | 93-04-102 | 246-290-110 | AMD-P | 93-04-122 | 246-290-670 | NEW | 93-08-011 |
| 246-11-420 | NEW | 93-08-003 | 246-290-110 | AMD | 93-08-011 | 246-290-672 | NEW-P | 93-04-122 |
| 246-11-430 | NEW-P | 93-04-102 | 246-290-120 | AMD-P | 93-04-122 | 246-290-672 | NEW | 93-08-011 |
| 246-11-430 | NEW | 93-08-003 | 246-290-120 | AMD | 93-08-011 | 246-290-674 | NEW-P | 93-04-122 |
| 246-11-440 | NEW-P | 93-04-102 | 246-290-130 | AMD-P | 93-04-122 | 246-290-674 | NEW | 93-08-011 |
| 246-11-440 | NEW | 93-08-003 | 246-290-130 | AMD | 93-08-011 | 246-290-676 | NEW-P | 93-04-122 |
| 246-11-450 | NEW-P | 93-04-102 | 246-290-135 | NEW-P | 93-04-122 | 246-290-676 | NEW | 93-08-011 |
| 246-11-450 | NEW | 93-08-003 | 246-290-135 | NEW | 93-08-011 | 246-290-678 | NEW-P | 93-04-122 |
| 246-11-470 | NEW-P | 93-04-102 | 246-290-200 | AMD-P | 93-04-122 | 246-290-678 | NEW | 93-08-011 |
| 246-11-470 | NEW | 93-08-003 | 246-290-200 | AMD | 93-08-011 | 246-290-680 | NEW-P | 93-04-122 |
| 246-11-480 | NEW-P | 93-04-102 | 246-290-210 | REP-P | 93-04-122 | 246-290-680 | NEW | 93-08-011 |
| 246-11-480 | NEW | 93-08-003 | 246-290-210 | REP | 93-08-011 | 246-290-686 | NEW-P | 93-04-122 |
| 246-11-490 | NEW-P | 93-04-102 | 246-290-230 | AMD-P | 93-04-122 | 246-290-686 | NEW | 93-08-011 |
| 246-11-490 | NEW | 93-08-003 | 246-290-230 | AMD | 93-08-011 | 246-290-690 | NEW-P | 93-04-122 |
| 246-11-500 | NEW-P | 93-04-102 | 246-290-250 | AMD-P | 93-04-122 | 246-290-690 | NEW | 93-08-011 |
| 246-11-500 | NEW | 93-08-003 | 246-290-250 | AMD | 93-08-011 | 246-290-692 | NEW-P | 93-04-122 |
| 246-11-510 | NEW-P | 93-04-102 | 246-290-300 | AMD-P | 93-04-122 | 246-290-692 | NEW | 93-08-011 |
| 246-11-510 | NEW | 93-08-003 | 246-290-300 | AMD | 93-08-011 | 246-290-694 | NEW-P | 93-04-122 |
| 246-11-520 | NEW-P | 93-04-102 | 246-290-310 | AMD-P | 93-04-122 | 246-290-694 | NEW | 93-08-011 |
| 246-11-520 | NEW | 93-08-003 | 246-290-310 | AMD | 93-08-011 | 246-290-696 | NEW-P | 93-04-122 |
| 246-11-530 | NEW-P | 93-04-102 | 246-290-320 | AMD-P | 93-04-122 | 246-290-696 | NEW | 93-08-011 |
| 246-11-530 | NEW | 93-08-003 | 246-290-320 | AMD | 93-08-011 | 246-293-440 | REP-P | 93-08-071 |
| 246-11-540 | NEW-P | 93-04-102 | 246-290-330 | AMD-P | 93-04-122 | 246-294-001 | NEW | 93-03-047 |
| 246-11-540 | NEW | 93-08-003 | 246-290-330 | AMD | 93-08-011 | 246-294-010 | NEW | 93-03-047 |
| 246-11-550 | NEW-P | 93-04-102 | 246-290-400 | REP-P | 93-04-122 | 246-294-020 | NEW | 93-03-047 |
| 246-11-550 | NEW | 93-08-003 | 246-290-400 | REP | 93-08-011 | 246-294-030 | NEW | 93-03-047 |
| 246-11-560 | NEW-P | 93-04-102 | 246-290-420 | AMD-P | 93-04-122 | 246-294-040 | NEW | 93-03-047 |
| 246-11-560 | NEW | 93-08-003 | 246-290-420 | AMD | 93-08-011 | 246-294-050 | NEW | 93-03-047 |
| 246-11-570 | NEW-P | 93-04-102 | 246-290-440 | AMD-P | 93-04-122 | 246-294-060 | NEW | 93-03-047 |
| 246-11-570 | NEW | 93-08-003 | 246-290-440 | AMD | 93-08-011 | 246-294-070 | NEW | 93-03-047 |
| 246-11-580 | NEW-P | 93-04-102 | 246-290-450 | REP-P | 93-04-122 | 246-294-080 | NEW | 93-03-047 |
| 246-11-580 | NEW | 93-08-003 | 246-290-450 | REP | 93-08-011 | 246-294-090 | NEW | 93-03-047 |
| 246-11-590 | NEW-P | 93-04-102 | 246-290-470 | AMD-P | 93-04-122 | 246-294-100 | NEW | 93-03-047 |
| 246-11-590 | NEW | 93-08-003 | 246-290-470 | AMD | 93-08-011 | 246-310-280 | AMD-P | 93-08-070 |
| 246-11-600 | NEW-P | 93-04-102 | 246-290-480 | AMD-P | 93-04-122 | 246-316-020 | AMD-W | 93-04-091 |
| 246-11-600 | NEW | 93-08-003 | 246-290-480 | AMD | 93-08-011 | 246-316-020 | AMD-P | 93-08-078 |
| 246-11-610 | NEW-P | 93-04-102 | 246-290-601 | NEW-P | 93-04-122 | 246-316-040 | AMD-W | 93-04-091 |
| 246-11-610 | NEW | 93-08-003 | 246-290-601 | NEW | 93-08-011 | 246-316-040 | AMD-P | 93-08-078 |
| 246-100-011 | AMD-P | 93-03-003 | 246-290-610 | NEW-P | 93-04-122 | 246-316-045 | NEW-W | 93-04-091 |
| 246-100-011 | AMD | 93-08-036 | 246-290-610 | NEW | 93-08-011 | 246-316-045 | NEW-P | 93-08-078 |
| 246-100-041 | AMD-P | 93-03-003 | 246-290-620 | NEW-P | 93-04-122 | 246-316-050 | AMD-W | 93-04-091 |
| 246-100-041 | AMD | 93-08-036 | 246-290-620 | NEW | 93-08-011 | 246-316-050 | AMD-P | 93-08-078 |
| 246-100-042 | NEW-P | 93-06-094 | 246-290-630 | NEW-P | 93-04-122 | 246-318-010 | AMD | 93-07-011 |
| 246-100-076 | AMD-P | 93-03-003 | 246-290-630 | NEW | 93-08-011 | 246-318-040 | AMD-W | 93-04-091 |
| 246-100-076 | AMD | 93-08-036 | 246-290-632 | NEW-P | 93-04-122 | 246-318-040 | AMD-P | 93-08-078 |
| 246-100-236 | AMD-P | 93-03-003 | 246-290-632 | NEW | 93-08-011 | 246-318-042 | NEW-W | 93-04-091 |
| 246-100-236 | AMD | 93-08-036 | 246-290-634 | NEW-P | 93-04-122 | 246-318-042 | NEW-P | 93-08-078 |
| 246-130-040 | AMD-E | 93-04-015 | 246-290-634 | NEW | 93-08-011 | 246-318-500 | AMD | 93-07-011 |
| 246-130-040 | AMD-P | 93-06-095 | 246-290-636 | NEW-P | 93-04-122 | 246-318-510 | AMD | 93-07-011 |
| 246-130-070 | AMD-E | 93-04-015 | 246-290-636 | NEW | 93-08-011 | 246-318-520 | AMD | 93-07-011 |
| 246-130-070 | AMD-P | 93-06-095 | 246-290-638 | NEW-P | 93-04-122 | 246-318-530 | AMD | 93-07-011 |
| 246-254-053 | AMD-P | 93-08-069 | 246-290-638 | NEW | 93-08-011 | 246-318-540 | AMD | 93-07-011 |
| 246-254-070 | AMD-P | 93-08-069 | 246-290-639 | NEW-P | 93-04-122 | 246-318-550 | AMD | 93-07-011 |
| 246-254-080 | AMD-P | 93-08-069 | 246-290-639 | NEW | 93-08-011 | 246-318-560 | AMD | 93-07-011 |
| 246-254-090 | AMD-P | 93-08-069 | 246-290-640 | NEW-P | 93-04-122 | 246-318-570 | AMD | 93-07-011 |
| 246-254-100 | AMD-P | 93-08-069 | 246-290-640 | NEW | 93-08-011 | 246-318-580 | AMD | 93-07-011 |

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| 246-318-600 | AMD | 93-07-011 | 246-388-072 | NEW-P | 93-08-078 | 246-857-140 | REP | 93-04-017 |
| 246-318-610 | AMD | 93-07-011 | 246-806-090 | AMD-P | 93-06-090 | 246-857-150 | REP | 93-04-017 |
| 246-318-620 | AMD | 93-07-011 | 246-806-100 | AMD-P | 93-06-090 | 246-857-160 | REP | 93-04-017 |
| 246-318-630 | AMD | 93-07-011 | 246-806-110 | AMD-P | 93-06-090 | 246-857-170 | REP | 93-04-017 |
| 246-318-640 | AMD | 93-07-011 | 246-806-130 | AMD-P | 93-06-090 | 246-857-180 | REP | 93-04-017 |
| 246-318-650 | AMD | 93-07-011 | 246-806-140 | AMD-P | 93-06-090 | 246-857-190 | REP | 93-04-017 |
| 246-318-660 | AMD | 93-07-011 | 246-806-150 | REP-P | 93-06-090 | 246-857-200 | REP | 93-04-017 |
| 246-318-670 | AMD | 93-07-011 | 246-806-160 | AMD-P | 93-06-090 | 246-857-210 | REP | 93-04-017 |
| 246-318-680 | AMD | 93-07-011 | 246-806-190 | AMD-P | 93-06-090 | 246-857-220 | REP | 93-04-017 |
| 246-318-690 | AMD | 93-07-011 | 246-815-100 | AMD | 93-06-042A | 246-857-230 | REP | 93-04-017 |
| 246-318-700 | AMD | 93-07-011 | 246-816-220 | AMD-P | 93-08-106 | 246-857-240 | REP | 93-04-017 |
| 246-318-710 | AMD | 93-07-011 | 246-816-225 | NEW-P | 93-08-106 | 246-857-250 | REP | 93-04-017 |
| 246-318-720 | AMD | 93-07-011 | 246-818-120 | AMD | 93-07-108 | 246-857-260 | REP | 93-04-017 |
| 246-318-730 | AMD | 93-07-011 | 246-818-130 | AMD-S | 93-07-107 | 246-857-270 | REP | 93-04-017 |
| 246-318-740 | AMD | 93-07-011 | 246-818-140 | AMD | 93-07-108 | 246-857-280 | REP | 93-04-017 |
| 246-318-750 | AMD | 93-07-011 | 246-824-200 | NEW-P | 93-02-066 | 246-857-290 | REP | 93-04-017 |
| 246-318-760 | AMD | 93-07-011 | 246-824-210 | NEW-P | 93-02-066 | 246-857-300 | REP | 93-04-017 |
| 246-318-770 | AMD | 93-07-011 | 246-824-220 | NEW-P | 93-02-066 | 246-857-310 | REP | 93-04-017 |
| 246-318-780 | AMD | 93-07-011 | 246-824-230 | NEW-P | 93-02-066 | 246-857-320 | REP | 93-04-017 |
| 246-318-790 | AMD | 93-07-011 | 246-824-240 | NEW-P | 93-02-066 | 246-857-330 | REP | 93-04-017 |
| 246-318-799 | REP | 93-07-011 | 246-828-005 | NEW | 93-07-009 | 246-857-340 | REP | 93-04-017 |
