

Washington State Register

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filed not later than November 1, 1995

CITATION

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

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WSR 95-22-002

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

(Board of Funeral Directors and Embalmers)
[Filed October 18, 1995, 3:25 p.m.]

Subject of Possible Rule Making: Funeral director and embalmer apprentice training requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.39.175(4).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The present statute and rules do not identify any reasonable apprentice training requirements. Rules are needed to address such things as: Skill level before working independently, training report forms and reporting periods, identify duties training is to address, and responsibilities of apprentice and sponsor.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by providing written comments to the board at the Funeral and Cemetery Unit, P.O. Box 9012, Olympia, WA 98507-9012, phone (360) 586-4905, FAX (360) 664-2550.

October 11, 1995
Jon Donnellan
Administrator

WSR 95-22-004

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

(Board of Funeral Directors and Embalmers)
[Filed October 18, 1995, 3:26 p.m.]

Subject of Possible Rule Making: Prearrangement funeral service trust agreement requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.39.175(4).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: It is not necessary to have separate rules for "master" trust agreements and prearrangement funeral service trust agreements. A new rule will amend WAC 308-49-162 and 308-49-164 and combine into one rule on the requirements for prearrangement funeral service trust agreements.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by providing written comments to the board at the Funeral and Cemetery Unit, P.O. Box 9012, Olympia, WA 98507-9012, phone (360) 586-4905, FAX (360) 664-2550.

October 11, 1995
Jon Donnellan
Administrator

WSR 95-22-003

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

(Board of Funeral Directors and Embalmers)
[Filed October 18, 1995, 3:26 p.m.]

Subject of Possible Rule Making: Funeral establishment facility standards and equipment standards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.39.175(4).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To protect the public health and maintain appropriate professional standards by identifying the minimum facility standards necessary for a funeral establishment to provide for the respectful care of human remains and to operate a funeral business.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by providing written comments to the board at the Funeral and Cemetery Unit, P.O. Box 9012, Olympia, WA 98507-9012, phone (360) 586-4905, FAX (360) 664-2550.

October 11, 1995
Jon Donnellan
Administrator

WSR 95-22-005

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

(Board of Funeral Directors and Embalmers)
[Filed October 18, 1995, 3:29 p.m.]

Subject of Possible Rule Making: Standards for the handling and care of human remains.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.39.175(4).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To protect the public health and health of funeral personnel, and to maintain appropriate professional standards by identifying minimum procedures for maintaining the identify and providing for the respectful care of a human remains.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by providing written comments to the board at the Funeral and Cemetery Unit, P.O. Box 9012, Olympia, WA 98507-9012, phone (360) 586-4905, FAX (360) 664-2550.

October 11, 1995
Jon Donnellan
Administrator

WSR 95-22-011**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF COMMUNITY,
TRADE AND ECONOMIC DEVELOPMENT**

[Filed October 19, 1995, 3:02 p.m.]

Subject of Possible Rule Making: Title 365 WAC, procedural rules for management of the growth management planning and environmental review fund.

Statutes Authorizing the Agency to Adopt Rules on this Subject: New sections added to chapter 36.70A RCW by ESHB 1724, sections 115 and 116.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESHB 1724, section 116 requires the Department of Community, Trade and Economic Development to establish rule procedure for management of the growth management planning and environmental review fund.

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

Process for Developing New Rule: One or two meetings with advisory committee consisting of county and city planning directors and the SEPA/GMA workgroup.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting the Department of Community, Trade and Economic Development, Growth Management Services, P.O. Box 48300, Olympia, WA 98504-8300, Shane Hope, Managing Director, (360) 753-2222, Heather Ballash, Growth Management Planner.

October 19, 1995

Ann D. Bariiekman

Agency Rules Coordinator

WSR 95-22-014**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed October 20, 1995, 11:21 a.m.]

Subject of Possible Rule Making: The Department of Labor and Industries wants to update, rewrite and divide chapter 296-150B WAC relating to mobile homes, commercial coaches and recreational vehicles into three rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: The Department of Labor and Industries is authorized by chapter 43.22 RCW to adopt these rules.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rules on mobile homes, commercial coaches, and recreational vehicles are being amended to comply with 1995 legislation. This legislation requires us to adopt rules to implement our self certification program and to provide for plan review approval by a professional in another state whose licensure meets or exceeds ours. In addition, we hope to make the rules clearer and easier to use.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: We will meet with the Department of Community, Trade and Economic Development (CTED), the state agency who administers the federal housing and urban

development plan for manufactured housing, to coordinate rule amendments. (See RCW 43.22.495; RCW 46.70.134, 46.70.135, 46.70.136; 42 USC 5401-5423; and 24 CFR 3280-3283.)

Process for Developing New Rule: The Department of Labor and Industries will work with the Department of Community, Trade and Economic Development (CTED) and any other interested parties as we amend these rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. If you are interested in giving comments to amend these rules, please send them to Marie Myerchinchin-Redifer, Department of Labor and Industries, P.O. Box 44001, Olympia, WA 98504-4001.

October 20, 1995

Mark O. Brown

Director

WSR 95-22-019**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF TRANSPORTATION**

[Filed October 20, 1995, 2:23 p.m.]

Subject of Possible Rule Making: WAC 468-300-700, preferential loading for United States Postal Service vehicles on the Mukilteo-Clinton ferry route.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 47.56.030 and 47.60.326.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To assure that the postal service vehicles can keep their schedules during peak traffic seasons.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Michael T. McCarthy, Seattle Ferry Terminal, 801 Alaskan Way, Seattle, WA 98104.

October 20, 1995

S. A. Moon

Deputy Secretary
for Operations**WSR 95-22-023****PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Public Assistance)

[Filed October 23, 1995, 9:36 a.m.]

Subject of Possible Rule Making: Payment standards for recipients of aid to families with dependent children (AFDC), refugee assistance (RA), and general assistance for pregnant women (GA-S), WAC 388-250-1400.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.200 and 45 CFR 233.20 (a)(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Provide the correct standard of payment for all household sizes for recipient of AFDC, RA and GA-S. Currently the seven person household size is incorrect.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Betty Brinkman, Program Manager, AFDC/Refugee Assistance Section, Division of Income Assistance, P.O. Box 45400, Olympia, WA 98504-5400, phone (360) 438-8309, FAX (360) 438-8258.

October 23, 1995
Sydney Doré
for Jeanette Sevedge-App
Acting Chief
Office of Vendor Services

WSR 95-22-025

PREPROPOSAL STATEMENT OF INQUIRY CASCADIA COMMUNITY COLLEGE

[Filed October 23, 1995, 11:08 a.m.]

Subject of Possible Rule Making: (1) Board of trustees; (2) practice and procedure; (3) withholding services for outstanding debts; (4) organization; (5) designation of rules coordinator; (6) access to public records; (7) grievance rules—Title IX; (8) grievance procedures—handicapped; (9) State Environmental Policy Act rules.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Cascadia Community College is a new state agency and does not yet have any rules in place. Rules designated above are required by state law.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Margaret Flanagan, Cascadia Community College, c/o Northshore Center, 22002 26th Avenue S.E., Suite 101, Bothell, WA 98021, voice (206) 402-3870, FAX (206) 485-7326.

October 12, 1995
Margaret Flanagan
Executive Assistant
Administrative Rules Coordinator

WSR 95-22-029

PREPROPOSAL STATEMENT OF INQUIRY INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

[Filed October 23, 1995, 4:00 p.m.]

Subject of Possible Rule Making: Chapter 286-04 WAC, General; chapter 286-13 WAC, General grant assistance; chapter 286-26 WAC, Nonhighway and off-road vehicle funds; chapter 286-27 WAC, Washington wildlife and recreation program; chapter 286-30 WAC, Firearms range; chapter 286-35 WAC, Initiative 215 boating facilities; and chapter 286-40 WAC, Land and water conservation fund. Topics include: History of fund sources; matching resource types, deadlines, amounts and caps; nondiscrimination; commercial income; plan approval; acquisition deed of right, conversions, leases, and easements for development projects; and conversions for acquisition projects.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1), 77.12.720(4).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To update financial account names, eliminate unnecessary and repetitious text. To clarify agency policies on the topics listed above, including which resources may be used to match Interagency Committee funds, procedures by which the Interagency Committee for Outdoor Recreation funds, procedures by which the Interagency Committee for Outdoor Recreation establishes matching fund requirements and category limits, and those that address conversions of acquisition and development projects in the Washington wildlife and recreation program.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: These rule changes may involve: Local agencies, including park and recreation, port, school and other special districts; Native American tribes; state agencies, including state parks, fish and wildlife, natural resources; federal agencies, including Bureau of Land Management, Forest Service, and National Park Service. The recommended changes will be coordinated with these agencies by mailing copies directly to the Interagency Committee for Outdoor Recreation's advisory committees.

Process for Developing New Rule: The Interagency Committee for Outdoor Recreation intends to advance this routine proposal through a participatory process. That is, the recommendations will be distributed to all interested parties, comments will be encouraged via mail and telephone, adoption will be considered at an advertised public hearing. In addition, in December 1995, if sufficient interest is indicated, a workshop to discuss these changes will be conducted.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending comments to Greg Lovelady, Rules Coordinator, Interagency Committed for Outdoor Recreation, Natural Resources Building, 1111 Washington Street S.E., P.O. Box 40917, Olympia, WA 98504-0917, (360) 902-3008, FAX (360) 902-3026. Comments received prior to February 7, 1996, 5 p.m. will be mailed to the Interagency Committee for Outdoor Recreation for review in advance of the adoption meeting.

Appear to testify at the adoption consideration hearing: Regular meeting of the Interagency Committee for Outdoor Recreation; March 11, 1996, 1 p.m. - adoption hearing, public comments; March 12, 1996, 1 p.m. - adoption hearing, executive session; Room 172, Natural Resources Building, Olympia, Washington.

October 3, 1995
Greg Leveled
Rules Coordinator

WSR 95-22-033

PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed October 24, 1995, 3:45 p.m.]

Subject of Possible Rule Making: Chapter 392-140 WAC, finance, special allocations, allocation of special education safety net funding.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.29 [28A.150.290] and section 508(7), chapter 18, Laws of 1995 2nd sp. sess.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To establish procedures and standards for the allocation of safety net funding for special education programs for the 1995-97 biennium.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, Legal Services, P.O. Box 47200, Olympia, WA 98504-7200, FAX (360) 753-4201, TDD (360) 664-3631; Thomas J. Case, (360) 753-6708, School Apportionment and Research Office, or Doug Gill, (360) 753-6733, Special Education.

October 24, 1995
Judith A. Billings
Superintendent of
Public Instruction

WSR 95-22-038

PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF EDUCATION

[Filed October 25, 1995, 11:10 a.m.]

Subject of Possible Rule Making: WAC 180-78-160.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.410.010, 28A.305.120, and 28A.410.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed amendment to WAC 180-78-160 provides for the probationary admission to a professional preparation program for an individual who does not meet the minimum score required on the prescribed basic skills test.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These

Agencies: State legislation requires the basic skills test, but provides that the State Board of Education shall adopt rules for exemption.

Process for Developing New Rule: Other.

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

October 25, 1995
Larry Davis
Executive Director

WSR 95-22-044

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF TRANSPORTATION

[Filed October 26, 1995, 1:17 p.m.]

Subject of Possible Rule Making: Revise WAC 468-300-010 bicycle pass, to make a bicycle pass available on all routes except the Anacortes/San Juan Islands/Sidney B.C. ferry routes as a pilot program for a \$20.00 annual fee. The pass will be valid for one year. A bicyclist with a valid pass will have the surcharge waived.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 47.56.030 and 47.60.326.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Pass price modified to reflect goal of structuring bicycle pass program for regular bicycle commuters instead of occasional recreational riders.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Michael T. McCarthy, Seattle Ferry Terminal, 801 Alaskan Way, Seattle, WA 98104.

October 26, 1995
Chris R. Rose
Administrator
Transportation Commission

WSR 95-22-046

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

[Filed October 26, 1995, 2:02 p.m.]

Subject of Possible Rule Making: Chapter 388-55 WAC, Refugee assistance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.20A.550 - 45 CFR 400 Subpart E, F, and G.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 388-55 WAC governs rules for the administration of the refugee assistance program. Amendment of the rules reorders sections for clarity and defines specific elements of refugee assistance eligibility including extended refugee medical assistance.

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

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

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

October 26, 1995
Sydney Doré
for Jeanette Sevedge-App
Acting Chief
Office of Vendor Services

WSR 95-22-050
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(State Board of Health)
[Filed October 27, 1995, 11:19 a.m.]