| 246-318-800 | AMD | 93-07-011 | 246-828-340 | AMD | 93-07-010 | 246-863-050 | AMD-P | 93-04-101 |
| 246-318-810 | AMD | 93-07-011 | 246-828-400 | NEW | 93-07-008 | 246-863-130 | NEW-W | 93-04-018 |
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| 246-318-840 | AMD | 93-07-011 | 246-828-430 | NEW | 93-07-008 | 246-887-132 | NEW-P | 93-08-108 |
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| 246-318-860 | AMD | 93-07-011 | 246-828-510 | NEW | 93-07-007 | 246-887-160 | AMD-P | 93-08-109 |
| 246-318-870 | AMD | 93-07-011 | 246-828-520 | NEW | 93-07-007 | 246-901-030 | AMD-P | 93-08-107 |
| 246-318-99902 | AMD | 93-07-011 | 246-828-530 | NEW | 93-07-007 | 246-901-060 | AMD-P | 93-08-107 |
| 246-321-018 | NEW-W | 93-04-091 | 246-828-540 | NEW | 93-07-007 | 246-901-065 | NEW-P | 93-08-107 |
| 246-321-018 | NEW-P | 93-08-078 | 246-828-550 | NEW | 93-07-007 | 246-903-010 | AMD | 93-04-016 |
| 246-323-022 | NEW-W | 93-04-091 | 246-828-560 | NEW | 93-07-007 | 246-903-020 | AMD | 93-04-016 |
| 246-323-022 | NEW-P | 93-08-078 | 246-838-120 | AMD | 93-04-080 | 246-907-030 | AMD | 93-05-045 |
| 246-325-022 | NEW-W | 93-04-091 | 246-838-330 | NEW | 93-04-080 | 246-915-020 | AMD | 93-04-081 |
| 246-325-022 | NEW-P | 93-08-078 | 246-838-990 | AMD | 93-07-023 | 246-915-080 | AMD | 93-04-081 |
| 246-327-090 | NEW-W | 93-04-091 | 246-839-115 | NEW-P | 93-06-091 | 246-915-085 | NEW-W | 93-04-082 |
| 246-327-090 | NEW-P | 93-08-078 | 246-839-990 | AMD-P | 93-08-080 | 246-915-120 | AMD | 93-04-081 |
| 246-329-035 | NEW-W | 93-04-091 | 246-843-001 | AMD-P | 93-08-105 | 246-915-140 | AMD-W | 93-04-082 |
| 246-329-035 | NEW-P | 93-08-078 | 246-843-010 | AMD-P | 93-08-105 | 246-915-145 | NEW-W | 93-04-082 |
| 246-331-100 | NEW-W | 93-04-091 | 246-843-090 | AMD-P | 93-08-105 | 246-917-121 | AMD-P | 93-05-047 |
| 246-331-100 | NEW-P | 93-08-078 | 246-843-180 | AMD-P | 93-08-105 | 246-918-260 | AMD-P | 93-05-047 |
| 246-336-100 | NEW-W | 93-04-091 | 246-843-205 | AMD-P | 93-08-105 | 246-922-035 | NEW-P | 93-08-082 |
| 246-336-100 | NEW-P | 93-08-078 | 246-849-200 | NEW-P | 93-03-046 | 246-922-235 | NEW-P | 93-08-082 |
| 246-340-085 | NEW-W | 93-04-091 | 246-849-210 | NEW-P | 93-03-046 | 246-922-275 | NEW-P | 93-08-082 |
| 246-340-085 | NEW-P | 93-08-078 | 246-849-220 | NEW-P | 93-03-046 | 246-924-040 | AMD-P | 93-02-065 |
| 246-358-001 | AMD | 93-03-032 | 246-849-230 | NEW-P | 93-03-046 | 246-924-040 | AMD | 93-06-092 |
| 246-358-001 | AMD-E | 93-07-052 | 246-849-240 | NEW-P | 93-03-046 | 246-924-050 | AMD-P | 93-02-065 |
| 246-358-001 | AMD-P | 93-07-106 | 246-849-250 | NEW-P | 93-03-046 | 246-924-050 | AMD | 93-06-092 |
| 246-358-010 | AMD | 93-03-032 | 246-849-260 | NEW-P | 93-03-046 | 246-924-055 | NEW-P | 93-02-065 |
| 246-358-020 | NEW | 93-03-032 | 246-849-270 | NEW-P | 93-03-046 | 246-924-055 | NEW | 93-06-092 |
| 246-358-025 | AMD | 93-03-031 | 246-851-110 | AMD-P | 93-08-079 | 246-924-060 | AMD-P | 93-02-065 |
| 246-358-030 | NEW | 93-03-031 | 246-851-270 | REVIEW | 93-03-030 | 246-924-060 | AMD | 93-06-092 |
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| 246-358-055 | AMD | 93-03-032 | 246-851-520 | REVIEW | 93-03-030 | 246-924-070 | AMD-P | 93-04-014 |
| 246-358-065 | AMD | 93-03-032 | 246-851-530 | REVIEW | 93-03-030 | 246-924-070 | AMD-E | 93-06-023 |
| 246-358-075 | AMD | 93-03-032 | 246-851-530 | REP-P | 93-08-079 | 246-924-070 | AMD | 93-07-078 |
| 246-358-085 | AMD | 93-03-032 | 246-851-540 | NEW-P | 93-08-079 | 246-924-350 | REP-P | 93-02-067 |
| 246-358-095 | AMD | 93-03-032 | 246-851-550 | NEW-P | 93-08-079 | 246-924-350 | REP | 93-07-036 |
| 246-358-105 | AMD | 93-03-032 | 246-851-560 | NEW-P | 93-08-079 | 246-924-351 | NEW-P | 93-02-067 |
| 246-358-115 | AMD | 93-03-032 | 246-857-020 | REP | 93-04-017 | 246-924-351 | NEW | 93-07-036 |
| 246-358-125 | AMD | 93-03-032 | 246-857-030 | REP | 93-04-017 | 246-924-352 | NEW-P | 93-02-067 |
| 246-358-135 | AMD | 93-03-032 | 246-857-040 | REP | 93-04-017 | 246-924-352 | NEW | 93-07-036 |
| 246-358-140 | NEW | 93-03-032 | 246-857-050 | REP | 93-04-017 | 246-924-353 | NEW-P | 93-02-067 |
| 246-358-145 | AMD | 93-03-032 | 246-857-060 | REP | 93-04-017 | 246-924-353 | NEW | 93-07-036 |
| 246-358-155 | AMD | 93-03-032 | 246-857-070 | REP | 93-04-017 | 246-924-354 | NEW-P | 93-02-067 |
| 246-358-165 | AMD | 93-03-032 | 246-857-080 | REP | 93-04-017 | 246-924-354 | NEW | 93-07-036 |
| 246-358-175 | AMD | 93-03-032 | 246-857-090 | REP | 93-04-017 | 246-924-355 | NEW-P | 93-02-067 |
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| 246-924-357 | NEW | 93-07-036 | 251-12-240 | AMD | 93-06-033 | 296-17-759 | AMD-P | 93-07-114 |
| 246-924-358 | NEW-P | 93-02-067 | 251-12-290 | AMD | 93-06-033 | 296-17-761 | AMD-P | 93-07-114 |
| 246-924-358 | NEW | 93-07-036 | 251-22-215 | REP | 93-06-032 | 296-17-762 | AMD-P | 93-07-114 |
| 246-924-359 | NEW-P | 93-02-067 | 275-26-065 | AMD | 93-04-029 | 296-17-76201 | AMD-P | 93-07-114 |
| 246-924-359 | NEW | 93-07-036 | 284-07-060 | NEW-C | 93-04-062 | 296-17-76202 | AMD-P | 93-07-114 |
| 246-924-360 | REP-P | 93-02-067 | 284-07-060 | NEW | 93-07-020 | 296-17-76204 | AMD-P | 93-07-114 |
| 246-924-360 | REP | 93-07-036 | 287-04-030 | REP | 93-04-008 | 296-17-76205 | AMD-P | 93-07-114 |
| 246-924-361 | NEW-P | 93-02-067 | 287-04-031 | NEW | 93-04-008 | 296-17-777 | AMD-P | 93-07-114 |
| 246-924-361 | NEW | 93-07-036 | 296-04-270 | AMD | 93-04-100 | 296-17-855 | AMD-P | 93-07-114 |
| 246-924-363 | NEW-P | 93-02-067 | 296-04-280 | AMD | 93-04-100 | 296-17-873 | AMD-P | 93-07-114 |
| 246-924-363 | NEW | 93-07-036 | 296-15-022 | AMD-P | 93-07-115 | 296-17-895 | AMD-P | 93-07-114 |
| 246-924-364 | NEW-P | 93-02-067 | 296-15-023 | AMD-P | 93-07-115 | 296-17-89501 | NEW-P | 93-07-114 |
| 246-924-364 | NEW | 93-07-036 | 296-15-030 | AMD-P | 93-07-115 | 296-17-896 | REP-P | 93-07-114 |
| 246-924-365 | NEW-P | 93-02-067 | 296-15-060 | AMD-P | 93-07-115 | 296-46-090 | AMD | 93-06-072 |
| 246-924-365 | NEW | 93-07-036 | 296-15-065 | AMD-P | 93-07-115 | 296-46-140 | AMD | 93-06-072 |
| 246-924-366 | NEW-P | 93-02-067 | 296-17-350 | AMD-P | 93-07-114 | 296-46-150 | AMD | 93-06-072 |
| 246-924-366 | NEW | 93-07-036 | 296-17-430 | AMD-P | 93-07-114 | 296-46-21008 | AMD | 93-06-072 |
| 246-924-367 | NEW-P | 93-02-067 | 296-17-440 | AMD-P | 93-07-114 | 296-46-21052 | AMD | 93-06-072 |
| 246-924-367 | NEW | 93-07-036 | 296-17-450 | AMD-P | 93-07-114 | 296-46-220 | AMD | 93-06-072 |
| 246-924-370 | REP-P | 93-02-067 | 296-17-501 | AMD-P | 93-07-114 | 296-46-225 | NEW | 93-06-072 |
| 246-924-370 | REP | 93-07-036 | 296-17-506 | AMD-P | 93-07-114 | 296-46-23040 | AMD | 93-06-072 |
| 246-924-380 | REP-P | 93-02-067 | 296-17-50601 | AMD-P | 93-07-114 | 296-46-23062 | AMD | 93-06-072 |
| 246-924-380 | REP | 93-07-036 | 296-17-50602 | AMD-P | 93-07-114 | 296-46-316 | AMD | 93-06-072 |
| 246-924-390 | REP-P | 93-02-067 | 296-17-510 | AMD-P | 93-07-114 | 296-46-360 | AMD | 93-06-072 |
| 246-924-390 | REP | 93-07-036 | 296-17-512 | AMD-P | 93-07-114 | 296-46-365 | NEW | 93-06-072 |
| 246-924-400 | REP-P | 93-02-067 | 296-17-521 | AMD-P | 93-07-114 | 296-46-422 | AMD | 93-06-072 |
| 246-924-400 | REP | 93-07-036 | 296-17-52102 | AMD-P | 93-07-114 | 296-46-495 | AMD | 93-06-072 |
| 246-924-410 | REP-P | 93-02-067 | 296-17-52108 | AMD-P | 93-07-114 | 296-46-514 | AMD | 93-06-072 |
| 246-924-410 | REP | 93-07-036 | 296-17-52110 | AMD-P | 93-07-114 | 296-46-517 | REP | 93-06-072 |
| 246-924-420 | REP-P | 93-02-067 | 296-17-524 | AMD-P | 93-07-114 | 296-46-55001 | REP | 93-06-072 |
| 246-924-420 | REP | 93-07-036 | 296-17-526 | AMD-P | 93-07-114 | 296-46-680 | AMD | 93-06-072 |
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| 246-924-430 | REP | 93-07-036 | 296-17-53504 | AMD-P | 93-07-114 | 296-46-702 | NEW | 93-06-072 |