Subject of Possible Rule Making: Gunshot wound reporting.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.20.050 Powers and duties of State Board of Health and 43.70.545 Acts of violence—Data collection and reporting rules.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In Washington state, firearms are a leading cause of injury death. Progress toward firearm-injury reduction has been hindered by the lack of information about the magnitude of serious but nonfatal firearm injuries; the lack of useful information on the risk factors associated with firearm injuries; and the lack of capacity to link existing police and medical data. The proposed reporting requirements will allow the department to collect this additional information.

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

Process for Developing New Rule: In 1994, the Department of Health injury prevention program implemented a pilot gunshot wound reporting system in six Washington counties: King, Pierce, Spokane, Yakima, Benton, and Franklin counties. Procedures tested and found effective in the pilot system will be incorporated into a draft reporting rule. This draft will be reviewed and finalized based on input from interested parties. The draft will be widely distributed by mail and subsequently reviewed at public meetings in Spokane, Yakima, Tacoma, and Vancouver.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mary LeMier, Department of Health, P.O. Box 47832, Olympia, WA 98504-7832, phone (360) 586-5693, FAX (360) 753-9100. Meeting Dates and Times: Yakima, November 6, 1-4 p.m.; Spokane, November

13, 1-4 p.m.; Vancouver, November 20, 1-4 p.m.; and Tacoma, November 29, 1-4 p.m.

October 26, 1995
Sylvia Beck
Executive Director

WSR 95-22-051
PREPROPOSAL STATEMENT OF INQUIRY
POLLUTION LIABILITY
INSURANCE AGENCY
[Filed October 27, 1995, 3:58 p.m.]

Subject of Possible Rule Making: Amending WAC 374-60-030 to define decisions which may be appealed and to establish a time limit for appeals. Amending WAC 374-60-120 to eliminate the requirement for annual visits to the UST site of each grant recipient.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.148 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 374-60-030, an amendment is needed to define decisions under the UST community assistance program which may be appealed and to establish a time limit for appeals. This will eliminate frivolous appeals and will prevent submission of an appeal several months or years after the decision. WAC 374-60-120, an amendment is needed to eliminate the requirement for annual visits to grant sites. It has been proven that annual visits to the UST site of grant recipients are not needed because the written reports from grant recipients are satisfactory to determine compliance with the grant agreements. This will reduce the annual travel expenditures for the agency and will reduce staff time spent away from the office.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting James M. Sims or Gerald G. Geer, P.O. Box 40930, Olympia, WA 98504-0930, phone (360) 586-5997, FAX (360) 586-7187.

October 27, 1995
James M. Sims
Director

WSR 95-22-068
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY
[Filed October 30, 1995, 4:29 p.m.]

Subject of Possible Rule Making: Integration of the planning and permitting requirements of the Shoreline Management Act of 1971 (SMA) with related requirements of the Growth Management Act (GMA) and the State Environmental Policy Act (SEPA). Rules subject to revision include chapter 173-14 WAC, Permits for developments on shorelines of the state, chapter 173-16 WAC, Shoreline Management Act guidelines for development of master programs, chapter 173-17 WAC, Shoreline Management Act enforcement regulations, chapter 173-18 WAC, Shoreline Management Act—Streams and rivers constituting shorelines

of the state, chapter 173-19 WAC, Shoreline Management Act of 1971—State master program, chapter 173-20 WAC Shoreline Management Act—Lakes constituting shorelines of the state, chapter 173-22 WAC, Adoption of designations of wetlands associated with shorelines of the state, and chapter 173-28 WAC, Establishing Lake Washington as a region pursuant to Shoreline Management Act of 1971.

Statutes Authorizing the Agency to Adopt Rules on this Subject: ESHB 1724, SHB 1195, SSB 5155, ESSB 5616, E2SSB 5632, E2SSB 5633, ESB 5776, ESB 1010. In addition, section 2, chapter 105, Laws of 1992 and section 32, chapter 322, Laws of 1991.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The statutory changes listed above effect nearly every aspect of administration of the SMA. Implementation of these changes requires a thorough reworking of the rules currently in effect that guide local government shoreline management policy and procedure. The rules will implement regulatory reform measures integrating shorelands and growth management.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Department of Ecology is the principal state (agency) regulator in this subject area. However, the Department of Community, Trade and Economic Development and other state resource agencies are affected and will be consulted during development of the subject rules.

Process for Developing New Rule: The rules will be developed with input from interested and affected parties through participation on citizen and agency advisory committees, and at public workshops, hearings, focus groups, and state-wide public opinion surveys.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Peter Skowlund, Shorelands and Water Resources Program, Washington State Department of Ecology, P.O. Box 47690, Olympia, WA 98504-7690, phone (360) 407-6522, FAX (360) 407-6535.

October 25, 1995
Linda G. Crerar
Assistant Director for
Water and Shorelands

WSR 95-22-072
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

(Basic Health Plan)
[Filed October 31, 1995, 11:05 a.m.]

Subject of Possible Rule Making: Revision of current basic health plan rules for individual enrollment and new rules for basic health plan group enrollment. Repealing chapter 55-01 WAC and amending Title 182 WAC to include the basic health plan rules formally under chapter 55-01 WAC.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The basic health plan's rules on individual enrollment need to be updated to reflect statutory changes from the 1995 legislative session. The

new rules will clarify eligibility criteria, lead to greater consistency with the Department of Social and Health Services and simplify the basic health plan internal policies and procedures. Rules on group enrollment in the basic health plan need to be added to current rules in order to achieve the legislative goal of enrolling 100,000 new enrollees through their employers by June 30, 1997.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other federal or state agencies regulate the basic health plan. Nonetheless, the basic health plan's revised and new rules will be drafted with input from other state health care agencies, such as the Department of Social and Health Services, the Office of the Insurance Commissioner, the Department of Health and the Health Care Policy Board.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rosanne Reynolds, Basic Health Plan, P.O. Box 42683, Olympia, WA 98504-2683, phone (360) 923-2948, FAX (360) 923-2610. Note: Draft rules will be mailed to interested parties on December 16, 1995, and will be published in the Washington State Register on January 3, 1996. A hearing will be held on January 23, 1996, at the Health Care Authority, 676 Woodland Square Loop S.E., Lacey, WA.

October 31, 1995
Elin Meyer
Rules Coordinator

WSR 95-22-076
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF TRANSPORTATION
[Filed October 31, 1995, 1:30 p.m.]

Subject of Possible Rule Making: Revise WAC 468-300-010, promotional tolls, special passenger fare rate(s) may be established for a pilot program in conjunction with the Central Puget Sound regional fare integration project on ferry route(s) serving King, Pierce, Snohomish and Kitsap counties. The rate(s) may be established at the discretion of the secretary of transportation for a specific discount not to exceed fifty percent of full fare.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 47.56.030 and 47.60.326.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To allow Washington state ferries to participate in a timely manner to pilot regional fare integration projects.

Other Federal and State Agencies that Regulate this Subject and the Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Michael T. McCarthy, Seattle Ferry Terminal, 801 Alaskan Way, Seattle, WA 98104.

October 31, 1995
Chris R. Rose
Administrator
Transportation Commission

WSR 95-22-084**PREPROPOSAL STATEMENT OF INQUIRY
TRANSPORTATION IMPROVEMENT BOARD**

[Filed November 1, 1995, 8:59 a.m.]

Subject of Possible Rule Making: Housekeeping on existing rules: (1) Correction to WAC 479-12-008 and 479-112-0055 concerning eligibility for the TIA and UATA programs to conform to the RCW; and (2) amendment to WAC 479-20-013 to allow capital expenditures to be eligible costs for the Transportation Improvement Board funded projects.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 47.26.086, 47.26.080, and 82.44.180.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: When the eligibility criteria for the TIA and UATA programs were updated in January 1995, an oversight caused the adopted rules to conflict with the RCW 47.26.086 and 47.26.080. Also, when adopting the permanent rules for administering the Transportation Improvement Board transit programs, it was discovered too late that the existing WAC rule does not state that capital expenditures were an eligible cost and the WAC requiring revision was not included in the filing.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The TIA, PTSA, UATA, and CPSPTA funding programs are unique to the Transportation Improvement Board and no additional coordination is required.

Process for Developing New Rule: Agency study. The Transportation Improvement Board, through its rule-making process, discovered the need for the subject revisions.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dan Rude, Transportation Improvement Board, P.O. Box 40901, Olympia, WA 98504-0901, phone (360) 705-7547, FAX (360) 705-6830. November 17, 1995, board meeting to adopt emergency rules. January 26, 1996, board meeting to adopt permanent rules.

October 31, 1995
Jerry M. Fay
Executive Director

WSR 95-22-102**PREPROPOSAL STATEMENT OF INQUIRY
PUBLIC DISCLOSURE COMMISSION**

[Filed November 1, 1995, 10:48 a.m.]

Subject of Possible Rule Making: To establish requirements for filer participation in the commission's electronic filing system.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17.080(7) (as amended by SB 5684, effective July 1, 1995).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Public Disclosure Commission is charged with collecting and making available to the public reports from candidates, political committees, state and local political parties, lobbyists, lobbyist employers, grass roots lobbying sponsors, state agencies, elected officials and appointed state officials. Thirty different types of forms are filed with the Public Disclosure Commission.

Filers are located statewide. Currently, reports are filed on paper, and original reports are mailed or hand-delivered to the Public Disclosure Commission.

The Public Disclosure Commission received 59,086 multi-page reports in 1994. The volume of reported information is expected to increase in the advent of contribution limits since the intended result is to have more people making (smaller) contributions.

Select information is entered into computerized databases, which serve as the basis for an extended access system for the public and help staff monitor compliance. However, limited data entry resources prevent the commission from entering all information of interest into the databases.

The commission has been funded to implement a system where by candidates will be able to file their required reports with the Public Disclosure Commission electronically. An electronic filing system is expected to meet the needs of the public, filers, and the Public Disclosure Commission by:

- Reducing the amount of time it takes filers to prepare and file reports.
- Reducing paper flow.
- Standardizing data coming from campaigns.
- Permitting additional information to be entered into the databases.
- Ensuring greater accuracy of information entered into the databases.
- Reducing the time for information from reports to be entered into the databases.
- Reducing the time for reports and the information therein to be made available to the public.

While the commission had initially considered implementing a voluntary system, an attempt to initiate a pilot program failed, since filers who were asked to participate generally declined, fearing that their opponents would enjoy an advantage if their own filings were available for inspection more quickly than their opponents'. Thus the commission sought and received legislative authority to adopt rules mandating filer participation. By requiring all candidates or committees of the same type to file electronically, participants will not be penalized for utilizing the new system.

The Public Disclosure Commission recognizes that electronic filing represents a major shift in the way the commission and its filers "do business," and that gradual implementation will best ensure success. The commission will be able to work closely with a small number of campaigns, provide detailed assistance and monitor any potential issues and problems. Therefore, the commission proposes to have a limited number of candidates participate for the 1996 election, specifically, those major party candidates for the office of governor who use the "full" reporting option.

These campaigns represent the highest level of paper flow and workload for data entry (one report for a major gubernatorial candidate can exceed 400 pages) and are most

likely to have the technological resources available to easily adopt to electronic filing.

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

Process for Developing New Rule: Interested persons are invited to submit written comments by November 20, 1995. A discussion regarding whether to proceed with a rule and if so the content of the proposed rule is scheduled to occur at the commission's meeting on December 5, 1995.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting the Public Disclosure Commission Executive Director Melissa Warheit at Washington Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, phone (360) 753-1111, FAX (360) 753-1112. Obtain agenda for commission meeting to be held on December 5, 1995, for time and location of discussion on a possible rule.

October 31, 1995
Melissa Warheit
Executive Director

amounts set forth therein were appropriate and meaningful, as they stood in 1992. The biennial review of those amounts ensures that they continue to be appropriate as economic conditions change.

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

Process for Developing New Rule: Interested persons are invited to submit written comments by November 20, 1995. A discussion regarding whether to proceed with rules and if so the content of the proposed rules is scheduled to occur at the commission's meeting on December 5, 1995.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting the Public Disclosure Commission Executive Director Melissa Warheit at Washington Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, phone (360) 753-1111, FAX (360) 753-1112. Obtain agenda for commission meeting to be held on December 5, 1995, for time and location of discussion on possible rules.

October 31, 1995
Melissa Warheit
Executive Director

WSR 95-22-103

PREPROPOSAL STATEMENT OF INQUIRY PUBLIC DISCLOSURE COMMISSION

[Filed November 1, 1995, 10:49 a.m.]

Subject of Possible Rule Making: Whether to increase or decrease contribution limits and other dollar amounts established by Initiative 134. Whether to revise the monetary reporting thresholds and reporting code values within each of the following three categories: (1) Campaign finance reporting; (2) reports of lobbyist activity; and (3) reports of financial affairs of elected and appointed officials.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17.370 (1), (8), and (11), 42.17.690.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 42.17.690, enacted as part of Initiative 134, requires the Public Disclosure Commission, at the beginning of each even-numbered year, to increase or decrease all dollar amounts, including contribution limits, based on an inflationary index recommended by the Office of Financial Management.

Similarly RCW 42.17.370(11) authorizes the Public Disclosure Commission to revise the monetary reporting thresholds and reporting code values in the Public Disclosure Law, again, based on an inflationary index recommended by the Office of Financial Management. The revisions must equally affect all thresholds within each of the following categories: Reports of campaign finance, reports of lobbyist activity, and reports of the financial affairs of elected and appointed officials.

Revisions to contribution limits and reporting thresholds may be made only to recognize changes in economic conditions. An examination, and where appropriate a revision, of reporting thresholds and code values helps ensure that the information required to be reported is relevant and useful to the public.

Similarly, in enacting contribution limits as part of Initiative 134, the public made a determination that the

WSR 95-22-110

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FISH AND WILDLIFE

[Filed November 1, 1995, 11:54 a.m.]

Subject of Possible Rule Making: Definition of "extenuating circumstances."

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 75.30.130, 75.30.210, 75.30.250.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Recent court decisions have provided guidance on the definition of "extenuating circumstances," and the definition should be changed to reflect these decisions.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501, (360) 902-2930. Contact by December 19, 1995. Expected filing date: December 20, 1995.

November 1, 1995
Evan Jacoby
Rules Coordinator

WSR 95-22-031
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
 [Filed October 24, 1995, 3:43 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-15-089 and 95-14-0121 [95-14-014].

Title of Rule: Chapter 392-122 WAC, Categorical apportionment.

Purpose: Amend chapter 392-122 WAC to (1) reflect changes in the funding formula for special education, (2) allow districts to carryover up to ten percent of their learning assistance program allocation, and (3) other changes as necessary to comply with state law and the Biennial Operating Appropriations Act.

Statutory Authority for Adoption: RCW 28A.150.290.

Summary: See Purpose above. Also to allow resident school districts to transfer some or all of their special education excess cost funding to other school districts or educational service districts serving students residing in the resident district.

Reasons Supporting Proposal: The 1995-97 Biennial Operating Appropriations Act modified the funding formula for special education and for the learning assistance program.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, Superintendent of Public Instruction, Olympia, 753-2298; Implementation: Thomas J. Case, Superintendent of Public Instruction, Olympia, 753-6708; and Enforcement: David Moberly, Superintendent of Public Instruction, Olympia, 753-6742.

Name of Proponent: Superintendent of Public Instruction, governmental.

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

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rule will have a minor or negligible economic impact.

Hearing Location: Wanamaker Conference Room, 2nd Floor, Old Capitol Building, 600 South Washington Street, Olympia, WA 98504-7200, on December 12, 1995, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Jim Rich by December 5, TDD (360) 664-3631, or (360) 753-6733.

Submit Written Comments to: Rules Coordinator, Legal Services, P.O. Box 47200, Olympia, WA 98504, FAX (360) 753-4201.

Date of Intended Adoption: December 14, 1995.

October 24, 1995
 Judith A. Billings
 Superintendent of
 Public Instruction

AMENDATORY SECTION (Amending Order 2, filed 1/23/91, effective 2/23/91)

WAC 392-122-100 State ((handicapped)) special education program—Applicable code provisions. The following sections of this chapter are applicable to the distribution of state moneys for the state education program for ((handicapped)) special education students:

(1) WAC 392-122-100 through ((392-122-165)) 392-122-166; and

(2) WAC 392-122-900 through 392-122-910.

AMENDATORY SECTION (Amending Order 84-36, filed 10/2/84)

WAC 392-122-105 Definition—LEAP document for state ((handicapped)) special education program allocation. "LEAP document for state ((handicapped)) special education program allocation" means the formula unit worksheet establishing the ratios and percentage distribution of specified ((handicapping)) disability conditions cited in the State Operating Appropriations Act ((currently)) in effect for the purpose of distributing ((handicapped)) special education program allocations for the 1994-95 school year.

AMENDATORY SECTION (Amending Order 2, filed 1/23/91, effective 2/23/91)

WAC 392-122-106 Definition—Form P-223H. "Form P-223H" means the report of school district ((handicapped)) special education headcount enrollment ((by each handicapping condition and age)) for eligible ((handicapped)) special education students as defined in WAC 392-122-135 submitted monthly by the school districts to the superintendent of public instruction for the school year for the purpose of calculating the ((handicapped)) special education program allocations.

(1) The count dates for ((handicapped)) special education student enrollments shall be the same as specified in WAC 392-121-122.

(2) This report shall indicate the ((handicapped)) special education enrollment by resident school district and serving school district.

AMENDATORY SECTION (Amending Order 2, filed 1/23/91, effective 2/23/91)

WAC 392-122-107 Definition—Report 1220. "Report 1220" means the school district's ((handicapped)) special education allocation report calculated and prepared by the superintendent of public instruction using the district's eight-month average annual headcount enrollment as submitted on Form P-223H for the school year and for the 1994-95 school year the ratios and percentages established in the LEAP document for state ((handicapped)) special education program allocation as defined in WAC 392-122-105. For the purpose of ((handicapped)) special education allocations, the district's eight-month average annual headcount enrollment shall be the average of the enrollments for the first school day of the second reporting month and the subsequent seven months.

AMENDATORY SECTION (Amending Order 93-19, filed 10/20/93, effective 11/20/93)

WAC 392-122-110 Definition—State ((handicapped)) special education program—((Handicapped)) Special education program certificated instructional staff salary and mix factor variables for the allocation formula for the 1994-95 school year. ((Handicapped)) Special education program certificated instructional staff salary and mix factor variables used in the ((handicapped)) special education

allocation formula for the 1994-95 school year shall be defined the same as those defined in WAC 392-121-200 through 392-121-299: *Provided*, That the words "state ((handicapped)) special education program" shall be substituted for "basic education" throughout those definitions.

AMENDATORY SECTION (Amending Order 2, filed 1/23/91, effective 2/23/91)

WAC 392-122-120 State ((handicapped)) special education program—Determination of district average state ((handicapped)) special education program certificated instructional staff salary for the purpose of apportionment. For the 1994-95 school year the determination of district average ((handicapped)) special education program certificated instructional staff salary used in the ((handicapped)) special education allocation formula for the purposes of apportionment shall be the same as specified in WAC 392-121-299: *Provided*, That the words "state ((handicapped)) special education program" shall be substituted for "basic education" throughout that section.

AMENDATORY SECTION (Amending Order 84-36, filed 10/2/84)

WAC 392-122-130 State ((handicapped)) special education program—Nonemployee related cost. For the 1994-95 school year state ((handicapped)) special education program moneys for nonemployee related costs (NERC) shall be allocated to school districts for eligible ((handicapped)) special education students served at the maximum rate established in the LEAP document for state ((handicapped)) special education programs.

AMENDATORY SECTION (Amending Order 85-16, filed 12/9/85)

WAC 392-122-131 State ((handicapped)) special education program—Basic education backout. For the 1994-95 school year the district's basic education backout shall be calculated based on the percentages established in the LEAP document for state ((handicapped)) special education program((s)) allocations as defined in WAC 392-122-105.

AMENDATORY SECTION (Amending Order 85-16, filed 12/9/85)

WAC 392-122-132 State ((handicapped)) special education program—Substitute teacher pay allocations. For the 1994-95 school year state ((handicapped)) special education program moneys for substitute teacher pay allocations shall be allocated to school districts for certificated staff units at the maximum rate established in the LEAP document for state ((handicapped)) special education program((s)) allocations as defined in WAC 392-122-105.

AMENDATORY SECTION (Amending Order 84-36, filed 10/2/84)

WAC 392-122-135 State ((handicapped)) special education program—Eligible ((handicapped)) special education students. ((State handicapped program moneys shall be allocated in accordance with the LEAP document

~~for state handicapped program allocation for each served, eligible handicapped~~) Eligible special education students ((as defined in)) are those students:

- (1) For the 1994-95 school year as defined in:
 - (a) WAC 392-171-381 (developmentally ((handicapped)) disabled preschool students);
 - ((2)) (b) WAC 392-171-386 (seriously behaviorally disabled students);
 - ((3)) (c) WAC 392-171-391 (communication disordered students);
 - ((4)) (d) WAC 392-171-396 (orthopedically impaired students);
 - ((5)) (e) WAC 392-171-401 (health impaired students);
 - ((6)) (f) WAC 392-171-406 (specific learning disabled students);
 - ((7)) (g) WAC 392-171-421 (mentally retarded students);
 - ((8)) (h) WAC 392-171-431 (((multihandicapped)) multidisability students);
 - ((9)) (i) WAC 392-171-436 (deaf students);
 - ((10)) (j) WAC 392-171-441 (hard of hearing students);
 - ((11)) (k) WAC 392-171-446 (visually ((handicapped)) impaired students); and
 - ((12)) (l) WAC 392-171-451 (deaf-blind students); and
- (2) For the 1995-96 school year and thereafter:
 - (a) Meeting the definition of enrolled student in WAC 392-121-106, enrolled in a course of study pursuant to WAC 392-121-107 and who qualify and are receiving special education services pursuant to chapter 392-172 WAC; or
 - (b) Who are under six years of age, qualify as developmentally delayed pursuant to WAC 392-172-114 and are receiving special education services pursuant to chapter 392-172 WAC; or
 - (c) Who are under six years of age, qualify as communication disordered pursuant to WAC 392-172-120 and are receiving special education services pursuant to chapter 392-172 WAC.

AMENDATORY SECTION (Amending Order 84-36, filed 10/2/84)

WAC 392-122-140 State ((handicapped)) special education program—Home and/or hospital care. State ((handicapped)) special education program moneys shall be allocated to school districts for students eligible under WAC ((392-171-486)) 392-172-218 temporarily requiring home and/or hospital care at the maximum rate provided annually by the superintendent of public instruction for the purpose of distributing home and/or hospital care allocations.

AMENDATORY SECTION (Amending Order 2, filed 1/23/91, effective 2/23/91)

WAC 392-122-145 State ((handicapped)) special education program—Home and/or hospital care—Extended absences. Students eligible under WAC 392-171-486 temporarily requiring home and/or hospital care shall be counted as enrolled students pursuant to WAC 392-121-106 as follows:

- (1) Students not deemed eligible ((handicapped)) special education students pursuant to WAC 392-122-135 whose absence from the regular attendance continues through two

consecutive monthly enrollment report days shall be dropped from the rolls and shall not be counted as an enrolled student on the next monthly enrollment report day unless attendance has resumed. Such students shall only be eligible for home and/or hospital care allocations until attendance in the regular program is resumed.

(2) Students deemed eligible (~~(handicapped)~~) special education students pursuant to WAC 392-122-135 shall be reported as enrolled students for the duration of the home and/or hospital care.

AMENDATORY SECTION (Amending Order 84-36, filed 10/2/84)

WAC 392-122-150 State (~~(handicapped)~~) special education program—Hospital educational program. State (~~(handicapped)~~) special education program moneys shall be allocated by the superintendent of public instruction to school districts operating a hospital educational program for the exclusive purpose of maintaining and operating the hospital educational program. School districts shall be allocated funds for hospital educational programs at the maximum rate provided annually by the superintendent of public instruction for the purpose of distributing hospital educational program allocations.

AMENDATORY SECTION (Amending Order 84-36, filed 10/2/84)

WAC 392-122-155 State (~~(handicapped)~~) special education program—Board and room cost. State (~~(handicapped)~~) special education program moneys shall be allocated to school districts for the cost of approved board and room for eligible handicapped students served and requiring board and room, who are not eligible under programs of the department of social and health services, but deemed in need of the board and room by the superintendent of public instruction. These moneys are in lieu of transportation costs. School districts shall be allocated (~~(funds)~~) moneys for board and room of eligible (~~(handicapped)~~) special education students at the maximum rate provided annually by the superintendent of public instruction for the purpose of distributing board and room allocations.