| 246-924-440 | REP-P | 93-02-067 | 296-17-538 | AMD-P | 93-07-114 | 296-46-710 | NEW | 93-06-072 |
| 246-924-440 | REP | 93-07-036 | 296-17-545 | AMD-P | 93-07-114 | 296-46-935 | NEW | 93-03-048 |
| 246-924-450 | REP-P | 93-02-067 | 296-17-555 | AMD-P | 93-07-114 | 296-56-60001 | AMD-P | 93-02-057 |
| 246-924-450 | REP | 93-07-036 | 296-17-56101 | NEW-P | 93-07-114 | 296-56-60001 | AMD | 93-07-044 |
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| 246-935-125 | AMD | 93-08-029 | 296-17-594 | AMD-P | 93-07-114 | 296-62-07413 | NEW-P | 93-02-057 |
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| 250-20-015 | AMD-E | 93-04-070 | 296-17-646 | AMD-P | 93-07-114 | 296-62-07417 | NEW | 93-07-044 |
| 250-20-015 | AMD | 93-08-010 | 296-17-669 | AMD-P | 93-07-114 | 296-62-07419 | NEW-P | 93-02-057 |
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| 250-20-031 | AMD | 93-08-010 | 296-17-700 | AMD-P | 93-07-114 | 296-62-07425 | NEW-P | 93-02-057 |
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| 250-20-041 | AMD-E | 93-04-070 | 296-17-707 | AMD-P | 93-07-114 | 296-62-07427 | NEW-P | 93-02-057 |
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| 296-62-07441 | NEW-P | 93-02-057 | 296-155-17327 | NEW | 93-04-111 | 308-61-030 | REP | 93-08-076 |
| 296-62-07441 | NEW | 93-07-044 | 296-155-17329 | NEW | 93-04-111 | 308-61-040 | REP | 93-08-076 |
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| 296-62-07443 | NEW | 93-07-044 | 296-155-17333 | NEW | 93-04-111 | 308-61-168 | AMD | 93-08-076 |
| 296-62-07445 | NEW-P | 93-02-057 | 296-155-17335 | NEW | 93-04-111 | 308-61-200 | REP | 93-08-076 |
| 296-62-07445 | NEW | 93-07-044 | 296-155-17337 | NEW | 93-04-111 | 308-61-205 | REP | 93-08-076 |
| 296-62-07447 | NEW-P | 93-02-057 | 296-155-17339 | NEW | 93-04-111 | 308-61-210 | REP | 93-08-076 |
| 296-62-07447 | NEW | 93-07-044 | 296-155-17341 | NEW | 93-04-111 | 308-61-220 | REP | 93-08-076 |
| 296-62-07449 | NEW-P | 93-02-057 | 296-155-17343 | NEW | 93-04-111 | 308-61-230 | REP | 93-08-076 |
| 296-62-07449 | NEW | 93-07-044 | 296-155-17345 | NEW | 93-04-111 | 308-61-240 | REP | 93-08-076 |
| 296-62-07451 | NEW | 93-02-057 | 296-155-17347 | NEW | 93-04-111 | 308-61-250 | REP | 93-08-076 |
| 296-62-07451 | NEW | 93-07-044 | 296-155-17349 | NEW | 93-04-111 | 308-61-260 | REP | 93-08-076 |
| 296-62-076 | NEW | 93-04-111 | 296-155-17351 | NEW | 93-04-111 | 308-61-270 | REP | 93-08-076 |
| 296-62-07601 | NEW | 93-04-111 | 296-155-17353 | NEW | 93-04-111 | 308-61-300 | REP | 93-08-076 |
| 296-62-07603 | NEW | 93-04-111 | 296-155-17355 | NEW | 93-04-111 | 308-61-305 | REP | 93-08-076 |
| 296-62-07605 | NEW | 93-04-111 | 296-155-17357 | NEW | 93-04-111 | 308-61-310 | REP | 93-08-076 |
| 296-62-07607 | NEW | 93-04-111 | 296-155-17359 | NEW | 93-04-111 | 308-61-320 | REP | 93-08-076 |
| 296-62-07609 | NEW | 93-04-111 | 296-155-174 | NEW-P | 93-02-057 | 308-61-330 | REP | 93-08-076 |
| 296-62-07611 | NEW | 93-04-111 | 296-155-174 | NEW | 93-07-044 | 308-61-340 | REP | 93-08-076 |
| 296-62-07613 | NEW | 93-04-111 | 296-155-375 | AMD | 93-04-111 | 308-61-400 | REP | 93-08-076 |
| 296-62-07615 | NEW | 93-04-111 | 296-304-020 | AMD | 93-04-111 | 308-61-405 | REP | 93-08-076 |
| 296-62-07617 | NEW | 93-04-111 | 296-306 | AMD-C | 93-02-031 | 308-61-410 | REP | 93-08-076 |
| 296-62-07619 | NEW | 93-04-111 | 296-306-010 | AMD | 93-07-012 | 308-61-420 | REP | 93-08-076 |
| 296-62-07621 | NEW | 93-04-111 | 296-306-01001 | NEW-P | 93-02-057 | 308-61-430 | REP | 93-08-076 |
| 296-62-07623 | NEW | 93-04-111 | 296-306-01001 | NEW | 93-07-044 | 308-61-440 | REP | 93-08-076 |
| 296-62-07625 | NEW | 93-04-111 | 296-306-012 | AMD | 93-07-012 | 308-61-450 | REP | 93-08-076 |
| 296-62-07627 | NEW | 93-04-111 | 296-306-035 | AMD | 93-07-012 | 308-63-010 | NEW | 93-08-076 |
| 296-62-07629 | NEW | 93-04-111 | 296-306-060 | AMD | 93-07-012 | 308-63-020 | NEW | 93-08-076 |
| 296-62-07631 | NEW | 93-04-111 | 296-306-061 | NEW | 93-07-012 | 308-63-030 | NEW | 93-08-076 |
| 296-62-07633 | NEW | 93-04-111 | 296-306-070 | AMD | 93-07-012 | 308-63-040 | NEW | 93-08-076 |
| 296-62-07635 | NEW | 93-04-111 | 296-306-084 | NEW | 93-07-012 | 308-63-050 | NEW | 93-08-076 |
| 296-62-07637 | NEW | 93-04-111 | 296-306-105 | AMD | 93-07-012 | 308-63-060 | NEW | 93-08-076 |
| 296-62-07639 | NEW | 93-04-111 | 296-306-115 | AMD | 93-07-012 | 308-63-070 | NEW | 93-08-076 |
| 296-62-07654 | NEW | 93-04-111 | 296-306-145 | AMD | 93-07-012 | 308-63-080 | NEW | 93-08-076 |
| 296-62-07656 | NEW | 93-04-111 | 296-306-165 | AMD | 93-07-012 | 308-63-090 | NEW | 93-08-076 |
| 296-62-07658 | NEW | 93-04-111 | 296-306-200 | AMD | 93-07-012 | 308-63-100 | NEW | 93-08-076 |
| 296-62-07660 | NEW | 93-04-111 | 296-306-26001 | AMD | 93-07-012 | 308-63-110 | NEW | 93-08-076 |
| 296-62-07662 | NEW | 93-04-111 | 296-306-265 | AMD | 93-07-012 | 308-63-120 | NEW | 93-08-076 |
| 296-62-07664 | NEW | 93-04-111 | 296-306-270 | AMD | 93-07-012 | 308-63-130 | NEW | 93-08-076 |
| 296-62-07666 | NEW | 93-04-111 | 296-306-27095 | AMD | 93-07-012 | 308-63-140 | NEW | 93-08-076 |
| 296-62-07668 | NEW | 93-04-111 | 296-306-330 | NEW | 93-07-012 | 308-63-150 | NEW | 93-08-076 |
| 296-62-07670 | NEW | 93-04-111 | 296-306-400 | AMD | 93-07-012 | 308-63-160 | NEW | 93-08-076 |
| 296-62-07672 | NEW | 93-04-111 | 296-306-40003 | AMD | 93-07-012 | 308-65-010 | NEW | 93-08-076 |
| 296-104-010 | AMD-P | 93-08-073 | 296-306-40007 | NEW | 93-07-012 | 308-65-020 | NEW | 93-08-076 |
| 296-104-055 | AMD-P | 93-08-073 | 296-306-40009 | NEW | 93-07-012 | 308-65-030 | NEW | 93-08-076 |
| 296-104-200 | AMD-P | 93-08-073 | 296-306-40011 | NEW | 93-07-012 | 308-65-040 | NEW | 93-08-076 |
| 296-104-500 | AMD-P | 93-08-073 | 296-401-075 | NEW | 93-03-048 | 308-65-050 | NEW | 93-08-076 |
| 296-104-501 | AMD-P | 93-08-073 | 308-17-150 | AMD-P | 93-07-099 | 308-65-060 | NEW | 93-08-076 |
| 296-104-700 | AMD-P | 93-08-073 | 308-18-150 | AMD-P | 93-07-098 | 308-65-070 | NEW | 93-08-076 |
| 296-116-082 | AMD-E | 93-06-012 | 308-30-005 | NEW | 93-05-009 | 308-65-080 | NEW | 93-08-076 |
| 296-116-082 | AMD-P | 93-06-052 | 308-30-010 | AMD | 93-05-009 | 308-65-090 | NEW | 93-08-076 |
| 296-116-110 | AMD-P | 93-04-109 | 308-30-020 | AMD | 93-05-009 | 308-65-100 | NEW | 93-08-076 |
| 296-116-110 | AMD | 93-07-076 | 308-30-030 | AMD | 93-05-009 | 308-65-110 | NEW | 93-08-076 |
| 296-116-185 | AMD-C | 93-03-001 | 308-30-040 | AMD | 93-05-009 | 308-65-120 | NEW | 93-08-076 |
| 296-116-185 | AMD | 93-03-080 | 308-30-050 | AMD | 93-05-009 | 308-65-130 | NEW | 93-08-076 |
| 296-116-300 | AMD-P | 93-08-027 | 308-30-060 | AMD | 93-05-009 | 308-65-140 | NEW | 93-08-076 |
| 296-116-360 | AMD-P | 93-04-110 | 308-30-070 | AMD | 93-05-009 | 308-65-150 | NEW | 93-08-076 |
| 296-116-360 | AMD | 93-07-077 | 308-30-080 | AMD | 93-05-009 | 308-65-160 | NEW | 93-08-076 |
| 296-125-070 | NEW | 93-04-112 | 308-30-090 | AMD | 93-05-009 | 308-65-170 | NEW | 93-08-076 |
| 296-155-173 | NEW | 93-04-111 | 308-30-110 | NEW-W | 93-08-083 | 308-65-180 | NEW | 93-08-076 |
| 296-155-17301 | NEW | 93-04-111 | 308-30-120 | NEW | 93-05-009 | 308-65-190 | NEW | 93-08-076 |
| 296-155-17303 | NEW | 93-04-111 | 308-30-130 | NEW | 93-05-009 | 314-12-020 | AMD-P | 93-07-110 |
| 296-155-17305 | NEW | 93-04-111 | 308-30-140 | NEW | 93-05-009 | 314-12-025 | AMD-P | 93-07-110 |
| 296-155-17307 | NEW | 93-04-111 | 308-30-150 | NEW | 93-05-009 | 314-12-030 | AMD-P | 93-06-066 |
| 296-155-17309 | NEW | 93-04-111 | 308-30-155 | NEW | 93-05-009 | 314-12-140 | AMD-P | 93-07-110 |
| 296-155-17311 | NEW | 93-04-111 | 308-30-160 | NEW | 93-05-009 | 314-16-020 | AMD-P | 93-07-110 |
| 296-155-17313 | NEW | 93-04-111 | 308-30-170 | NEW-W | 93-08-083 | 314-16-030 | AMD-P | 93-07-110 |
| 296-155-17315 | NEW | 93-04-111 | 308-30-180 | NEW-W | 93-08-083 | 314-16-190 | AMD-P | 93-06-066 |
| 296-155-17317 | NEW | 93-04-111 | 308-30-190 | NEW-W | 93-08-083 | 314-16-196 | AMD-P | 93-06-066 |
| 296-155-17319 | NEW | 93-04-111 | 308-61 | AMD | 93-08-076 | 314-20-015 | AMD-P | 93-07-109 |
| 296-155-17321 | NEW | 93-04-111 | 308-61-010 | REP | 93-08-076 | 314-20-030 | AMD-P | 93-07-110 |
| 296-155-17323 | NEW | 93-04-111 | 308-61-025 | REP | 93-08-076 | 314-20-070 | AMD-P | 93-06-066 |

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| 314-24-095 | AMD-P | 93-07-109 | 317-20 | NEW | 93-07-005 | 317-30-070 | NEW-P | 93-02-054 |
| 314-24-160 | AMD-P | 93-07-109 | 317-20-010 | NEW-P | 93-02-055 | 317-30-070 | NEW | 93-07-003 |
| 314-40-030 | AMD-P | 93-07-109 | 317-20-010 | NEW | 93-07-005 | 317-30-080 | NEW-P | 93-02-054 |
| 314-52-080 | AMD-P | 93-07-109 | 317-20-020 | NEW-P | 93-02-055 | 317-30-080 | NEW | 93-07-003 |
| 314-70-050 | NEW-P | 93-07-109 | 317-20-020 | NEW | 93-07-005 | 317-30-090 | NEW-P | 93-02-054 |
| 315-02-230 | NEW | 93-04-004 | 317-20-025 | NEW | 93-07-005 | 317-30-090 | NEW | 93-07-003 |
| 315-06-120 | AMD | 93-04-004 | 317-20-030 | NEW-P | 93-02-055 | 317-30-100 | NEW-P | 93-02-054 |
| 315-06-125 | AMD | 93-04-004 | 317-20-030 | NEW | 93-07-005 | 317-30-100 | NEW | 93-07-003 |
| 315-06-125 | AMD-P | 93-07-121 | 317-20-040 | NEW-P | 93-02-055 | 317-30-110 | NEW-P | 93-02-054 |
| 315-06-130 | AMD | 93-04-004 | 317-20-040 | NEW | 93-07-005 | 317-30-110 | NEW | 93-07-003 |
| 315-11-890 | AMD-P | 93-03-094 | 317-20-050 | NEW-P | 93-02-055 | 317-30-120 | NEW-P | 93-02-054 |
| 315-11-890 | AMD | 93-07-016 | 317-20-050 | NEW | 93-07-005 | 317-30-120 | NEW | 93-07-003 |
| 315-11-920 | NEW | 93-03-008 | 317-20-055 | NEW-P | 93-02-055 | 317-30-130 | NEW-P | 93-02-054 |
| 315-11-921 | NEW | 93-03-008 | 317-20-055 | NEW | 93-07-005 | 317-30-130 | NEW | 93-07-003 |
| 315-11-922 | NEW | 93-03-008 | 317-20-060 | NEW-P | 93-02-055 | 317-30-140 | NEW-P | 93-02-054 |
| 315-11-930 | NEW | 93-03-008 | 317-20-060 | NEW | 93-07-005 | 317-30-140 | NEW | 93-07-003 |
| 315-11-931 | NEW | 93-03-008 | 317-20-065 | NEW-P | 93-02-055 | 317-30-150 | NEW-P | 93-02-054 |
| 315-11-932 | NEW | 93-03-008 | 317-20-065 | NEW | 93-07-005 | 317-30-150 | NEW | 93-07-003 |
| 315-11-940 | NEW | 93-03-008 | 317-20-066 | NEW-P | 93-02-055 | 317-30-900 | NEW-P | 93-02-054 |
| 315-11-941 | NEW | 93-03-008 | 317-20-066 | NEW | 93-07-005 | 317-30-900 | NEW | 93-07-003 |
| 315-11-942 | NEW | 93-03-008 | 317-20-070 | NEW-P | 93-02-055 | 326-40-010 | AMD-E | 93-05-037 |
| 315-11-950 | NEW-P | 93-03-094 | 317-20-070 | NEW | 93-07-005 | 332-24-710 | NEW | 93-03-007 |
| 315-11-950 | NEW | 93-07-016 | 317-20-080 | NEW-P | 93-02-055 | 332-24-720 | NEW-P | 93-03-064 |
| 315-11-951 | NEW-P | 93-03-094 | 317-20-080 | NEW | 93-07-005 | 332-24-720 | NEW | 93-07-002 |
| 315-11-951 | NEW | 93-07-016 | 317-20-090 | NEW-P | 93-02-055 | 332-24-730 | NEW-P | 93-04-107 |
| 315-11-952 | NEW-P | 93-03-094 | 317-20-090 | NEW | 93-07-005 | 352-12-020 | AMD | 93-08-025 |
| 315-11-952 | NEW | 93-07-016 | 317-20-100 | NEW-P | 93-02-055 | 352-12-030 | AMD | 93-08-025 |
| 315-11-960 | NEW-P | 93-03-094 | 317-20-100 | NEW | 93-07-005 | 352-12-050 | AMD | 93-06-001 |
| 315-11-960 | NEW | 93-07-016 | 317-20-110 | NEW-P | 93-02-055 | 352-32-010 | AMD | 93-06-001 |
| 315-11-961 | NEW-P | 93-03-094 | 317-20-110 | NEW | 93-07-005 | 352-32-010 | AMD | 93-08-025 |
| 315-11-961 | NEW | 93-07-016 | 317-20-120 | NEW-P | 93-02-055 | 352-32-030 | AMD | 93-06-001 |
| 315-11-962 | NEW-P | 93-03-094 | 317-20-120 | NEW | 93-07-005 | 352-32-035 | AMD | 93-06-001 |
| 315-11-962 | NEW | 93-07-016 | 317-20-130 | NEW-P | 93-02-055 | 352-32-120 | AMD | 93-06-001 |
| 315-11-970 | NEW-P | 93-03-094 | 317-20-130 | NEW | 93-07-005 | 352-32-250 | AMD | 93-08-025 |
| 315-11-970 | NEW | 93-07-016 | 317-20-140 | NEW-P | 93-02-055 | 352-32-252 | AMD | 93-08-025 |
| 315-11-971 | NEW-P | 93-03-094 | 317-20-140 | NEW | 93-07-005 | 352-32-285 | AMD | 93-06-001 |
| 315-11-971 | NEW | 93-07-016 | 317-20-150 | NEW-P | 93-02-055 | 356-05-157 | NEW-P | 93-04-097 |
| 315-11-972 | NEW-P | 93-03-094 | 317-20-150 | NEW | 93-07-005 | 356-05-157 | NEW-C | 93-08-046 |
| 315-11-972 | NEW | 93-07-016 | 317-20-155 | NEW | 93-07-005 | 356-05-160 | REP-W | 93-02-035 |
| 315-11-980 | NEW-P | 93-07-121 | 317-20-160 | NEW-P | 93-02-055 | 356-10-030 | AMD-P | 93-04-097 |
| 315-11-981 | NEW-P | 93-07-121 | 317-20-160 | NEW | 93-07-005 | 356-10-030 | AMD-C | 93-08-046 |
| 315-11-982 | NEW-P | 93-07-121 | 317-20-165 | NEW-P | 93-02-055 | 356-10-060 | AMD-P | 93-08-043 |
| 315-11-990 | NEW-P | 93-07-121 | 317-20-165 | NEW | 93-07-005 | 356-14-075 | AMD-P | 93-08-044 |
| 315-11-991 | NEW-P | 93-07-121 | 317-20-170 | NEW-P | 93-02-055 | 356-14-220 | AMD-W | 93-02-035 |
| 315-11-992 | NEW-P | 93-07-121 | 317-20-170 | NEW | 93-07-005 | 356-14-260 | AMD-P | 93-08-072 |
| 315-11A-100 | NEW-P | 93-07-121 | 317-20-180 | NEW-P | 93-02-055 | 356-15-030 | AMD-W | 93-02-035 |
| 315-34-040 | AMD | 93-03-008 | 317-20-180 | NEW | 93-07-005 | 356-15-030 | AMD-P | 93-08-072 |
| 317-01-010 | NEW-P | 93-06-086 | 317-20-190 | NEW-P | 93-02-055 | 356-15-033 | NEW-W | 93-02-035 |
| 317-01-020 | NEW-P | 93-06-086 | 317-20-190 | NEW | 93-07-005 | 356-15-050 | AMD-W | 93-02-035 |
| 317-01-030 | NEW-P | 93-06-086 | 317-20-200 | NEW-P | 93-02-055 | 356-15-060 | AMD-P | 93-02-039 |
| 317-02-010 | NEW-P | 93-06-087 | 317-20-200 | NEW | 93-07-005 | 356-15-060 | AMD-C | 93-06-080 |
| 317-02-020 | NEW-P | 93-06-087 | 317-20-210 | NEW-P | 93-02-055 | 356-15-080 | AMD-W | 93-02-035 |
| 317-02-030 | NEW-P | 93-06-087 | 317-20-210 | NEW | 93-07-005 | 356-15-100 | AMD-W | 93-02-035 |
| 317-02-040 | NEW-P | 93-06-087 | 317-20-220 | NEW-P | 93-02-055 | 356-18-060 | AMD-P | 93-08-072 |
| 317-02-050 | NEW-P | 93-06-087 | 317-20-220 | NEW | 93-07-005 | 356-18-110 | AMD-P | 93-08-072 |
| 317-02-060 | NEW-P | 93-06-087 | 317-20-230 | NEW-P | 93-02-055 | 356-18-145 | NEW-P | 93-08-072 |
| 317-02-070 | NEW-P | 93-06-087 | 317-20-230 | NEW | 93-07-005 | 356-18-150 | AMD-P | 93-08-072 |
| 317-02-080 | NEW-P | 93-06-087 | 317-20-240 | NEW-P | 93-02-055 | 356-18-230 | REP-P | 93-02-037 |
| 317-02-090 | NEW-P | 93-06-087 | 317-20-240 | NEW | 93-07-005 | 356-18-230 | REP | 93-06-081 |
| 317-02-100 | NEW-P | 93-06-087 | 317-20-900 | NEW-P | 93-02-055 | 356-22-070 | AMD | 93-02-040 |
| 317-02-110 | NEW-P | 93-06-087 | 317-20-900 | NEW | 93-07-005 | 356-22-070 | AMD-P | 93-08-047 |
| 317-02-120 | NEW-P | 93-06-087 | 317-30-010 | NEW-P | 93-02-054 | 356-26-030 | AMD-P | 93-08-042 |
| 317-03-010 | NEW-P | 93-06-088 | 317-30-010 | NEW | 93-07-003 | 356-26-040 | AMD | 93-02-040 |
| 317-03-020 | NEW-P | 93-06-088 | 317-30-020 | NEW-P | 93-02-054 | 356-26-060 | AMD-P | 93-02-038 |
| 317-03-030 | NEW-P | 93-06-088 | 317-30-020 | NEW | 93-07-003 | 356-26-060 | AMD-C | 93-06-077 |
| 317-05-010 | NEW-P | 93-02-053 | 317-30-030 | NEW-P | 93-02-054 | 356-26-060 | AMD | 93-08-048 |
| 317-05-010 | NEW | 93-07-004 | 317-30-030 | NEW | 93-07-003 | 356-30-130 | AMD-P | 93-08-042 |
| 317-05-020 | NEW-P | 93-02-053 | 317-30-040 | NEW-P | 93-02-054 | 356-30-260 | AMD-P | 93-06-079 |
| 317-05-020 | NEW | 93-07-004 | 317-30-040 | NEW | 93-07-003 | 356-30-330 | AMD-C | 93-02-036 |
| 317-05-030 | NEW-P | 93-02-053 | 317-30-050 | NEW-P | 93-02-054 | 356-30-330 | AMD-C | 93-04-099 |
| 317-05-030 | NEW | 93-07-004 | 317-30-050 | NEW | 93-07-003 | 356-30-330 | AMD-C | 93-08-045 |
| 317-10-060 | AMD-P | 93-06-089 | 317-30-060 | NEW-P | 93-02-054 | 356-34-020 | AMD-W | 93-02-035 |
| 317-20 | NEW-P | 93-02-055 | 317-30-060 | NEW | 93-07-003 | 356-34-022 | NEW-W | 93-02-035 |

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| 356-35-010 | AMD-C | 93-02-041 | 388-28-392 | AMD | 93-04-028 | 388-37-030 | REP-P | 93-08-074 |