AMENDATORY SECTION (Amending Order 84-36, filed 10/2/84)

WAC 392-122-160 State (~~(handicapped)~~) special education program—Reporting. (1) At such times as are designated by the superintendent of public instruction, each school district shall report the number of eligible (~~(handicapped)~~) special education students (~~(by each handicapping condition and age)~~) receiving special education according to instructions provided by the superintendent of public instruction. The (~~(handicapping)~~) disability condition shall be one of such conditions in WAC 392-122-135. The age for the purpose of determining the (~~(handicapped)~~) special education program allocation calculated in WAC 392-122-105 shall be the age of the student as of midnight August 31 of the school year. The age reported by the school district shall be for apportionment purposes only and not for determination of a child's eligibility for access to a special education program (~~(as provided in chapter 392-171 WAC)~~).

(2) Each school district shall provide, upon request, such additional data as are necessary to enable the superintendent of public instruction to allocate and substantiate the school district's allocation of state (~~(handicapped)~~) special education moneys.

AMENDATORY SECTION (Amending Order 2, filed 1/23/91, effective 2/23/91)

WAC 392-122-165 State (~~(handicapped)~~) special education program—Apportionment of state (~~(handicapped)~~) special education program moneys. From moneys appropriated by the legislature, the superintendent of public instruction shall apportion state (~~(handicapped)~~) special education program moneys to each school district based on the (~~(LEAP document)~~) criteria cited in the State Operating Appropriations Act for the respective school year for state (~~(handicapped)~~) special education program allocation and on the provisions of WAC 392-122-100 through (~~(392-122-160)~~) 392-122-166. The superintendent of public instruction shall make payments in the same manner as provided in WAC 392-121-400.

NEW SECTION

WAC 392-122-166 State special education program allocation. The board of directors of a school district may request the superintendent of public instruction to pay a portion of the district's special education allocation to another school district or an educational service district. The request must be submitted on Form 1324 and must state the dollar amount of the transfer. The board can modify the dollar amount of the transfer by submitting another Form 1324 to the superintendent of public instruction. Unless the form requesting a transfer states a timeline for making the transfer, the superintendent of public instruction shall execute the transfer pursuant to the provisions of WAC 392-121-400.

AMENDATORY SECTION (Amending Order 18, filed 7/19/90, effective 8/19/90)

WAC 392-122-710 Distribution of state moneys for the transitional bilingual program. The superintendent of public instruction shall apportion to districts for the state transitional bilingual program the amount calculated per district in WAC 392-122-705 according to the apportionment schedule provided in RCW 28A.510.250. Monthly payments to districts shall be adjusted during the year to reflect changes in the district's reported eligible students as reported on the P223, monthly report of school district enrollment form. For the purpose of transitional bilingual allocations, the district's eight-month average annual headcount enrollment of eligible students as defined in WAC 392-160-005 (1)(c) shall be the average of such enrollment for the first school day of the second reporting month and the subsequent seven months.

AMENDATORY SECTION (Amending Order 2, filed 1/23/91, effective 2/23/91)

WAC 392-122-805 Formula for distribution of state moneys for the state highly capable students education program. (1) As used in this section, the term "average

PROPOSED

annual full-time equivalent students" or AAFTE shall be defined as that term defined in WAC 392-121-133.

(2) A district's entitlement for state moneys for the state highly capable students education program shall be calculated as follows:

(a) Multiplying the AAFTE of the reporting district by one and one-half percent;

(b) Multiplying the number of students obtained in the above calculation by the per pupil allocation established in the State Operating Appropriations Act in effect at the time the apportionment is due; and

(c) The product is the district's entitlement subject to WAC 392-122-810 and its provision for enrollment adjustment.

AMENDATORY SECTION (Amending WSR 95-18-074, filed 9/1/95, effective 10/2/95)

WAC 392-122-900 General provision—Carryover prohibition. Categorical apportionment moneys shall not be carried over by a school district from one school district fiscal year to another, except for learning assistance program moneys as provided in subsection (4) of this section.

(1) The superintendent of public instruction shall recover categorical program allocations made pursuant to this chapter which are not expended by the school district during the school year for allowable program costs:

(a) Moneys recovered at the end of the school year beginning during the first year of each biennium shall be available for reallocation by the superintendent of public instruction.

(b) Moneys recovered at the end of the school year beginning during the second year of each biennium shall revert to the state treasurer: *Provided*, That if prior to recovery, insufficient moneys are available to fully fund those programs operating in the second year of the biennium, any moneys recovered shall first be allocated to fully fund these programs.

(2) Except as provided in subsection (3) of this section, the amount recovered pursuant to subsection (1) of this section shall be determined as follows:

(a) Determine the state allocation for the categorical program;

(b) Determine the district's expenditures for the program including indirect expenditures and abatements deemed allowable by the superintendent of public instruction as reported on Year-End Financial Statement F-196, Part III or such other document filed by the district pursuant to instructions provided by the superintendent of public instruction;

(c) If the amount of (a) of this subsection exceeds the amount of (b) of this subsection, the difference shall be recovered.

(3) The amount recovered pursuant to subsection (1) of this section for the institutional education program for the 1992-93 school year and thereafter shall be determined as follows:

(a) Determine the state allocation for the institutional education program excluding any amount provided for indirect costs;

(b) Determine the district's direct expenditures for the institutional education program as reported on Year-End Financial Statement F-196 or such other document filed by

the district pursuant to instructions provided by the superintendent of public instruction;

(c) If the amount of (a) of this subsection exceeds the amount of (b) of this subsection, the difference shall be recovered.

(4) Commencing with the 1994-95 school year allocation and notwithstanding other provisions of this section to the contrary, a school district may carry over from one school district fiscal year to the next school year up to ten percent of the preceding fiscal year's learning assistance program state allocation (~~commencing with the carryover of a district's 1994-95 allocation~~). Carryover moneys shall be expended solely for learning assistance program purposes.

WSR 95-22-032

PROPOSED RULES

**SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Filed October 24, 1995, 3:45 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-15-098 [95-15-090].

Title of Rule: Chapter 392-121 WAC, Basic education funding.

Purpose: To specify procedures for transfer of basic education funding among school districts or to an educational service district.

Statutory Authority for Adoption: RCW 28A.150.290.

Summary: See Purpose above.

Reasons Supporting Proposal: To allow school districts participating in interdistrict cooperatives or obtaining basic education services from an educational service district to transfer basic education funding to other school districts and educational service districts.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, Superintendent of Public Instruction, Olympia, 753-2298; Implementation: Thomas J. Case, Superintendent of Public Instruction, Olympia, 753-6708; and Enforcement: David Moberly, Superintendent of Public Instruction, Olympia, 753-6742.

Name of Proponent: Superintendent of Public Instruction, governmental.

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

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rule will have a minor or negligible economic impact.

Hearing Location: Wanamaker Conference Room, 2nd Floor, Old Capitol Building, 600 South Washington Street, Olympia, WA 98504-7200, on December 12, 1995, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Jim Rich by December 5, TDD (360) 664-3631, or (360) 753-6733.

Submit Written Comments to: Rules Coordinator, Legal Services, P.O. Box 47200, Olympia, WA 98504, FAX (360) 753-4201.

Date of Intended Adoption: December 14, 1995.

October 24, 1995
 Judith A. Billings
 Superintendent of
 Public Instruction

Assistance for Persons with Disabilities: Contact
 Jeanette Sevedge-App, Acting Chief, by November 21, 1995,
 TDD (360) 753-4542, or SCAN 234-4542.

Submit Written Comments to: Jeanette Sevedge-App,
 Acting Chief, Vendor Services, P.O. Box 45811, Olympia,
 WA 98504, Identify WAC Numbers, FAX (360) 586-8487,
 by November 28, 1995.

Date of Intended Adoption: December 6, 1995.

October 25, 1995

Sydney Doré
 for Jeanette Sevedge-App
 Acting Chief
 Office of Vendor Services

NEW SECTION

WAC 392-121-435 Transfer of basic education allocation. The board of directors of a school district may request the superintendent of public instruction to pay a portion of the district's basic education allocation to another school district or an educational service district. The request must be submitted on Form 1324 and must state the dollar amount of the transfer. The board can modify the dollar amount of the transfer by submitting another Form 1324 to the superintendent of public instruction. Unless the form requesting a transfer states a timeline for making the transfer, the superintendent of public instruction shall execute the transfer pursuant to the provisions of WAC 392-121-400.

AMENDATORY SECTION (Amending Order 3817, filed 12/28/94, effective 1/28/95)

WAC 388-505-0580 Resources. (1) To be eligible for a medical care program, a person's resources shall not exceed the specified limits of the appropriate eligibility standards for the appropriate medical care programs.

(2) The department shall consider resources available when the client or spouse:

(a) Owns the resource; and

(b) Has the authority to convert the resource to cash; and

(c) Is not legally restricted from using the resource for the person's support and maintenance.

(3) The department shall exempt noncash resources when the client:

(a) Applies for categorically needy or medically needy medical assistance; and

(b) Cannot convert the noncash resource to cash within twenty work days; and

(c) Makes an ongoing attempt to convert the noncash resources to cash.

(4) The department shall consider the availability of a sales contract under WAC 388-511-1160(2) for an SSI-related client.

(5) The department shall not consider the transfer of a resource when determining Medicaid eligibility for a person who is not institutionalized. For an institutionalized client, refer to WAC 388-513-1365.

(6) The department shall consider a client's resource as available on the first moment of the first month following receipt for an SSI-related client.

(7) The department shall consider income received in one month as a resource the first of the following month, unless specifically exempted for a longer period.

**WSR 95-22-041
 PROPOSED RULES
 DEPARTMENT OF
 SOCIAL AND HEALTH SERVICES**

(Public Assistance)

[Order #100268—Filed October 25, 1995, 3:26 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-17-060.

Title of Rule: WAC 388-505-0580 Resources.

Purpose: Provider by rule, regulations concerning the treatment and availability of resources.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: Procedure manual does not have WAC reference.

Reasons Supporting Proposal: Ensure appropriate treatment of client resources.

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

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

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

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

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not impact small business. Its only effect is on department staff and clients.

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

Hearing Location: OB-2 Auditorium, 1115 Washington Street S.E., Olympia, WA 98504, on December 5, 1995, at 10:00 a.m.

**WSR 95-22-042
 PROPOSED RULES
 DEPARTMENT OF
 SOCIAL AND HEALTH SERVICES**

(Public Assistance)

[Filed October 26, 1995, 10:37 a.m.]

Continuance of WSR 95-18-007.

Preproposal statement of inquiry was filed as WSR 95-11-006.

PROPOSED

Title of Rule: WAC 388-73-030 General qualifications of licenses, adoptive applicant, and persons on the premises, 388-150-090 License denial, suspension, or revocation, 388-151-090 License denial, suspension, or revocation, 388-155-090 License denial, suspension, or revocation, 388-160-090 General qualifications of licensee, applicant, and persons on the premises, 388-330-010 Purpose and authority, and 388-330-035 Appeal of disqualification.

Purpose: Provides an appeal process for persons disqualified from employment in a child care facility because of findings or allegations of child abuse or neglect.

Date of Intended Adoption: December 5, 1995.

October 26, 1995

Sydney Doré

for Jeanette Sevedge-App

Acting Chief

Office of Vendor Services

WSR 95-22-043
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed October 26, 1995, 10:40 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-20-008.

Title of Rule: WAC 388-255-1200 Additional requirements for telephone eligibility requirements.

Purpose: This change formally adds the requirement for a client to be referred to the Washington telephone assistance program before approving additional requirements for telephone service.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: This change adds the requirement that a client be referred to the Washington telephone assistance program before additional requirements for telephone service can be approved.

Reasons Supporting Proposal: Cost savings to additional requirements. Some cases may be eligible for Washington telephone assistance (WTAP). The help received from WTAP may eliminate or reduce the amount needed under additional requirements for telephone.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Kay Hanvey, Division of Income Assistance, (360) 438-8316.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: This rule change does not meet the definition of a significant legislative rule in ESHB 1010, section 201.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule change adds the requirements that a client referred to the Washington telephone assistance program before they are approved for additional requirements for

telephone services. The purpose of this change is to use available resources before authorizing funds from additional requirements. Participation in the Washington telephone assistance program could eliminate or reduce the need for additional requirements. Little effect is anticipated. Most cases have been following this process, without a WAC requirement for some time.

Proposal Changes the Following Existing Rules: There is currently no requirement for a client to be referred to the Washington telephone assistance program before approving additional requirements for telephone service. This change adds the requirements.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This change will only minimally affect some of the department clients, if at all. It does not directly impact small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This rule does not meet the definition of a significant legislative rule in the above citation.

Hearing Location: OB-2 Auditorium, 1115 Washington Street South, Olympia, WA 98504, on December 5, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Jeanette Sevedge-App, Acting Chief, by November 22, 1995, TDD (360) 753-4542, or SCAN 753-4542 [234-4542].

Submit Written Comments to: Jeanette Sevedge-App, Acting Chief, Vendor Services, P.O. Box 45811, Olympia, WA 98504, Identify WAC Numbers, FAX (360) 586-8487, by November 29, 1995.

Date of Intended Adoption: December 6, 1995.

October 26, 1995

Sydney Doré

for Jeanette Sevedge-App

Acting Chief

Office of Vendor Services

AMENDATORY SECTION (Amending Order 3729, filed 4/6/94, effective 5/7/94)

WAC 388-255-1200 Additional requirement—Telephone. (1) The department may authorize additional requirements for telephone assistance for clients eligible for AFDC grants, refugee cash assistance, general assistance grants, or SSI benefits.

(2) The department shall authorize telephone services as an additional requirement when the department determines:

(a) The lack of a telephone would endanger the clients life or make a more expensive type of care necessary; ~~((and))~~

(b) The function of a telephone cannot be performed by other means, including the help of neighbors, relatives or other community services; and

(c) The client has requested participation through their local telephone company in the Washington Telephone Assistance Program.

(3) The monthly standard for telephone is described under WAC 388-250-1750.

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

WSR 95-22-045

PROPOSED RULES

CENTRAL WASHINGTON UNIVERSITY

[Filed October 26, 1995, 1:35 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-18-087.

Title of Rule: WAC 106-72-025 Equal opportunity for students and 106-72-005 Equal opportunity/affirmative action in employment.

Purpose: WAC 106-72-025, clearly define title to cite topic of the policy, include right to grieve in the policy statement; and 106-72-005, title will better reflect the content of the policy.

Statutory Authority for Adoption: RCW 28B.35.120(12) and 28B.10.528.

Summary: Better define the titles to reflect the content of the policies and include the right to grieve in WAC 106-72-025.

Reasons Supporting Proposal: The right to grieve was necessary in WAC 106-72-025.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Nancy Howard, Director of Affirmative Action, Central Washington University, (509) 963-2205.

Name of Proponent: Nancy Howard, Director of Affirmative Action, Central Washington University, public.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Explanation of rule and its purpose was defined in Purpose above. Proposed changes will better define titles to reflect the content and include the right to grieve in WAC 106-72-025.

Proposal Changes the Following Existing Rules: Includes the right to grieve in the policy statement, WAC 106-72-025.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Affirmative action language changes will not affect small business.

Section 201, chapter 403, Laws of 1995, applies to this rule adoption. Under subsection (5)(b)(iv) addition of the right to grieve in the policy statement will change the effect of the rule.

Hearing Location: Barge Hall, Room 201, Central Washington University, on December 11, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Pam Wilson by December 4, 1995, TDD (110) 963-2143.

Submit Written Comments to: Jill M. Orcutt, Rules Coordinator, FAX (509) 963-3206, by December 4, 1995.

Date of Intended Adoption: December 11, 1995.

October 23, 1995

Ivory V. Nelson
President

AMENDATORY SECTION (Amending Order CWU AO 73, filed 9/30/94, effective 10/31/94)

WAC 106-72-005 Equal opportunity/affirmative action ((~~policy statement~~)) in employment. Central Washington University is ((~~committed to affirmative action for Asians, Blacks, Hispanics, Native Americans, women,~~

~~persons forty years of age or older, persons of disability, disabled veterans and Vietnam era veterans. This commitment is expressed through the university's efforts to eliminate barriers to equal employment opportunity and improve employment opportunities encountered by these protected groups.~~

~~Furthermore, as)) an equal opportunity employer ((Central Washington)). The university will:~~

(1) Recruit, hire, train, and promote persons in all job titles, without regard to race, color, creed, religion, national origin, age, sex, sexual orientation, marital status, disability, or status as a disabled veteran or Vietnam-era veteran.

(2) Ensure that all personnel actions such as compensation, benefits, transfers, terminations, layoffs, return from layoff, reductions in force (RIF), university-sponsored training, education, tuition assistance, and social and recreation programs, will be administered without regard to race, color, creed, religion, national origin, age, sex, sexual orientation, marital status, disability, or status as a disabled veteran or Vietnam-era veteran.

Central Washington University is committed to affirmative action for Asians, Blacks, Hispanics, Native Americans, women, persons forty years of age or older, persons of disability, disabled veterans and Vietnam-era veterans. This commitment is expressed through the university's efforts to eliminate barriers to equal employment opportunity and improve employment opportunities encountered by these protected groups.

AMENDATORY SECTION (Amending Order CWU AO 73, filed 9/30/94, effective 10/31/94)

WAC 106-72-025 ((~~Non~~discrimination in delivery of services)) Equal opportunity for students. Central Washington University will provide students equal access to all programs ((~~for all students~~)) and services on the basis of merit without regard to race, color, ((~~creed~~)) religion, national origin, age, sex, sexual orientation, marital status, disability, or status as a disabled veteran or Vietnam-era veteran.

No person will be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity sponsored by the university including, but not limited to, admissions, academic programs, student employment, counseling and guidance services, financial aid, recreational activities, and intercollegiate athletics.

Programs may be developed by the university, however, for special student populations as affirmative action measures to overcome the effects of past discrimination.

No member of the university community shall treat students differently because of their race, color, religion, national origin, age, sex, sexual orientation, marital status, disability (except to provide reasonable accommodation), or status as a disabled veteran or Vietnam-era veteran. The university has established mechanisms to address complaints to discriminatory treatment, including harassing behaviors (e.g., physical, verbal, graphic, or written) which might lead to the creation of a hostile environment.

WSR 95-22-057
PROPOSED RULES
DEPARTMENT OF TRANSPORTATION
 [Filed October 30, 1995, 9:25 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-17-013.

Title of Rule: Dishonored checks policies, WAC 468-20-900.

Purpose: To comply with the Office of Financial Management regulation 2.2.4.3.3F (2)(a) to establish the handling fee of NSF checks by rule.

Statutory Authority for Adoption: RCW 62A3-515 [62A.3-515].

Summary: This revised rule enables the department to assess a handling fee in accordance with current commercial practices.

Reasons Supporting Proposal: The proposed change allows the department to collect a handling fee in accordance with GA contract and current commercial practices.

Name of Agency Personnel Responsible for Drafting: Larry Julius, Comptroller's Office, 705-7530; Implementation: Lee Crump, Comptroller's Office, 705-7550; and Enforcement: Bob Benson, Comptroller, 705-7500.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule implements RCW 62A3-515 [62A.3-515]. The handling fees collected will more closely represent the handling costs incurred.

Proposal Changes the Following Existing Rules: Current rule states a handling fee of \$15 per check shall be collected. This specific amount is less than the handling fees stated in the GA contract No. 79-92 and is less than current commercial practices. The proposed change allows the department to collect a handling fee in accordance with the GA contract and current commercial practices.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This revision will not have an economic impact on small business.

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

Hearing Location: Department of Transportation, Transportation Building, Room 1D2, Olympia, Washington 98504, on December 19, 1995, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact TDD (360) 705-6980, by December 15, 1995.

Submit Written Comments to: Larry Julius, Transportation Building, P.O. Box 47420, Olympia, WA 98504-7420, FAX (360) 705-6804 by December 15, 1995.

Date of Intended Adoption: December 19, 1995.

October 30, 1995
 James P. Toohey
 for S. A. Moon
 Deputy Secretary
 for Operations

AMENDATORY SECTION (Amending Order 126, filed 12/21/90, effective 1/21/91)

WAC 468-20-900 ((Appendix 1-)) Dishonored checks.
 Checks dishonored by nonacceptance or nonpayment; handling fee; liability for interest and collection costs; attorney's fees.

(1) Whenever a check, as defined in RCW 62A.3-104, is dishonored by either nonacceptance or nonpayment for any reason other than by a justifiable stop payment order, the department shall collect from the drawer or maker, in addition to the face amount of the check, a reasonable handling fee ((of fifteen dollars)), per check ((from the drawer or maker)), in an amount consistent with current commercial practices but not less than the handling fee authorized in the then current state purchase contract for dishonored check collection services.

(2) When the dishonored check and handling fee have not been paid within fifteen days of the mailing of a notice of dishonor to the drawer or maker at his or her last known address, the drawer or maker shall also be liable for the payment of interest ((at the rate of twelve percent per annum from the date of dishonor)) as well as the costs of collection ((equal to the face amount of the check, not to exceed forty dollars)) as authorized in statute.

(3) Should the department have to pursue collection of the check through the courts, the drawer or maker may also be liable for reasonable attorneys' fees plus damages ((equal to the lesser of three times the face amount of the check or one hundred dollars)) as authorized in statute.

WSR 95-22-063
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF HEALTH
 [Filed October 30, 1995, 11:45 a.m.]

This memo is to notify you that I wish to withdraw chapter 246-830 WAC, which was filed with your office on October 18, 1995. The following sections are affected:

New sections WAC 246-830-025 Licensure/certification/registration, renewal, late penalty and CPR, 246-830-037 Temporary practice permit, 246-830-423 Site review intent and procedures, 246-830-425 Frequency and cost responsibilities of site reviews and 246-830-427 School, program or apprenticeship program appeal procedures; amendatory sections WAC 246-830-201 Approved examination, 246-830-220 Grading of examinations, 246-830-255 Time limitation on initial application for licensure, 246-830-260 Special examination, 246-830-270 Reexamination for assurance of competency and 246-830-280 Dismissal from examination; and repealer for sections WAC 246-830-230, 246-830-240, and 246-830-250.

The public hearing scheduled for November 21, 1995, at 11:00 is canceled. Individuals requiring information on chapter 246-830 WAC should contact Janice Boden, Program Manager at (360) 753-3199.

Bruce Miyahara
 Secretary

WSR 95-22-064
PROPOSED RULES
PARKS AND RECREATION
COMMISSION

[Filed October 30, 1995, 3:29 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-15-062.

Title of Rule: Public use of state park areas.

Purpose: Establish rules for technical rock climbing in state parks.

Statutory Authority for Adoption: RCW 43.51.180.

Statute Being Implemented: RCW 43.51.040.

Summary: This WAC establishes rules that regulate technical rock climbing in state parks.

Reasons Supporting Proposal: This rule allows access to state parks for technical rock climbing and protects park resources and ensures compatibility with activities of other park visitors.

Name of Agency Personnel Responsible for Drafting: Rex Derr and Robyn Malmberg, 7150 Cleanwater Lane, Olympia, (360) 902-8609; Implementation and Enforcement: Rex Derr, 7150 Cleanwater Lane, Olympia, (360) 902-8609.

Name of Proponent: Washington State Parks and Recreation Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This WAC establishes rules for technical rock climbing in state parks that allow access to the parks for the activity and protects park resources; and authorizes citizen advisory groups at each climbing area.

Proposal Changes the Following Existing Rules: Adds new subsection to manage technical rock climbing. Adds new definition for "bivouac" which is an activity of technical rock climbing. Expands the definition of "camping" in state parks to include bivouac. Authorizes bivouacking, an activity associated with technical rock climbing, during periods of time that park areas are posted as closed.

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

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This is not a significant legislative rule.

Hearing Location: United States Forest Service, Olympic National Forest Office, 1835 Black Lake Boulevard S.W., Olympia, WA 98512, on December 8, 1995, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Sue Zemek by December 1, 1995, TDD (360) 664-3133, or (360) 902-8562.

Submit Written Comments to: Rex Derr, P.O. Box 42650, Olympia, WA 98504-2650, FAX (360) 586-5875, by November 22, 1995.

Date of Intended Adoption: December 8, 1995.

October 30, 1995
 Sharon Howdeshell
 Office Manager

AMENDATORY SECTION (Amending WSR 95-07-061, filed 3/13/95, effective 4/13/95)

WAC 352-32-010 Definitions. Whenever used in this chapter the following terms shall be defined as herein indicated:

"Bivouac" shall mean to camp overnight on a vertical rock climbing route on a ledge or in a hammock sling.

"Boat launch" shall mean any facility located in a state park area designated for the purpose of placing or retrieving any vehicle-born or trailer-born watercraft into or out of the water.

"Camping" shall mean erecting a tent or shelter or arranging bedding, or both, or parking a recreation vehicle or other vehicle for the purpose of remaining overnight.

"Camping unit" shall mean a group of people (one or more persons) that is organized, equipped and capable of sustaining its own camping activity.