| 356-35-010 | AMD-C | 93-04-098 | 388-28-425 | AMD-P | 93-03-056 | 388-37-032 | REP-P | 93-08-074 |
| 356-35-010 | AMD-C | 93-06-078 | 388-28-435 | AMD-P | 93-05-004 | 388-37-035 | REP-P | 93-08-074 |
| 356-35-010 | AMD-W | 93-07-054 | 388-28-435 | AMD | 93-07-126 | 388-37-037 | REP-P | 93-08-074 |
| 365-140-030 | AMD-P | 93-08-087 | 388-28-485 | AMD-P | 93-07-072 | 388-37-038 | REP-P | 93-08-074 |
| 365-140-040 | AMD-P | 93-08-087 | 388-28-570 | AMD-P | 93-03-057 | 388-37-039 | REP-P | 93-08-074 |
| 365-140-050 | AMD-P | 93-08-087 | 388-28-575 | AMD-P | 93-04-027 | 388-37-040 | REP-P | 93-08-074 |
| 365-140-060 | AMD-P | 93-08-087 | 388-28-575 | AMD | 93-07-031 | 388-37-045 | NEW-C | 93-04-025 |
| 365-300-010 | NEW-E | 93-07-063 | 388-28-590 | AMD-P | 93-04-026 | 388-37-045 | NEW | 93-06-073 |
| 365-300-010 | NEW-P | 93-07-112 | 388-28-590 | AMD | 93-07-032 | 388-37-045 | REP-P | 93-08-074 |
| 365-300-020 | NEW-E | 93-07-063 | 388-29-100 | AMD | 93-04-030 | 388-37-050 | AMD-C | 93-04-025 |
| 365-300-020 | NEW-P | 93-07-112 | 388-29-110 | AMD | 93-04-030 | 388-37-050 | AMD | 93-06-073 |
| 365-300-030 | NEW-E | 93-07-063 | 388-29-112 | AMD | 93-04-030 | 388-37-050 | REP-P | 93-08-074 |
| 365-300-030 | NEW-P | 93-07-112 | 388-29-160 | AMD | 93-04-030 | 388-37-100 | REP-P | 93-08-074 |
| 365-300-040 | NEW-E | 93-07-063 | 388-29-220 | AMD | 93-04-030 | 388-37-110 | REP-P | 93-08-074 |
| 365-300-040 | NEW-P | 93-07-112 | 388-29-295 | AMD | 93-04-030 | 388-37-115 | REP-P | 93-08-074 |
| 365-300-050 | NEW-E | 93-07-063 | 388-34-010 | REP-P | 93-06-040 | 388-37-120 | REP-P | 93-08-074 |
| 365-300-050 | NEW-P | 93-07-112 | 388-34-010 | REP-W | 93-08-113 | 388-37-130 | REP-P | 93-08-074 |
| 365-300-060 | NEW-E | 93-07-063 | 388-34-015 | REP-P | 93-06-040 | 388-37-135 | REP-P | 93-08-074 |
| 365-300-060 | NEW-P | 93-07-112 | 388-34-015 | REP-W | 93-08-113 | 388-37-140 | REP-P | 93-08-074 |
| 365-300-070 | NEW-E | 93-07-063 | 388-34-020 | REP-P | 93-06-040 | 388-37-150 | REP-P | 93-08-074 |
| 365-300-070 | NEW-P | 93-07-112 | 388-34-020 | REP-W | 93-08-113 | 388-37-160 | REP-P | 93-08-074 |
| 365-300-081 | NEW-E | 93-07-063 | 388-34-025 | REP-P | 93-06-040 | 388-37-170 | REP-P | 93-08-074 |
| 365-300-081 | NEW-P | 93-07-112 | 388-34-025 | REP-W | 93-08-113 | 388-37-180 | REP-P | 93-08-074 |
| 365-300-090 | NEW-E | 93-07-063 | 388-34-035 | REP-P | 93-06-040 | 388-37-190 | REP-P | 93-08-074 |
| 365-300-090 | NEW-P | 93-07-112 | 388-34-035 | REP-W | 93-08-113 | 388-37-300 | REP-P | 93-08-074 |
| 374-60-020 | AMD | 93-04-041 | 388-34-040 | REP-P | 93-06-040 | 388-37-310 | REP-P | 93-08-074 |
| 374-60-060 | AMD | 93-04-041 | 388-34-040 | REP-W | 93-08-113 | 388-37-320 | REP-P | 93-08-074 |
| 374-60-070 | AMD | 93-04-041 | 388-34-045 | REP-P | 93-06-040 | 388-37-330 | REP-P | 93-08-074 |
| 374-60-120 | AMD | 93-04-041 | 388-34-045 | REP-W | 93-08-113 | 388-37-340 | REP-P | 93-08-074 |
| 388-11-010 | AMD | 93-05-020 | 388-34-055 | REP-P | 93-06-040 | 388-37-350 | REP-P | 93-08-074 |
| 388-11-011 | AMD | 93-05-020 | 388-34-055 | REP-W | 93-08-113 | 388-37-360 | REP-P | 93-08-074 |
| 388-11-045 | AMD | 93-05-020 | 388-34-085 | REP-P | 93-06-040 | 388-37-370 | REP-P | 93-08-074 |
| 388-11-120 | AMD | 93-05-020 | 388-34-085 | REP-W | 93-08-113 | 388-37-380 | REP-P | 93-08-074 |
| 388-11-150 | AMD | 93-05-020 | 388-34-095 | REP-P | 93-06-040 | 388-42-020 | AMD | 93-05-021 |
| 388-11-210 | AMD | 93-05-020 | 388-34-095 | REP-W | 93-08-113 | 388-42-025 | AMD | 93-05-021 |
| 388-14-030 | AMD | 93-05-020 | 388-34-110 | REP-P | 93-06-040 | 388-42-150 | AMD | 93-05-021 |
| 388-14-205 | AMD | 93-05-020 | 388-34-110 | REP-W | 93-08-113 | 388-47-115 | AMD-P | 93-03-058 |
| 388-14-385 | AMD | 93-05-020 | 388-34-120 | REP-P | 93-06-040 | 388-49-020 | AMD-P | 93-08-038 |
| 388-14-420 | AMD | 93-05-020 | 388-34-120 | REP-W | 93-08-113 | 388-49-120 | AMD-P | 93-07-075 |
| 388-14-427 | NEW | 93-05-020 | 388-34-125 | REP-P | 93-06-040 | 388-49-200 | AMD-P | 93-08-039 |
| 388-14-435 | AMD | 93-05-020 | 388-34-125 | REP-W | 93-08-113 | 388-49-220 | AMD-P | 93-08-040 |
| 388-15-170 | AMD-P | 93-07-018 | 388-34-140 | REP-P | 93-06-040 | 388-49-560 | AMD | 93-04-069 |
| 388-15-170 | AMD-E | 93-07-019 | 388-34-140 | REP-W | 93-08-113 | 388-49-700 | AMD | 93-04-034 |
| 388-15-202 | NEW-C | 93-04-023 | 388-34-150 | REP-P | 93-06-040 | 388-51-020 | AMD-P | 93-07-073 |
| 388-15-202 | NEW | 93-06-042 | 388-34-150 | REP-W | 93-08-113 | 388-51-040 | AMD-P | 93-07-073 |
| 388-15-203 | NEW-C | 93-04-023 | 388-34-160 | REP-P | 93-06-040 | 388-51-110 | AMD-P | 93-07-073 |
| 388-15-203 | NEW | 93-06-042 | 388-34-160 | REP-W | 93-08-113 | 388-51-115 | AMD-P | 93-07-073 |
| 388-15-204 | NEW-C | 93-04-023 | 388-34-165 | REP-P | 93-06-040 | 388-51-120 | AMD-P | 93-07-073 |
| 388-15-204 | NEW | 93-06-042 | 388-34-165 | REP-W | 93-08-113 | 388-51-123 | AMD-P | 93-07-073 |
| 388-15-205 | NEW-C | 93-04-023 | 388-34-180 | REP-P | 93-06-040 | 388-51-125 | REP-P | 93-07-073 |
| 388-15-205 | NEW | 93-06-042 | 388-34-180 | REP-W | 93-08-113 | 388-51-130 | AMD-P | 93-07-073 |
| 388-15-207 | AMD | 93-04-036 | 388-34-180 | REP-P | 93-06-040 | 388-51-135 | AMD-P | 93-07-073 |
| 388-15-208 | AMD | 93-04-036 | 388-34-370 | REP-P | 93-06-040 | 388-51-150 | REP-P | 93-07-073 |
| 388-15-209 | AMD | 93-04-036 | 388-34-370 | REP-W | 93-08-113 | 388-51-155 | NEW-P | 93-07-073 |
| 388-15-212 | AMD | 93-04-036 | 388-34-372 | REP-P | 93-06-040 | 388-51-160 | NEW-P | 93-07-073 |
| 388-15-213 | AMD | 93-04-036 | 388-34-372 | REP-W | 93-08-113 | 388-51-170 | NEW-P | 93-07-073 |
| 388-15-214 | AMD | 93-04-036 | 388-34-374 | REP-P | 93-06-040 | 388-51-180 | NEW-P | 93-07-073 |
| 388-15-215 | AMD | 93-04-036 | 388-34-374 | REP-W | 93-08-113 | 388-51-180 | NEW-P | 93-07-073 |
| 388-15-215 | AMD | 93-04-036 | 388-34-375 | REP-P | 93-06-040 | 388-51-200 | REP-P | 93-07-073 |
| 388-15-216 | AMD | 93-04-036 | 388-34-375 | REP-W | 93-08-113 | 388-51-210 | NEW-P | 93-07-073 |
| 388-15-217 | AMD | 93-04-036 | 388-34-376 | REP-P | 93-06-040 | 388-51-250 | NEW-P | 93-07-073 |
| 388-15-820 | AMD-P | 93-07-071 | 388-34-376 | REP-W | 93-08-113 | 388-51-260 | NEW-P | 93-07-073 |
| 388-15-830 | AMD-P | 93-07-071 | 388-34-378 | REP-P | 93-06-040 | 388-51-300 | REP-P | 93-07-073 |
| 388-15-840 | AMD-P | 93-07-071 | 388-34-378 | REP-W | 93-08-113 | 388-60-005 | NEW-P | 93-06-082 |
| 388-15-850 | AMD-P | 93-07-071 | 388-34-380 | REP-P | 93-06-040 | 388-60-120 | NEW-P | 93-06-082 |
| 388-15-860 | AMD-P | 93-07-071 | 388-34-380 | REP-W | 93-08-113 | 388-60-130 | NEW-P | 93-06-082 |
| 388-15-870 | AMD-P | 93-07-071 | 388-34-384 | REP-P | 93-06-040 | 388-60-140 | NEW-P | 93-06-082 |
| 388-15-880 | AMD-P | 93-07-071 | 388-34-384 | REP-W | 93-08-113 | 388-60-150 | NEW-P | 93-06-082 |
| 388-15-890 | NEW-P | 93-07-071 | 388-37-010 | REP-P | 93-08-074 | 388-60-160 | NEW-P | 93-06-082 |
| 388-21-005 | NEW | 93-04-037 | 388-37-020 | REP-P | 93-08-074 | 388-60-170 | NEW-P | 93-06-082 |
| 388-24-074 | AMD-P | 93-03-055 | 388-37-021 | REP-P | 93-08-074 | 388-60-180 | NEW-P | 93-06-082 |
| 388-24-253 | AMD-P | 93-04-035 | 388-37-025 | REP-P | 93-08-074 | 388-62-020 | REP-P | 93-08-075 |

Table of WAC Sections Affected

| WAC # | WSR # | WAC # | WSR # | WAC # | WSR # | | | |
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| 388-62-025 | REP-P | 93-08-075 | 388-95-310 | NEW-P | 93-06-040 | 388-160-440 | NEW-P | 93-05-031 |
| 388-62-035 | REP-P | 93-08-075 | 388-95-310 | NEW-W | 93-08-113 | 388-160-450 | NEW-P | 93-05-031 |
| 388-62-070 | REP-P | 93-08-075 | 388-95-337 | AMD-E | 93-04-031 | 388-160-460 | NEW-P | 93-05-031 |
| 388-62-075 | REP-P | 93-08-075 | 388-95-337 | AMD-P | 93-04-032 | 388-160-470 | NEW-P | 93-05-031 |