"Commission" shall mean the Washington state parks and recreation commission.

"Day area parking space" shall mean any designated parking space within any state park area designated for daytime vehicle parking.

"Director" shall mean the director of the Washington state parks and recreation commission.

"Emergency area" is an area in the park separate from the designated overnight camping area, which may be used for camping between the hours of 9 p.m. and 8 a.m. when no alternative camping facilities are available within reasonable driving distances.

"Environmental interpretation" shall mean the provision of services, materials, publications and/or facilities, including environmental learning centers (ELC), for other than basic access to parks and individual camping, picnicking, and boating in parks, that enhance public understanding, appreciation and enjoyment of the state's natural and cultural heritage through agency directed or self-learning activities.

"Environmental learning centers (ELC)" shall mean those specialized facilities, designated by the director, designed to promote outdoor recreation experiences and environmental education in a range of state park settings.

"Group camping areas" are designated areas usually primitive with minimal utilities and site amenities and are for the use of organized groups. Facilities and extent of development vary from park to park.

"Motorcycle" means every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a farm tractor and a moped.

"Multiple campsite" shall mean a designated and posted camping facility encompassing two or more individual standard, utility or primitive campsites.

"Paraglider" shall mean an unpowered ultralight vehicle capable of flight, consisting of a fabric, rectangular or elliptical canopy or wing connected to the pilot by suspension lines and straps, made entirely of nonrigid materials except for the pilot's harness and fasteners. The term "paraglider" shall not include (~~hang gliders~~) hang gliders or parachutes.

"Person" shall mean all natural persons, firms, partnerships, corporations, clubs, and all associations or combina-

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tions of persons whenever acting for themselves or by an agent, servant, or employee.

"Popular destination park" shall mean any state park designated by the director as a popular destination park because, it is typically occupied to capacity by Thursday or Friday night during the high use season and the typical park user plans to stay more than one night.

"Primitive campsite" shall mean a campsite not provided with flush comfort station nearby and which may not have any of the amenities of a standard campsite.

"Public assembly" shall mean a meeting, rally, gathering, demonstration, vigil, picketing, speechmaking, march, parade, religious service, or other congregation of persons for the purpose of public expression of views of a political or religious nature for which there is a reasonable expectation that more than one hundred persons will attend based on information provided by the applicant. Public assemblies must be open to all members of the public, and are generally the subject of attendance solicitations circulated prior to the event, such as media advertising, flyers, brochures, word-of-mouth notification, or other form of prior encouragement to attend.

Alternatively, the agency director may declare an event to be a public assembly in the following cases: Where evidentiary circumstances and supporting material suggest that more than one hundred persons will attend, even where the applicant does not indicate such an expectation; or where there is reason to expect a need for special preparations by the agency or the applicant, due to the nature or location of the event.

"Ranger" shall mean a duly appointed Washington state parks ranger who is vested with police powers under RCW 43.51.170, and shall include the park manager in charge of any state park area.

"Recreation vehicle" shall mean a vehicle/trailer unit, van, pickup truck with camper, motor home, converted bus, or any similar type vehicle which contains sleeping and/or housekeeping accommodations.

"Residence" shall mean the long-term habitation of facilities at a given state park for purposes whose primary character is not recreational. "Residence" is characterized by one or both of the following patterns:

Camping at a given park for more than twenty days within a thirty-day time period May 1 through September 30; or thirty days within a sixty-day time period October 1 through April 30. As provided in WAC 352-32-030(7), continuous occupancy of facilities by the same camping unit shall be limited to ten consecutive nights May 1 through September 30 and fifteen consecutive nights October 1 through April 30 in one park, after which the camping unit must vacate the overnight park facilities for three consecutive nights. The time period shall begin on the date for which the first night's fee is paid.

The designation of the park facility as a permanent or temporary address on official documents or applications submitted to public or private agencies or institutions.

"Special recreation event" shall mean a group recreation activity in a state park sponsored or organized by an individual or organization that requires reserving park areas, planning, facilities, staffing, or other services beyond the level normally provided at the state park to ensure public

welfare and safety and facility and/or environmental protection.

"Standard campsite" shall mean a designated camping site which is served by nearby domestic water, sink waste, garbage disposal and flush comfort station. Each campsite includes a camp stove and picnic table.

"State park area" shall mean any area under the ownership, management, or control of the commission, including trust lands which have been withdrawn from sale or lease by order of the commissioner of public lands and the management of which has been transferred to the commission, and specifically including all those areas defined in WAC 352-16-020. State park areas do not include the seashore conservation area as defined in RCW 43.51.655 and as regulated under chapter 352-36 WAC.

"Trailer dump station" shall mean any state park sewage disposal facility designated for the disposal of sewage waste from any recreation vehicle, other than as may be provided in a utility campsite.

"Upland" shall mean all lands lying above mean high water.

"Utility campsite" shall mean a standard campsite with the addition of electricity and which may have domestic water and/or sewer.

"Water trail advisory committee" shall mean the twelve-member committee constituted by RCW 43.51.456.

"Water trail camping sites" shall mean those specially designated group camp areas identified with signs, that are near water ways, and that have varying facilities and extent of development.

AMENDATORY SECTION (Amending WSR 94-23-024, filed 11/7/94, effective 1/1/95)

WAC 352-32-030 Camping. (1) Camping facilities of the state parks within the Washington state parks and recreation commission system are designed and administered specifically to provide recreational opportunities for park visitors. Use of park facilities for purposes which are of a nonrecreational nature, such as long-term residency at park facilities, obstructs opportunities for recreational use, and is inconsistent with the purposes for which those facilities were designed.

No person or camping unit may use any state park facility for residence purposes, as defined (WAC 352-32-010(17)).

(2) No person shall camp in any state park area except in areas specifically designated and/or marked for that purpose or as directed by a ranger.

(3) Occupants shall vacate camping facilities by removing their personal property therefrom prior to 3:00 p.m., (or other appropriate, established time in parks where camping is reserved) if the applicable camping fee has not been paid or if the time limit for occupancy of the campsite has expired or the site is reserved by another party. Remaining in a campsite beyond the established checkout time shall subject the occupant to the payment of an additional camping fee.

(4) Use of utility campsites by tent campers shall be subject to payment of the utility campsite fee except when otherwise specified by a ranger.

(5) A campsite is considered occupied when it is being used for purposes of camping by a person or persons who have paid the camping fee within the applicable time limits or when it has been reserved through the appropriate procedures of the reservation system. No person shall take or attempt to take possession of a campsite when it is being occupied by another party, or when informed by a ranger that such site is occupied, or when the site is posted with a "reserved" sign. In the case of a reserved site, a person holding a valid reservation for that specific site may occupy it according to the rules relating to the reservation system for that park. In order to afford the public the greatest possible use of the state park system on a fair and equal basis, campsites in those parks not on the state park reservation system will be available on a first-come, first-serve basis. No person shall hold or attempt to hold campsite(s), for another camping unit for present or future camping dates, except as prescribed for multiple campsites. Any site occupied by a camping unit must be actively utilized for camping purposes.

(6) One person may register for one or more sites within a multiple campsite by paying the multiple campsite fee (WAC 352-32-250(6)). Registration preference will be given to multiple camping units who want to use multiple sites. An individual may register and hold a multiple campsite for occupancy on the same day by other camping units. Multiple campsites in designated reservation parks are reservable under the reservation system.

(7) In order to afford the general public the greatest possible use of the state park system, on a fair and equal basis, and to prevent residential use, continuous occupancy of facilities by the same camping unit shall be limited to ten consecutive nights in one park, after which the camping unit must vacate the site for three consecutive nights, May 1 through September 30, not to exceed twenty days in a thirty-day time period; and fifteen consecutive nights in one park, after which the camping unit must vacate the site for three consecutive nights, October 1 through April 30, not to exceed thirty days in a sixty-day time period. This limitation shall not apply to those individuals who meet the qualifications of WAC 352-32-280 and 352-32-285.

(8) Only one camping unit with a maximum of eight people shall be permitted at a campsite, unless otherwise authorized by a ranger. The number of vehicles occupying a campsite shall be limited to one car or one recreational vehicle: *Provided*, That one additional vehicle without built-in sleeping accommodations may occupy a designated campsite when in the judgment of a ranger the constructed facilities so warrant. The number of tents allowed at each campsite shall be limited to the number that will fit on the designated or developed tent pad as determined by a ranger.

(9) Persons traveling by bicycles, motor bikes or other similar modes of transportation and utilizing campsites shall be limited to eight persons per site, provided no more than four motorcycles shall occupy a campsite.

(10) Water trail camping sites are for the exclusive use of persons traveling by human and wind powered beachable vessels as their primary mode of transportation to the areas. Such camping areas are not subject to the campsite capacity limitations as otherwise set forth in this section. Capacities for water trail camping sites may be established by the ranger on an individual basis and are subject to change based

upon the impacts to the area. All persons using water trail camping sites shall have in their possession a valid water trail permit.

(11) Overnight stays (bivouac) on technical rock climbing routes will be allowed as outlined in the park's site specific climbing management plan. All litter and human waste must be contained and disposed of properly.

(12) Emergency camping areas set aside in certain state parks may be used only when all designated campsites are full but may not be used prior to 9:00 p.m. Persons using emergency areas must pay the standard campsite fee and must vacate the site by 8:00 the following morning.

~~(12)~~ (13) Except as provided in WAC 352-32-310, any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 92-19-098, filed 9/17/92, effective 10/18/92)

WAC 352-32-050 Park periods. (1) The director shall establish for each state park area, according to existing conditions, times, and periods when it will be open or closed to the public. Such times and periods shall be posted at the entrance to the state park area affected and at the park office. No person shall enter or be present in a state park area after the posted closing time except:

(a) Currently registered campers who are camping in a designated campsite or camping area;

(b) Guests of a currently registered camper who may enter and remain until 10:00 p.m.;

(c) Guests of a state park employee;

(d) Technical rock climbers who bivouac on vertical climbing routes.

(2) Except as provided in WAC 352-32-310, any violation of this section is an infraction under chapter 7.84 RCW.

NEW SECTION

WAC 352-32-085 Technical rock climbing. (1) Whenever used in this section, technical rock climbing shall mean climbing while using such aids as pitons, carabiners or snap links, chalk, ropes, fixed or removable anchors, or other similar equipment. Technical rock climbing includes bouldering and free soloing (respectively low and high elevation climbing without ropes).

(2) Technical rock climbing will be allowed in state parks except it is:

(a) Not permitted in natural area preserves;

(b) Conditioned in heritage areas, natural areas and natural forest areas;

(c) Not permitted where the director or designee has closed the area pursuant to subsection (3) of this section;

(d) Limited in state park areas without climbing management plans pursuant to subsection (6) of this section to the use of routes with established fixed protection, new routes that do not use fixed protection, nor require garden- ing/cleaning with any type of cleaning tool.

(3) The director or designee may, permanently or for a specified period or periods of time, close any state park area to technical rock climbing if the director or designee concludes that a technical rock climbing closure is necessary for the protection of the health, safety and welfare of the

public, park visitors or staff, or park resources. Prior to closing any park or park area to technical rock climbing, the director or the designee shall hold a public meeting in the general area of the park or park area to be closed to technical rock climbing. Prior notice of the meeting shall be published in a newspaper of general circulation in the area and at the park at least thirty days prior to the meeting. In the event that the director or designee determines that it is necessary to close a rock climbing area immediately to protect against an imminent and substantial threat to the health, safety and welfare of the public, park visitors or staff, or park resource, the director or designee may take emergency action to close a park or park area to rock climbing without first complying with the publication and hearing requirements of this subsection. Such emergency closure may be effective for only so long as is necessary for the director to comply with the publication and hearing requirements of this subsection.

(4) The director or designee shall ensure that any park or park area closed to technical rock climbing pursuant to subsection (3) of this section is conspicuously posted as such at the entrance of said park or said park area. Additionally, the director shall maintain a list of all parks and park areas closed to technical rock climbing pursuant to subsection (3) of this section.

(5) The director or designee shall establish a committee of technical rock climbers, to advise park staff on park management issues related to technical rock climbing for each state park area where deemed necessary by the agency.

(6) Each state park area with an established advisory committee of technical rock climbers will have a climbing management plan which will specify technical rock climbing rules concerning overnight stays on climbing routes, bolting, power drills, stabilization of holds, group size and activities, gardening/cleaning of routes pursuant to chapter 352-28 WAC and RCW 43.51.180, chalk, special use designations for climbing areas, protection of sensitive park resources, and other such issues required by the director. Climbing management plans that relate to natural forest areas or heritage areas must be approved by the commission. The director shall ensure that any technical rock climbing rules contained in a climbing management plan are conspicuously posted at the entrance of the affected park area.