| 388-62-080 | REP-P | 93-08-075 | 388-95-337 | AMD | 93-07-029 | 388-160-480 | NEW-P | 93-05-031 |
| 388-62-095 | REP-P | 93-08-075 | 388-95-340 | AMD-P | 93-03-027 | 388-160-490 | NEW-P | 93-05-031 |
| 388-62-135 | REP-P | 93-08-075 | 388-95-340 | AMD-E | 93-03-029 | 388-160-500 | NEW-P | 93-05-031 |
| 388-62-190 | REP-P | 93-08-075 | 388-95-340 | AMD | 93-06-041 | 388-160-510 | NEW-P | 93-05-031 |
| 388-62-200 | REP-P | 93-08-075 | 388-95-360 | AMD-P | 93-03-027 | 388-160-520 | NEW-P | 93-05-031 |
| 388-70-520 | AMD-E | 93-03-081 | 388-95-360 | AMD-E | 93-03-029 | 388-160-530 | NEW-P | 93-05-031 |
| 388-70-520 | AMD-P | 93-03-082 | 388-95-360 | AMD | 93-06-041 | 388-160-540 | NEW-P | 93-05-031 |
| 388-70-520 | AMD | 93-07-030 | 388-95-360 | AMD-P | 93-08-022 | 388-160-560 | NEW-P | 93-05-031 |
| 388-77A-010 | NEW-P | 93-03-059 | 388-95-360 | AMD-E | 93-08-023 | 388-230-0010 | NEW-P | 93-08-064 |
| 388-77A-020 | NEW-P | 93-03-059 | 388-96-026 | AMD-P | 93-08-065 | 388-230-0030 | NEW-P | 93-08-064 |
| 388-77A-030 | NEW-P | 93-03-059 | 388-96-113 | AMD-P | 93-08-065 | 388-230-0040 | NEW-P | 93-08-064 |
| 388-77A-040 | NEW-P | 93-03-059 | 388-96-572 | AMD-P | 93-08-065 | 388-230-0050 | NEW-P | 93-08-064 |
| 388-77A-050 | NEW-P | 93-03-059 | 388-96-585 | AMD-P | 93-08-065 | 388-230-0060 | NEW-P | 93-08-064 |
| 388-81-060 | AMD | 93-04-024 | 388-96-709 | NEW-P | 93-08-065 | 388-230-0080 | NEW-P | 93-08-064 |
| 388-81-100 | NEW-P | 93-07-124 | 388-96-710 | AMD-P | 93-08-065 | 388-230-0090 | NEW-P | 93-08-064 |
| 388-82-010 | AMD | 93-04-033 | 388-96-754 | AMD-P | 93-08-065 | 388-230-0110 | NEW-P | 93-08-064 |
| 388-82-115 | AMD-P | 93-03-060 | 388-96-774 | AMD-P | 93-08-065 | 388-230-0120 | NEW-P | 93-08-064 |
| 388-82-115 | AMD-E | 93-03-061 | 388-99-010 | AMD-P | 93-03-060 | 388-230-0140 | NEW-P | 93-08-064 |
| 388-82-115 | AMD | 93-06-037 | 388-99-010 | AMD-E | 93-03-061 | 388-235-0010 | NEW-P | 93-08-074 |
| 388-82-140 | AMD-P | 93-08-022 | 388-99-010 | AMD | 93-06-037 | 388-235-0020 | NEW-P | 93-08-074 |
| 388-82-140 | AMD-E | 93-08-023 | 388-99-020 | AMD-E | 93-04-087 | 388-235-0030 | NEW-P | 93-08-074 |
| 388-82-150 | NEW | 93-04-024 | 388-99-020 | AMD-P | 93-04-090 | 388-235-0040 | NEW-P | 93-08-074 |
| 388-82-150 | AMD-P | 93-08-022 | 388-99-020 | AMD | 93-07-028 | 388-235-0050 | NEW-P | 93-08-074 |
| 388-82-150 | AMD-E | 93-08-023 | 388-99-055 | AMD-E | 93-04-088 | 388-235-0060 | NEW-P | 93-08-074 |
| 388-82-160 | AMD-P | 93-08-022 | 388-99-055 | AMD-P | 93-04-089 | 388-235-0070 | NEW-P | 93-08-074 |
| 388-82-160 | AMD-E | 93-08-023 | 388-99-055 | AMD | 93-07-125 | 388-235-0080 | NEW-P | 93-08-074 |
| 388-83-015 | AMD-P | 93-06-009 | 388-160 | NEW-C | 93-08-009 | 388-235-0090 | NEW-P | 93-08-074 |
| 388-83-015 | AMD-E | 93-06-010 | 388-160-010 | NEW-P | 93-05-031 | 388-235-0100 | NEW-P | 93-08-074 |
| 388-83-015 | AMD | 93-08-111 | 388-160-020 | NEW-P | 93-05-031 | 388-235-0110 | NEW-P | 93-08-074 |
| 388-83-026 | AMD-P | 93-03-026 | 388-160-030 | NEW-P | 93-05-031 | 388-235-1500 | NEW-P | 93-08-074 |
| 388-83-026 | AMD-E | 93-03-028 | 388-160-040 | NEW-P | 93-05-031 | 388-235-2000 | NEW-P | 93-08-074 |
| 388-83-026 | AMD | 93-06-038 | 388-160-050 | NEW-P | 93-05-031 | 388-235-3000 | NEW-P | 93-08-074 |
| 388-83-032 | AMD-P | 93-08-022 | 388-160-060 | NEW-P | 93-05-031 | 388-235-4000 | NEW-P | 93-08-074 |
| 388-83-032 | AMD-E | 93-08-023 | 388-160-070 | NEW-P | 93-05-031 | 388-235-5000 | NEW-P | 93-08-074 |
| 388-83-033 | AMD-P | 93-03-060 | 388-160-080 | NEW-P | 93-05-031 | 388-235-5040 | NEW-P | 93-08-074 |
| 388-83-033 | AMD-E | 93-03-061 | 388-160-090 | NEW-P | 93-05-031 | 388-235-5050 | NEW-P | 93-08-074 |
| 388-83-033 | AMD | 93-06-037 | 388-160-100 | NEW-P | 93-05-031 | 388-235-5070 | NEW-P | 93-08-074 |
| 388-83-033 | AMD-P | 93-08-022 | 388-160-110 | NEW-P | 93-05-031 | 388-235-5080 | NEW-P | 93-08-074 |
| 388-83-033 | AMD-E | 93-08-023 | 388-160-120 | NEW-P | 93-05-031 | 388-235-5090 | NEW-P | 93-08-074 |
| 388-83-041 | AMD-P | 93-03-026 | 388-160-130 | NEW-P | 93-05-031 | 388-235-5100 | NEW-P | 93-08-074 |
| 388-83-041 | AMD-E | 93-03-028 | 388-160-140 | NEW-P | 93-05-031 | 388-235-5200 | NEW-P | 93-08-074 |
| 388-83-041 | AMD | 93-06-038 | 388-160-150 | NEW-P | 93-05-031 | 388-235-5300 | NEW-P | 93-08-074 |
| 388-83-046 | NEW-P | 93-07-122 | 388-160-160 | NEW-P | 93-05-031 | 388-235-5400 | NEW-P | 93-08-074 |
| 388-83-130 | AMD-P | 93-03-060 | 388-160-170 | NEW-P | 93-05-031 | 388-235-5500 | NEW-P | 93-08-074 |
| 388-83-130 | AMD-E | 93-03-061 | 388-160-180 | NEW-P | 93-05-031 | 388-235-5600 | NEW-P | 93-08-074 |
| 388-83-130 | AMD | 93-06-037 | 388-160-190 | NEW-P | 93-05-031 | 388-235-5700 | NEW-P | 93-08-074 |
| 388-83-200 | AMD-P | 93-07-123 | 388-160-200 | NEW-P | 93-05-031 | 388-235-5800 | NEW-P | 93-08-074 |
| 388-83-210 | AMD-P | 93-07-123 | 388-160-210 | NEW-P | 93-05-031 | 388-235-5900 | NEW-P | 93-08-074 |
| 388-83-220 | AMD-P | 93-07-123 | 388-160-220 | NEW-P | 93-05-031 | 388-235-6000 | NEW-P | 93-08-074 |
| 388-84-105 | AMD-P | 93-03-060 | 388-160-230 | NEW-P | 93-05-031 | 388-235-7000 | NEW-P | 93-08-074 |
| 388-84-105 | AMD-E | 93-03-061 | 388-160-240 | NEW-P | 93-05-031 | 388-235-7100 | NEW-P | 93-08-074 |
| 388-84-105 | AMD | 93-06-037 | 388-160-250 | NEW-P | 93-05-031 | 388-235-7200 | NEW-P | 93-08-074 |
| 388-86-008 | REP-P | 93-07-124 | 388-160-260 | NEW-P | 93-05-031 | 388-235-7300 | NEW-P | 93-08-074 |
| 388-86-012 | AMD-P | 93-03-034 | 388-160-270 | NEW-P | 93-05-031 | 388-235-7500 | NEW-P | 93-08-074 |
| 388-86-012 | AMD | 93-06-039 | 388-160-280 | NEW-P | 93-05-031 | 388-235-7600 | NEW-P | 93-08-074 |
| 388-86-021 | AMD-P | 93-08-006 | 388-160-290 | NEW-P | 93-05-031 | 388-235-8000 | NEW-P | 93-08-074 |
| 388-86-100 | AMD-C | 93-02-034 | 388-160-300 | NEW-P | 93-05-031 | 388-235-8100 | NEW-P | 93-08-074 |
| 388-86-100 | AMD-W | 93-05-019 | 388-160-310 | NEW-P | 93-05-031 | 388-235-8130 | NEW-P | 93-08-074 |
| 388-86-200 | NEW-P | 93-07-074 | 388-160-320 | NEW-P | 93-05-031 | 388-235-8140 | NEW-P | 93-08-074 |
| 388-87-005 | AMD-P | 93-08-021 | 388-160-340 | NEW-P | 93-05-031 | 388-235-8150 | NEW-P | 93-08-074 |
| 388-87-005 | AMD-E | 93-08-024 | 388-160-350 | NEW-P | 93-05-031 | 388-235-8200 | NEW-P | 93-08-074 |
| 388-92-025 | AMD-P | 93-07-122 | 388-160-360 | NEW-P | 93-05-031 | 388-235-9000 | NEW-P | 93-08-074 |
| 388-92-027 | NEW-P | 93-07-122 | 388-160-370 | NEW-P | 93-05-031 | 388-235-9100 | NEW-P | 93-08-074 |
| 388-92-036 | AMD-E | 93-06-053 | 388-160-380 | NEW-P | 93-05-031 | 388-235-9200 | NEW-P | 93-08-074 |
| 388-92-036 | AMD-P | 93-06-054 | 388-160-390 | NEW-P | 93-05-031 | 388-235-9300 | NEW-P | 93-08-074 |
| 388-92-036 | AMD | 93-08-112 | 388-160-400 | NEW-P | 93-05-031 | 388-235-9500 | NEW-P | 93-08-074 |
| 388-92-045 | AMD-P | 93-03-026 | 388-160-410 | NEW-P | 93-05-031 | 388-235-9520 | NEW-P | 93-08-074 |
| 388-92-045 | AMD-E | 93-03-028 | 388-160-420 | NEW-P | 93-05-031 | 388-235-9530 | NEW-P | 93-08-074 |
| 388-92-045 | AMD | 93-06-038 | 388-160-430 | NEW-P | 93-05-031 | 388-235-9540 | NEW-P | 93-08-074 |

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Table of WAC Sections Affected

| WAC # | WSR # | WAC # | WSR # | WAC # | WSR # | | | |
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| 388-235-9550 | NEW-P | 93-08-074 | 392-167A-080 | NEW-P | 93-07-048 | 415-08-310 | REP-P | 93-08-054 |
| 388-235-9560 | NEW-P | 93-08-074 | 392-167A-085 | NEW-P | 93-07-048 | 415-08-320 | REP-P | 93-08-054 |
| 388-235-9570 | NEW-P | 93-08-074 | 392-167A-090 | NEW-P | 93-07-048 | 415-08-330 | REP-P | 93-08-054 |
| 388-235-9580 | NEW-P | 93-08-074 | 392-196-005 | AMD | 93-07-037 | 415-08-340 | REP-P | 93-08-054 |
| 388-235-9600 | NEW-P | 93-08-074 | 392-196-030 | AMD | 93-07-037 | 415-08-350 | REP-P | 93-08-054 |
| 388-280-1010 | NEW-P | 93-08-075 | 392-196-080 | AMD | 93-07-037 | 415-08-360 | REP-P | 93-08-054 |
| 388-280-1020 | NEW-P | 93-08-075 | 392-196-095 | AMD | 93-07-037 | 415-08-370 | REP-P | 93-08-054 |
| 388-280-1030 | NEW-P | 93-08-075 | 392-202-110 | AMD | 93-08-005 | 415-08-380 | REP-P | 93-08-054 |
| 388-280-1040 | NEW-P | 93-08-075 | 392-315-005 | REP-E | 93-08-037 | 415-08-390 | REP-P | 93-08-054 |
| 388-280-1050 | NEW-P | 93-08-075 | 392-315-010 | REP-E | 93-08-037 | 415-08-400 | REP-P | 93-08-054 |
| 388-280-1060 | NEW-P | 93-08-075 | 392-315-015 | REP-E | 93-08-037 | 415-08-410 | REP-P | 93-08-054 |
| 388-280-1070 | NEW-P | 93-08-075 | 392-315-020 | REP-E | 93-08-037 | 415-08-420 | AMD-P | 93-08-054 |
| 388-280-1080 | NEW-P | 93-08-075 | 392-315-025 | REP-E | 93-08-037 | 415-08-430 | REP-P | 93-08-054 |
| 388-280-1090 | NEW-P | 93-08-075 | 392-315-030 | REP-E | 93-08-037 | 415-08-440 | REP-P | 93-08-054 |
| 388-280-1100 | NEW-P | 93-08-075 | 392-315-035 | REP-E | 93-08-037 | 415-08-450 | REP-P | 93-08-054 |
| 388-280-1110 | NEW-P | 93-08-075 | 392-315-040 | REP-E | 93-08-037 | 415-08-460 | REP-P | 93-08-054 |
| 388-280-1120 | NEW-P | 93-08-075 | 392-315-045 | REP-E | 93-08-037 | 415-08-470 | REP-P | 93-08-054 |
| 388-280-1130 | NEW-P | 93-08-075 | 392-315-050 | REP-E | 93-08-037 | 415-08-480 | REP-P | 93-08-054 |
| 388-280-1140 | NEW-P | 93-08-075 | 392-315-055 | REP-E | 93-08-037 | 415-104-011 | NEW-P | 93-08-053 |
| 388-280-1150 | NEW-P | 93-08-075 | 392-315-060 | REP-E | 93-08-037 | 415-104-782 | NEW-P | 93-08-053 |
| 388-280-1160 | NEW-P | 93-08-075 | 392-315-065 | REP-E | 93-08-037 | 415-104-783 | NEW-P | 93-08-053 |
| 388-330-010 | AMD-P | 93-07-035 | 392-315-070 | REP-E | 93-08-037 | 415-104-784 | NEW-P | 93-08-053 |
| 388-330-020 | AMD-P | 93-07-035 | 392-315-075 | REP-E | 93-08-037 | 415-104-785 | NEW-P | 93-08-053 |
| 388-330-030 | AMD-P | 93-07-035 | 392-315-080 | REP-E | 93-08-037 | 415-108-010 | AMD-P | 93-08-052 |
| 388-330-050 | AMD-P | 93-07-035 | 392-315-085 | REP-E | 93-08-037 | 415-108-100 | REP-P | 93-08-052 |
| 390-16-031 | AMD-P | 93-04-127 | 392-315-090 | REP-E | 93-08-037 | 415-108-110 | REP-P | 93-08-052 |
| 390-16-041 | AMD-P | 93-04-127 | 392-315-095 | REP-E | 93-08-037 | 415-108-120 | REP-P | 93-08-052 |
| 390-16-308 | AMD | 93-04-072 | 392-315-100 | REP-E | 93-08-037 | 415-108-130 | REP-P | 93-08-052 |
| 390-18-050 | NEW | 93-04-072 | 392-315-105 | REP-E | 93-08-037 | 415-108-150 | REP-P | 93-08-052 |
| 390-20-020 | AMD | 93-04-072 | 392-315-110 | REP-E | 93-08-037 | 415-108-160 | REP-P | 93-08-052 |
| 390-20-110 | AMD | 93-04-072 | 392-315-115 | REP-E | 93-08-037 | 415-108-620 | NEW-P | 93-08-052 |
| 392-105-030 | AMD-P | 93-03-002 | 392-315-120 | REP-E | 93-08-037 | 415-108-630 | NEW-P | 93-08-052 |
| 392-105-030 | AMD | 93-07-039 | 392-315-125 | REP-E | 93-08-037 | 415-108-640 | NEW-P | 93-08-052 |
| 392-105-035 | AMD-P | 93-03-002 | 392-315-130 | REP-E | 93-08-037 | 415-108-650 | NEW-P | 93-08-052 |
| 392-105-035 | AMD | 93-07-039 | 392-315-135 | REP-E | 93-08-037 | 415-108-660 | NEW-P | 93-08-052 |
| 392-105-040 | AMD-P | 93-03-002 | 392-315-140 | REP-E | 93-08-037 | 415-112-015 | NEW-P | 93-08-051 |
| 392-105-040 | AMD | 93-07-039 | 392-315-145 | REP-E | 93-08-037 | 415-112-535 | REP-P | 93-08-051 |
| 392-105-060 | AMD-P | 93-03-002 | 392-315-150 | REP-E | 93-08-037 | 415-112-722 | REP-P | 93-08-051 |
| 392-105-060 | AMD | 93-07-039 | 392-315-155 | REP-E | 93-08-037 | 415-112-810 | AMD-P | 93-08-051 |
| 392-121-445 | AMD | 93-04-054 | 392-315-160 | REP-E | 93-08-037 | 415-112-820 | AMD-P | 93-08-051 |
| 392-122-400 | NEW-P | 93-07-046 | 392-315-165 | REP-E | 93-08-037 | 415-112-830 | NEW-P | 93-08-051 |
| 392-122-401 | NEW-P | 93-07-046 | 415-04-010 | AMD-P | 93-08-054 | 434-600-010 | NEW | 93-04-001 |
| 392-122-405 | NEW-P | 93-07-046 | 415-04-020 | AMD-P | 93-08-054 | 434-610-010 | NEW | 93-04-001 |
| 392-122-410 | NEW-P | 93-07-046 | 415-08-010 | AMD-P | 93-08-054 | 434-610-020 | NEW | 93-04-001 |
| 392-122-415 | NEW-P | 93-07-046 | 415-08-020 | AMD-P | 93-08-054 | 434-610-025 | NEW | 93-04-001 |
| 392-140-250 | REP-P | 93-07-047 | 415-08-025 | NEW-P | 93-08-054 | 434-610-030 | NEW | 93-04-001 |
| 392-140-252 | REP-P | 93-07-047 | 415-08-030 | AMD-P | 93-08-054 | 434-610-040 | NEW | 93-04-001 |
| 392-140-253 | REP-P | 93-07-047 | 415-08-040 | AMD-P | 93-08-054 | 434-610-050 | NEW | 93-04-001 |
| 392-140-254 | REP-P | 93-07-047 | 415-08-060 | REP-P | 93-08-054 | 434-610-060 | NEW | 93-04-001 |
| 392-140-255 | REP-P | 93-07-047 | 415-08-080 | AMD-P | 93-08-054 | 434-610-070 | NEW | 93-04-001 |
| 392-140-256 | REP-P | 93-07-047 | 415-08-090 | AMD-P | 93-08-054 | 434-610-080 | NEW | 93-04-001 |
| 392-140-257 | REP-P | 93-07-047 | 415-08-100 | AMD-P | 93-08-054 | 434-610-090 | NEW | 93-04-001 |
| 392-140-258 | REP-P | 93-07-047 | 415-08-105 | NEW-P | 93-08-054 | 434-610-100 | NEW | 93-04-001 |
| 392-140-259 | REP-P | 93-07-047 | 415-08-110 | REP-P | 93-08-054 | 434-610-110 | NEW | 93-04-001 |
| 392-140-265 | REP-P | 93-07-047 | 415-08-120 | REP-P | 93-08-054 | 434-610-120 | NEW | 93-04-001 |
| 392-140-266 | REP-P | 93-07-047 | 415-08-130 | REP-P | 93-08-054 | 434-615-010 | NEW | 93-04-001 |
| 392-140-267 | REP-P | 93-07-047 | 415-08-140 | REP-P | 93-08-054 | 434-615-020 | NEW | 93-04-001 |
| 392-145-030 | AMD | 93-05-023 | 415-08-150 | REP-P | 93-08-054 | 434-615-030 | NEW | 93-04-001 |
| 392-167A-005 | NEW-P | 93-07-048 | 415-08-160 | REP-P | 93-08-054 | 434-620-010 | NEW | 93-04-001 |
| 392-167A-010 | NEW-P | 93-07-048 | 415-08-170 | REP-P | 93-08-054 | 434-624-010 | NEW | 93-04-001 |
| 392-167A-015 | NEW-P | 93-07-048 | 415-08-180 | REP-P | 93-08-054 | 434-624-020 | NEW | 93-04-001 |
| 392-167A-020 | NEW-P | 93-07-048 | 415-08-190 | REP-P | 93-08-054 | 434-624-030 | NEW | 93-04-001 |
| 392-167A-025 | NEW-P | 93-07-048 | 415-08-200 | REP-P | 93-08-054 | 434-624-040 | NEW | 93-04-001 |
| 392-167A-030 | NEW-P | 93-07-048 | 415-08-210 | REP-P | 93-08-054 | 434-624-050 | NEW | 93-04-001 |
| 392-167A-035 | NEW-P | 93-07-048 | 415-08-220 | REP-P | 93-08-054 | 434-626-010 | NEW | 93-04-001 |
| 392-167A-040 | NEW-P | 93-07-048 | 415-08-230 | REP-P | 93-08-054 | 434-626-020 | NEW | 93-04-001 |
| 392-167A-045 | NEW-P | 93-07-048 | 415-08-240 | REP-P | 93-08-054 | 458-12-010 | AMD-P | 93-05-016 |
| 392-167A-050 | NEW-P | 93-07-048 | 415-08-250 | REP-P | 93-08-054 | 458-12-010 | AMD | 93-08-049 |
| 392-167A-055 | NEW-P | 93-07-048 | 415-08-260 | REP-P | 93-08-054 | 458-12-240 | REP-P | 93-05-016 |
| 392-167A-060 | NEW-P | 93-07-048 | 415-08-270 | REP-P | 93-08-054 | 458-12-240 | REP | 93-08-049 |
| 392-167A-065 | NEW-P | 93-07-048 | 415-08-280 | AMD-P | 93-08-054 | 458-12-342 | AMD-P | 93-05-016 |
| 392-167A-070 | NEW-P | 93-07-048 | 415-08-290 | REP-P | 93-08-054 | 458-12-342 | AMD | 93-08-049 |
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| 458-14-025 | AMD-P | 93-05-015 | 478-116-560 | REP-P | 93-08-110 | 490-276-140 | NEW-P | 93-02-045 |
| 458-14-025 | AMD | 93-08-050 | 478-116-582 | AMD-P | 93-08-110 | 490-276-140 | NEW | 93-06-005 |
| 458-14-026 | NEW-P | 93-05-015 | 478-116-586 | AMD-P | 93-08-110 | 495B-104-010 | NEW | 93-05-018 |
| 458-14-026 | NEW | 93-08-050 | 478-116-588 | AMD-P | 93-08-110 | 495B-104-020 | NEW | 93-05-018 |
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| 458-14-127 | AMD | 93-08-050 | 478-116-601 | AMD-P | 93-08-110 | 495B-108-010 | NEW | 93-05-018 |
| 458-14-170 | AMD-P | 93-05-015 | 480-12-181 | AMD | 93-05-038 | 495B-108-020 | NEW | 93-05-018 |
| 458-14-170 | AMD | 93-08-050 | 480-110-023 | NEW-P | 93-06-056 | 495B-108-030 | NEW | 93-05-018 |
| 458-14-171 | NEW-P | 93-05-015 | 480-110-176 | AMD-P | 93-06-056 | 495B-108-040 | NEW | 93-05-018 |