(7) Bolting will be allowed as specified in climbing management plans.

(8) The use of power drills will be allowed only if the park climbing management plans specifically permit under specified conditions for bolt replacement and bolt installation on new routes. They are otherwise prohibited.

(9) The addition of holds onto the rock face by any means, including gluing, chipping, or bolting is prohibited.

(10) Except as provided in WAC 352-32-310, any violation of this section and rules contained in the park management plan and posted at the park is an infraction under chapter 7.84 RCW.

WSR 95-22-065
PROPOSED RULES
PARKS AND RECREATION
COMMISSION

[Filed October 30, 1995, 3:30 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-19-022.

Title of Rule: Washington state parks land classification system and use policy within land classifications.

Purpose: Revise the land classification system to provide a more effective tool for the commission to set use policy within state parks.

Statutory Authority for Adoption: RCW 43.51.040(1), [43.51.]045, [43.51.]050, [43.51.]060(1), [43.51.]061, [43.51.]395.

Statute Being Implemented: RCW 43.51.040(1), [43.51.]045, [43.51.]050, [43.51.]060(1), [43.51.]061, [43.51.]395.

Summary: The proposal will modify the WAC to fully implement the eleven year old switch from a system that tied the name of a park to its "park classification" to a system that allows for multiple classifications within one park, thereby giving better guidance to staff on how to manage park loads and plan for their orderly use and protection.

Name of Agency Personnel Responsible for Drafting and Implementation: Daniel Farber, 7150 Cleanwater Lane, Olympia, 98504-2668, (360) 902-8652; and Enforcement: Park managers state wide.

Name of Proponent: Washington State Parks and Recreation Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The revised system eliminates four classifications that are seen as redundant, adds a new classification, and modifies all the remainder. What is left are six classifications that strike different balances between the agency's two main missions of promoting recreation and public education while protecting natural and cultural resources. It is anticipated that upon establishment of the new system the agency will be in a better position to fully give land classification guidance to all its parks.

Proposal Changes the Following Existing Rules: There are a number of WAC changes designed to enumerate and clarify existing practice. Examples include provisions allowing the harvest of berries and mushrooms, restrictions on pets and cycles, and provisions on wood debris collection. Ambiguities such as the appropriateness of horses in natural forest areas are also dealt with. The intention, however, is that no existing approved use in any park is disallowed by the adoption of these WAC changes.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Exempt under chapter 19.85 RCW.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This is not a significant legislative rule.

Hearing Location: United States Forest Service, Olympic National Forest Office, 1835 Black Lake Boulevard S.W., Olympia, WA 98512, on December 8, 1995, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Terri Scharber by December 1, 1995, TDD (360) 664-3134, or (360) 902-8640.

Submit Written Comments to: Daniel Farber, P.O. Box 42668, Olympia, WA 98504-2668, FAX (360) 664-0278, by November 30, 1995.

Date of Intended Adoption: December 8, 1995.

October 30, 1995
Sharon Howdeshell
Office Manager

Chapter 352-16 WAC

NAMING OF ~~((SITES))~~ STATE PARK AREAS AND THE LAND CLASSIFICATION SYSTEM

AMENDATORY SECTION (Amending Order 7, filed 4/1/70)

WAC 352-16-010 Naming ~~((of sites))~~ and classification of state park areas—Commission action. (1) All areas dedicated for public park purposes, excluding separately located administrative areas, and under the ownership and/or management of the Washington state parks and recreation commission, shall be defined as state park areas.

(2) The official name of any state park area shall generally include in it the term "state park."

(3) The official naming of any state park~~((s site))~~ area shall be the function of the commission~~((— In addition, the commission may consider suggestions made by its individual members, or by members of the interested public made at a regular or special meeting))~~: Provided, That the commission may not change any name established by the legislature, including specified conservation areas, seashore conservation areas and other recreation and open space areas.

(4) The official land classification, or reclassification, of any state park area, pursuant to WAC 352-16-020, shall be the function of the commission: Provided, That the director shall have authority to manage, on an interim basis, state park areas in accordance with any appropriate land classification prior to final commission action.

(5) Any named or unnamed state park area may have one or more land classifications within its boundary.

(6) Land classifications defined in this chapter shall apply throughout Title 352 WAC.

AMENDATORY SECTION (Amending Resolution No. 74, filed 3/27/84)

WAC 352-16-020 Land classification system. State park~~((s))~~ areas are of state-wide natural, cultural and/or recreational significance and/or outstanding scenic beauty. They provide ~~((for active and passive, low and high density))~~ varied facilities serving low-intensity, medium-intensity, and high-intensity outdoor recreation activities, areas reserved for preservation, scientific research, education, public assembly, and/or environmental interpretation, and support facilities. They ~~((also))~~ may be classified in whole or part as follows:

(1) Recreation areas are ~~((land and/or water sites that are))~~ suited and/or developed for ~~((high density))~~ high-intensity outdoor recreational use, conference, cultural and/or educational centers, or other uses serving large numbers of people.

(2) ~~((Natural areas are sites obligated to conserving a natural environment in a nearly undeveloped state for passive low density outdoor recreation activities. These areas may be found in all types of environments.~~

~~((3))~~ Resource recreation areas are suited and/or developed for natural and/or cultural resource-based medium-intensity and low-intensity outdoor recreational use.

(3) Natural areas are designated for preservation, restoration, and interpretation of natural processes and/or features of significant ecological, geological or paleontological value while providing for low-intensity outdoor recreation activities as subordinate uses.

(4) Heritage areas are ~~((sites which preserve and interpret))~~ designated for preservation, restoration, and interpretation of unique or unusual ~~((geological, paleontological,))~~ archaeological, historical, scientific, and/or cultural features ~~((of the state which transcend local interest and))~~, and traditional cultural properties, which are of state-wide or national significance.

~~((4))~~ Launch areas are sites solely developed for boating ingress and egress.

(5) Conservation areas are aggregates of recreationally developed and undeveloped open space sites legally dedicated to sustained recreational use. They may contain any combination of state park, recreation area, natural area, heritage area, launch area, or other open space area under public ownership or administration.

(6) Ocean beach access areas are sites of limited acreage along the Washington coastline which provide public access to waters, shore, and recreational opportunities of the Pacific Ocean.

(7) Environmental learning center sites are resident camping facilities made available to interested groups to provide their members with the opportunity to live, work, study and play in the outdoor environment.

~~((8))~~ (5) Natural forest areas are ~~((certain forest sites which are natural ecosystems))~~ designated for preservation, restoration, and interpretation of natural forest processes ~~((pursuant to RCW 43.51.045))~~ while providing for low-intensity outdoor recreation activities as subordinate uses, and~~((s))~~ which contain:

(a) Old-growth forest communities that have developed for ~~((approximately))~~ one hundred fifty ~~((to two hundred fifty))~~ years or longer and have the following structural characteristics: Large old-growth trees, large snags, large logs on land, and large logs in streams; or

(b) Mature forest communities that have developed for ~~((approximately))~~ ninety ~~((to one hundred fifty))~~ years or longer; or

(c) Unusual forest communities and/or interrelated vegetative communities of significant ecological value.

~~((9))~~ (6) Natural area preserves are ~~((sites which are considered important in preserving))~~ designated for preservation of rare or vanishing flora, fauna, geological, natural historical or similar features of scientific or educational value and which are registered and committed as a natural area preserve through a cooperative agreement with ~~((the department of))~~ an appropriate natural resource~~((s))~~ agency pursuant to chapter 79.70 RCW and chapter 332-60 WAC.

PROPOSED

NEW SECTION

WAC 352-16-030 Management within land classifications. (1) The director shall develop management guidelines for each land classification listed in WAC 352-16-020. The guidelines shall provide specific direction for each classification, outlining the philosophy of each classification, its appropriate physical features, location, allowed and prohibited activities, and allowed and prohibited developments.

(2) Nothing in this section shall be construed to allow uses that are otherwise prohibited, nor prohibit uses that are otherwise expressly allowed, by the commission, this code or by statute.

**Chapter 352-28 WAC
TREE, PLANT AND FUNGI CUTTING, REMOVAL
AND/OR DISPOSAL**

AMENDATORY SECTION (Amending WSR 94-10-012, filed 4/25/94, effective 5/26/94)

WAC 352-28-005 Definitions. When used in this chapter the following words and phrases shall have the meanings designated in this section unless a different meaning is expressly provided or unless the context clearly indicates otherwise.

(1) "Catastrophic forest event" means a natural or accidental devastation of major proportions that results in drastic alteration of the natural environment by, but not limited to, wind, fire, insect infestation, forest disease, flooding, or landslide.

(2) "Commission" means the Washington state parks and recreation commission.

(3) "Director" means the director of the Washington state parks and recreation commission.

(4) "Endangered species" means each plant, fungus and lichen species identified as endangered on the list of such species prepared by the department of natural resources Washington natural heritage program and each wildlife species identified as endangered by the Washington department of fish and wildlife in WAC 232-12-014.

(5) (~~"Environmental learning center" means resident camping facilities made available to interested groups to provide their members with the opportunity to live, work, study, and play in the outdoor environment.~~)

(6) (~~"Heritage area" means the parts of a park which are maintained for preservation and interpretation, and, which contain unique or unusual geological, paleontological, archaeological, historical, scientific, and cultural features of the state which transcend local interest and are of state-wide or national significance.~~)

(7) (~~"Launch area" means the parts of a park which are solely developed for boating ingress and egress.~~)

(8) (~~"Natural area" means the parts of a park which are maintained for the conservation of a natural environment in a nearly undeveloped state for passive low density outdoor recreation activities.~~)

(9) (~~"Natural area preserve" means the parts of a park which are considered important in preserving rare or vanishing flora, fauna, geological, natural historical or similar features of scientific or educational value and which are registered and committed as a natural area preserve through~~)

~~a cooperative agreement with the department of natural resources pursuant to chapter 79.70 RCW and chapter 332-60 WAC.~~

(10) (~~"Natural forest area" means certain forest areas which are natural ecosystems designated for preservation and interpretation of natural forest processes pursuant to RCW 43.51.045, and, which contain:~~)

(a) (~~Old growth forest communities that have developed for approximately one hundred fifty to two hundred fifty years or longer and have the following structural characteristics: Large old growth trees, large snags, large logs on land, and large logs in streams; or~~)

(b) (~~Mature forest communities that have developed for approximately ninety to one hundred fifty years; or~~)

(c) (~~Unusual forest communities.~~)

(11) (~~"Ocean beach access area" means sites of limited acreage along the Washington coastline which provide public access to waters, shore, and recreational opportunities of the Pacific Ocean.~~)

(12) (~~"Recreation area" means the parts of a park which are land and/or water sites that are suited and/or developed for high density outdoor recreational use.~~)

(13) (~~"Sensitive species" means each plant, fungus and lichen species identified as sensitive on the list of such species prepared by the department of natural resources Washington natural heritage program and each wildlife species identified as sensitive on the list of such species prepared by the Washington department of fish and wildlife.~~)

((14)) (6) "Threatened species" means each plant, fungus and lichen species identified as threatened on the list of such species prepared by the department of natural resources Washington natural heritage program and each wildlife species identified as threatened on the list of such species prepared by the Washington department of fish and wildlife.

AMENDATORY SECTION (Amending WSR 94-10-012, filed 4/25/94, effective 5/26/94)

WAC 352-28-010 ((Free)) Cutting and removal criteria. (1) **Significant trees:**

(a) Significant trees in any area under the jurisdiction and/or management of the commission shall, except in fire, weather, or other natural emergencies, be cut or removed only upon the written approval of the director or the assistant directors of the operations and resources development divisions when so designated by the director. Except in emergencies and when feasible, significant trees shall be removed only after they have been marked or appraised by a professional forester. Significant trees include all old-growth trees, mature trees, and all other younger trees of ten inches or greater in diameter at four and one-half feet in height. In case of fire, weather, or other natural emergencies, the director or the designee of the director may declare that an emergency exists and thereby authorize the cutting or removal of damaged or down significant trees that are an imminent threat to persons and/or property.

(b) The cutting or removal of any significant trees in a natural area, natural forest area or a natural area preserve shall, except in emergencies as defined in subsection (1)(a) of this section, be approved only by the director and only after consultation with the Washington department of fish

and wildlife and the department of natural resources Washington natural heritage program, the preparation of a mitigation plan for affected resources, and a public hearing on each such proposed cutting or removal conducted in the county/counties in which the cutting or removal is to take place as determined by the director. Prior notice of a hearing shall be published in a newspaper of general circulation in the county/counties in which the park is located. Any person who requests notification of such proposed cutting or removal shall be sent prior notice of a hearing by mail. A summary of the testimony presented at a hearing or received in writing shall be presented to the director.