| 458-14-171 | NEW | 93-08-050 | 480-120-021 | AMD | 93-06-055 | 495B-108-050 | NEW | 93-05-018 |
| 458-18-220 | AMD-P | 93-03-024 | 480-120-031 | AMD-P | 93-02-068 | 495B-108-060 | NEW | 93-05-018 |
| 458-18-220 | AMD-E | 93-03-025 | 480-120-031 | AMD | 93-07-089 | 495B-108-070 | NEW | 93-05-018 |
| 458-18-220 | AMD | 93-06-096 | 480-120-051 | AMD | 93-06-055 | 495B-108-080 | NEW | 93-05-018 |
| 458-20-101 | PREP | 93-02-046 | 480-120-086 | REP | 93-06-055 | 495B-116-010 | NEW | 93-05-018 |
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| 458-20-119 | AMD-P | 93-07-069 | 480-120-500 | NEW | 93-06-055 | 495B-116-030 | NEW | 93-05-018 |
| 458-20-124 | AMD-P | 93-07-070 | 480-120-505 | NEW | 93-06-055 | 495B-116-040 | NEW | 93-05-018 |
| 458-20-149 | REP | 93-03-005 | 480-120-510 | NEW | 93-06-055 | 495B-116-050 | NEW | 93-05-018 |
| 458-20-174 | PREP | 93-02-047 | 480-120-515 | NEW | 93-06-055 | 495B-116-060 | NEW | 93-05-018 |
| 458-20-17901 | AMD-P | 93-04-045 | 480-120-520 | NEW | 93-06-055 | 495B-116-070 | NEW | 93-05-018 |
| 458-20-17901 | AMD | 93-07-066 | 480-120-525 | NEW | 93-06-055 | 495B-116-080 | NEW | 93-05-018 |
| 458-20-229 | AMD | 93-04-077 | 480-120-530 | NEW | 93-06-055 | 495B-116-090 | NEW | 93-05-018 |
| 458-20-230 | AMD | 93-03-004 | 480-120-535 | NEW | 93-06-055 | 495B-116-100 | NEW | 93-05-018 |
| 458-30-262 | AMD-P | 93-04-020 | 490-04B-010 | NEW-P | 93-02-045 | 495B-116-110 | NEW | 93-05-018 |
| 458-30-262 | AMD-E | 93-04-021 | 490-04B-010 | NEW | 93-06-005 | 495B-116-120 | NEW | 93-05-018 |
| 458-30-262 | AMD | 93-07-067 | 490-08B-010 | NEW-P | 93-02-045 | 495B-116-130 | NEW | 93-05-018 |
| 458-40-634 | PREP | 93-07-068 | 490-08B-010 | NEW | 93-06-005 | 495B-116-140 | NEW | 93-05-018 |
| 463-30-055 | NEW-P | 93-07-094 | 490-08B-020 | NEW-P | 93-02-045 | 495B-116-150 | NEW | 93-05-018 |
| 468-16-030 | AMD | 93-03-020 | 490-08B-020 | NEW | 93-06-005 | 495B-116-160 | NEW | 93-05-018 |
| 468-16-040 | AMD | 93-03-020 | 490-08B-030 | NEW-P | 93-02-045 | 495B-116-170 | NEW | 93-05-018 |
| 468-16-050 | AMD | 93-03-020 | 490-08B-030 | NEW | 93-06-005 | 495B-116-180 | NEW | 93-05-018 |
| 468-16-060 | AMD | 93-03-020 | 490-08B-040 | NEW-P | 93-02-045 | 495B-116-190 | NEW | 93-05-018 |
| 468-16-070 | AMD | 93-03-020 | 490-08B-040 | NEW | 93-06-005 | 495B-116-200 | NEW | 93-05-018 |
| 468-16-090 | AMD | 93-03-020 | 490-08B-050 | NEW-P | 93-02-045 | 495B-116-210 | NEW | 93-05-018 |
| 468-16-100 | AMD | 93-03-020 | 490-08B-050 | NEW | 93-06-005 | 495B-116-220 | NEW | 93-05-018 |
| 468-16-120 | AMD | 93-03-020 | 490-08B-060 | NEW-P | 93-02-045 | 495B-116-230 | NEW | 93-05-018 |
| 468-16-130 | AMD | 93-03-020 | 490-08B-060 | NEW | 93-06-005 | 495B-116-240 | NEW | 93-05-018 |
| 468-16-140 | AMD | 93-03-020 | 490-08B-070 | NEW-P | 93-02-045 | 495B-116-250 | NEW | 93-05-018 |
| 468-16-150 | AMD | 93-03-020 | 490-08B-070 | NEW | 93-06-005 | 495B-116-260 | NEW | 93-05-018 |
| 468-16-160 | AMD | 93-03-020 | 490-08B-080 | NEW-P | 93-02-045 | 495B-116-270 | NEW | 93-05-018 |
| 468-16-170 | AMD | 93-03-020 | 490-08B-080 | NEW | 93-06-005 | 495B-116-280 | NEW | 93-05-018 |
| 468-16-180 | AMD | 93-03-020 | 490-10-010 | NEW-P | 93-02-045 | 495B-120-010 | NEW | 93-05-018 |
| 468-16-190 | AMD | 93-03-020 | 490-10-010 | NEW | 93-06-005 | 495B-120-020 | NEW | 93-05-018 |
| 468-16-200 | AMD | 93-03-020 | 490-13-010 | NEW-P | 93-02-045 | 495B-120-030 | NEW | 93-05-018 |
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| 468-52-020 | NEW | 93-03-033 | 490-100-250 | AMD | 93-06-006 | 495B-120-050 | NEW | 93-05-018 |
| 468-52-030 | NEW | 93-03-033 | 490-276-010 | NEW-P | 93-02-045 | 495B-120-060 | NEW | 93-05-018 |
| 468-52-040 | NEW | 93-03-033 | 490-276-010 | NEW | 93-06-005 | 495B-120-070 | NEW | 93-05-018 |
| 468-52-050 | NEW | 93-03-033 | 490-276-020 | NEW-P | 93-02-045 | 495B-120-080 | NEW | 93-05-018 |
| 468-52-060 | NEW | 93-03-033 | 490-276-020 | NEW | 93-06-005 | 495B-120-090 | NEW | 93-05-018 |
| 468-52-070 | NEW | 93-03-033 | 490-276-030 | NEW-P | 93-02-045 | 495B-120-100 | NEW | 93-05-018 |
| 468-95-035 | NEW-C | 93-07-055 | 490-276-030 | NEW | 93-06-005 | 495B-120-110 | NEW | 93-05-018 |
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| 468-300-700 | AMD-P | 93-08-012 | 490-276-040 | NEW | 93-06-005 | 495B-120-130 | NEW | 93-05-018 |
| 478-116-370 | AMD-P | 93-08-110 | 490-276-050 | NEW-P | 93-02-045 | 495B-120-135 | NEW | 93-05-018 |
| 478-116-400 | AMD-P | 93-08-110 | 490-276-050 | NEW | 93-06-005 | 495B-120-140 | NEW | 93-05-018 |
| 478-116-410 | REP-P | 93-08-110 | 490-276-060 | NEW-P | 93-02-045 | 495B-120-150 | NEW | 93-05-018 |
| 478-116-420 | REP-P | 93-08-110 | 490-276-060 | NEW | 93-06-005 | 495B-120-160 | NEW | 93-05-018 |
| 478-116-430 | REP-P | 93-08-110 | 490-276-070 | NEW-P | 93-02-045 | 495B-120-170 | NEW | 93-05-018 |
| 478-116-440 | AMD-P | 93-08-110 | 490-276-070 | NEW | 93-06-005 | 495B-120-180 | NEW | 93-05-018 |
| 478-116-450 | AMD-P | 93-08-110 | 490-276-080 | NEW-P | 93-02-045 | 495B-120-190 | NEW | 93-05-018 |
| 478-116-460 | AMD-P | 93-08-110 | 490-276-080 | NEW | 93-06-005 | 495B-120-200 | NEW | 93-05-018 |
| 478-116-470 | REP-P | 93-08-110 | 490-276-090 | NEW-P | 93-02-045 | 495B-122-010 | NEW | 93-05-018 |
| 478-116-480 | REP-P | 93-08-110 | 490-276-090 | NEW | 93-06-005 | 495B-122-020 | NEW | 93-05-018 |
| 478-116-490 | REP-P | 93-08-110 | 490-276-100 | NEW-P | 93-02-045 | 495B-122-030 | NEW | 93-05-018 |
| 478-116-500 | REP-P | 93-08-110 | 490-276-100 | NEW | 93-06-005 | 495B-130-010 | NEW | 93-05-018 |
| 478-116-510 | REP-P | 93-08-110 | 490-276-110 | NEW-P | 93-02-045 | 495B-131-010 | NEW | 93-05-018 |
| 478-116-511 | REP-P | 93-08-110 | 490-276-110 | NEW | 93-06-005 | 495B-132-010 | NEW | 93-05-018 |
| 478-116-520 | AMD-P | 93-08-110 | 490-276-120 | NEW-P | 93-02-045 | 495B-133-020 | NEW | 93-05-018 |
| 478-116-530 | REP-P | 93-08-110 | 490-276-120 | NEW | 93-06-005 | 495B-134-010 | NEW | 93-05-018 |
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| 495B-140-030 | NEW | 93-05-018 | | | |
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| 495B-140-050 | NEW | 93-05-018 | | | |
| 495B-140-060 | NEW | 93-05-018 | | | |
| 495B-140-070 | NEW | 93-05-018 | | | |
| 495B-140-080 | NEW | 93-05-018 | | | |
| 495B-140-090 | NEW | 93-05-018 | | | |
| 495B-140-100 | NEW | 93-05-018 | | | |
| 495B-140-110 | NEW | 93-05-018 | | | |
| 495B-168-010 | NEW | 93-05-018 | | | |
| 495B-168-020 | NEW | 93-05-018 | | | |
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| 495B-168-040 | NEW | 93-05-018 | | | |
| 495B-168-050 | NEW | 93-05-018 | | | |
| 495B-168-060 | NEW | 93-05-018 | | | |
| 495B-276-010 | NEW | 93-05-018 | | | |
| 495B-276-020 | NEW | 93-05-018 | | | |
| 495B-276-030 | NEW | 93-05-018 | | | |
| 495B-276-040 | NEW | 93-05-018 | | | |
| 495B-276-050 | NEW | 93-05-018 | | | |
| 495B-276-060 | NEW | 93-05-018 | | | |
| 495B-276-070 | NEW | 93-05-018 | | | |
| 495B-276-080 | NEW | 93-05-018 | | | |
| 495B-276-090 | NEW | 93-05-018 | | | |
| 495B-276-100 | NEW | 93-05-018 | | | |
| 495B-276-110 | NEW | 93-05-018 | | | |
| 495B-276-120 | NEW | 93-05-018 | | | |
| 495B-276-130 | NEW | 93-05-018 | | | |
| 495B-276-140 | NEW | 93-05-018 | | | |
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| 495B-280-020 | NEW | 93-05-018 | | | |
| 495B-280-030 | NEW | 93-05-018 | | | |
| 495B-280-040 | NEW | 93-05-018 | | | |
| 495B-280-050 | NEW | 93-05-018 | | | |
| 495B-280-060 | NEW | 93-05-018 | | | |
| 495B-280-070 | NEW | 93-05-018 | | | |
| 495B-280-080 | NEW | 93-05-018 | | | |
| 495B-280-090 | NEW | 93-05-018 | | | |
| 495B-280-100 | NEW | 93-05-018 | | | |
| 495B-280-110 | NEW | 93-05-018 | | | |
| 495B-280-120 | NEW | 93-05-018 | | | |
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