~~((e))~~ **(2) Protected species:** The cutting or removal of trees, other plants, or dead organic matter in any area known to be inhabited by endangered, threatened, or sensitive species shall, except in emergencies as defined in subsection (1)(a) of this section, follow requirements of the department of fish and wildlife for animals and of the department of natural resources for plants and be approved only by the director after consultation with ~~((the Washington department of fish and wildlife and the department of natural resources Washington natural heritage program))~~ those agencies, and the preparation of a mitigation plan for affected species.

~~((2))~~ **(3) Land classification criteria:** Trees or other plants may be cut and/or removed from the areas listed below for the following reasons only:

(a) Natural area preserves:

(i) Maintenance or construction of service roads, boundary fences, ~~((and interpretive))~~ or trails, or modification of conditions only as may be required to maintain a native plant community, species population, or ecological process as specified in a natural area preserve management plan prepared in consultation with the department of natural resources Washington natural heritage program.

(ii) Correction of conditions hazardous to persons, properties, and/or facilities on or adjacent to park land.

(iii) Control of forest diseases and insect infestations where adjacent forests are severely jeopardized or where a drastic alteration of the natural environment is expected to occur, after consultation with the natural heritage program and other agencies and groups with expertise in forest health as deemed appropriate by the director.

(iv) Prevent the deterioration or loss of historical/cultural resources.

(v) Maintenance or construction of fire lanes for abatement of fires.

(b) Natural areas and natural forest areas:

(i) Maintenance or construction of trails, trail structures, trail head facilities, interpretive sites, or service roads.

(ii) Correction of conditions hazardous to persons, properties, and/or facilities on or adjacent to park land.

(iii) Control of forest diseases and insect infestations where adjacent forests are severely jeopardized or where a drastic alteration of the natural environment is expected to occur, after consultation with the natural heritage program and other agencies and groups with expertise in forest health as deemed appropriate by the director.

(iv) Prevent the deterioration or loss of historical/cultural resources.

~~((e))~~ Natural areas:

~~(i) Construction and maintenance of passive low density outdoor recreation facilities such as, but not limited to, trails, trail head facilities, and interpretive sites, and/or to achieve visual aspects appropriate to a natural or historical setting.~~

~~(ii) Construction and maintenance for road and utility easements authorized by the commission or mandated by condemnation.~~

~~(iii) Correction of conditions hazardous to persons, properties, and/or facilities on or adjacent to park land.~~

~~(iv))~~ (v) Maintenance or construction of service roads for abatement of fires.

~~((v) Control of forest diseases and insect infestations where adjacent forests are severely jeopardized or where a drastic alteration of the natural environment is expected to occur.~~

~~(vi) Prevent the deterioration or loss of historical/cultural resources.~~

~~(vii) Improve wildlife habitat after consulting with the department of fish and wildlife.~~

~~(d))~~ (vi) Modification of conditions only as may be required to maintain or restore a native plant community, species population, or ecological process.

(c) Recreation areas, resource recreation areas, and heritage areas ~~((, launch areas, ocean beach access areas, and environmental learning centers))~~:

(i) Area clearing necessary for park maintenance, and/or park development projects for day use and overnight recreation facilities, road and utility easements, and administrative facilities.

(ii) Correction of conditions hazardous to persons, properties, and/or facilities on or adjacent to park land.

(iii) Cleanup of trees fallen, tipped, or damaged by the weather, fire, or other natural causes.

(iv) Creation of diversity of tree size, age, and species to achieve visual aspects that resemble a formal landscape, natural or historical setting, or to improve wildlife habitat.

(v) Daylighting as appropriate to the site.

(vi) Maintenance or creation of a regenerating natural environment that will sustain low ground cover, shrubs, and understory and overstory trees to provide screening, wind, and sun protection.

(vii) Control of forest diseases and insect infestations where adjacent forests are severely jeopardized or where a drastic alteration of the natural environment is expected to occur.

(viii) Prevent the deterioration or loss of historical/cultural resources.

~~((3))~~ (ix) Maintenance or construction of service roads for abatement of fires.

(x) Modification of conditions to maintain or restore a desired plant community, species population, or ecological process.

(xi) Grazing, hay removal, or other similar activities when performed under authority of a permit from the commission or director.

(4) Harvest of edibles: Nonmarine edible plants and edible fruiting bodies, including fungi, shall be managed in accordance with subsections (1) through (3) of this section, except as follows and solely for the purpose of personal consumption:

(a) Within a natural area preserve, no harvesting of edible plants or edible fruiting bodies, including fungi, is permitted, other than for scientific or educational purposes.

(b) Within a recreation area, resource recreation area, natural area, natural forest area, or heritage area harvesting of edible plants and edible fruiting bodies, including mushrooms, berries and nuts is permitted: Provided, That the director or designee may close, temporarily close or condition such harvesting upon a finding that the activity is degrading or threatens to degrade the park's natural or cultural resources.

(c) Prior to enforcement of any harvest restrictions pursuant to this subsection, state park areas so restricted shall be conspicuously posted with appropriate signs.

(5) Hazard tree review: At least two persons, one being a qualified professional in forestry or arboriculture, shall examine potentially hazardous trees and rate such trees in accordance with department of natural resources, report number 42, detection and correction of hazard trees in Washington's recreation areas. The rating of each tree examined shall be recorded on a hazard tree form by each of the two persons who examine such trees. For trees identified as hazardous and when feasible, action such as, but not limited to, pruning, topping, crown reduction, and relocation of a target facility, shall be taken prior to tree cutting or removal.

((4)) (6) Tree cutting and removal operations: Tree cutting or removal shall be done by park personnel, unless the personnel lack necessary expertise. If tree cutting or removal work is done by a contractor, park personnel shall provide daily on-site supervision to ensure that work and safety standards are met to prevent harm or damage to persons, trees, shrubbery, soils, and other park resources. When feasible, trees shall be felled in sections with the tops and limbs lowered first by guy wires and ropes in order to protect adjacent old-growth trees and the integrity of the remaining stand. Only skid trails premarked by park personnel may be used and equipment shall be kept on existing roads and parking areas to the fullest extent possible. When feasible, all trees damaged during cutting or removal shall be repaired.

((5)) (7) Use of fallen trees: Except where they may create safety hazards and/or interfere with the normal operation of a park, fallen trees shall be left on the ground when deemed environmentally beneficial or used for park purposes such as, but not limited to, approved building projects, trail mulching, and firewood. In natural forest areas and natural areas first consideration shall be given to leaving trees on the ground for natural purposes.

AMENDATORY SECTION (Amending WSR 92-19-098, filed 9/17/92, effective 10/18/92)

WAC 352-32-060 Pets. (1) All ~~((dogs or other))~~ pets or domestic animals must be kept on leash no greater than eight feet in length, or otherwise physically restrained, and under control at all times while in a state park~~((s))~~ area.

(2) Pets and domestic animals may not be allowed to dig or otherwise disturb or damage the natural or cultural features of any state park area.

(3) In any state park area, ~~((dogs,))~~ pets~~((;))~~ or domestic animals, except for guide dogs, are not permitted on any

designated swimming beach; ~~((or))~~ within a natural area preserve; during the skiing season on any designated alpine ski site or cross country ski trail in which the track has been prepared, set, or groomed; or in any public building unless so posted.

~~((3))~~ (4) In any state park area, pets or domestic animals, except for guide dogs, may be prohibited for the protection of wildlife, sensitive natural systems, special cultural areas, or for other purposes, if approved by the director or designee and so posted.

(5) No person shall allow his ~~((dog or other))~~/her pet or domestic animal to bite or in any way molest or annoy other park visitors. No person shall permit his ~~((dog or other))~~/her pet or domestic animal to bark or otherwise disturb the peace and tranquillity of the park.

~~((4))~~ (6) Any person bringing a ~~((dog))~~ pet or domestic animal into a state park area shall dispose of ~~((any))~~ animal feces ~~((deposited by the dog, by placing the feces))~~ in a plastic or paper sack. The sack shall then be deposited in a solid waste container.

~~((5))~~ (7) Except as provided in WAC 352-32-310, any violation of this section is an infraction under chapter 7.84 RCW.

(8) This section shall not apply to the recreational use of horses, llamas, sled dogs, or similar animals as authorized by WAC 352-32-070.

AMENDATORY SECTION (Amending WSR 92-19-098, filed 9/17/92, effective 10/18/92)

WAC 352-32-070 ~~((Horseback riding-))~~ Use of horses, llamas, sled dogs or similar animals for recreation. (1) No horses, llamas, sled dogs or similar animals for recreation shall be permitted in any state park~~((s))~~ area, except where designated and posted to specifically permit, or conditionally permit, such activity.

(2) Horses, llamas, sled dogs or similar animals for recreation shall not be permitted ~~((or))~~ in any designated swimming areas, campgrounds - except designated horse- or pack-oriented camping areas - or picnic areas, nor within a natural area preserve.

(3) Horses, llamas, sled dogs or similar animals for recreation shall not be permitted within natural areas or natural forest areas, except that relocation of existing equestrian or other similar trails into natural areas or natural forest areas may be permitted upon a finding by the director that such relocation is for the purpose of reducing overall resource impacts to a state park area.

(4) No person shall ride any horse or other animal in such a manner that might endanger life or limb of any person or animal, and no person shall allow a horse or other animal to stand unattended or insecurely tied.

~~((4))~~ (5) Except as provided in WAC 352-32-310, any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 92-19-098, filed 9/17/92, effective 10/18/92)

WAC 352-32-075 Use of nonmotorized cycles or similar devices ~~((in state parks))~~. (1) Whenever used in this section, nonmotorized cycle or similar device shall ~~((be defined as))~~ mean any wheeled, operator-propelled equip-

ment (~~which~~) that transports the operator on land, (~~except~~ ~~at~~) including cycles, roller blades and skateboards, but not including wheelchairs, (~~to include but not be limited to~~ unicycles, bicycles, trieycles, quadeycles, scooters, and skateboards) or other devices utilized by persons with disabilities.

(2) Operation of nonmotorized cycles or similar devices shall be permitted upon roads and trails in (~~state parks or~~) state park areas, except:

(a) Where posted with prohibitory signing by approval of the director or designee. Prior to such posting, a public meeting shall be advertised and conducted in the region where the park is located. A closure decision shall be based on an evaluation of the degree of conflict with other park users, public safety, or damage to park resources and/or facilities related to these devices.

(b) (~~Off public roads~~) Within designated (~~(=)~~) natural areas, (~~(=)~~) natural forest areas, (~~(=)~~) or (~~(=)~~) natural area preserves (~~(=)~~): Provided, That relocation of existing nonmotorized trails into natural areas or natural forest areas may be permitted upon a finding by the director that such relocation is for the purpose of reducing overall resource impacts to a state park area.

(c) Upon designated special use trails such as interpretive or exercise trails.

(d) Upon docks, piers, floats, and connecting ramps.

(3) Persons operating such devices in (~~state parks and~~) state park areas shall:

(a) Obey regulatory signs, including those permanently or temporarily erected, that govern the timing, location, speed, type and/or manner of operation, designed to promote visitor health and safety.

(b) Restrict speed and manner of operation to reasonable and prudent practices relative to terrain, prevailing conditions, equipment, personal capabilities, personal safety, and the safety of all other park visitors.

(c) Yield the right of way to pedestrians.

(d) Dismount and walk in congested areas and posted walk zones.

(e) Slow down, make presence known well in advance, and use courtesy and caution when approaching or overtaking other persons.

(f) Display adequate lighting during hours of darkness.

(g) Use caution when approaching turns or areas of limited sight distance.

(h) Not disturb or harass wildlife.

(i) When on public roads within a state park area, operate in compliance with any additional requirements of RCW 46.61.750, Effect of regulations—Penalty.

(4) The director or designee may designate trails for preferential use by cyclists and may specifically authorize use of any facilities for special cycling recreation events, excluding roads or trails specified in subsection (2) of this section.

(5) Except as provided in WAC 352-32-310, any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 91-07-014, filed 3/12/91, effective 4/12/91)

WAC 352-32-200 Penalties. (1) In addition to the penalty provided in RCW 43.51.180, or any other existing or future law of the state of Washington, failure to comply with any section of this chapter, or of any other chapter of this title, or any other rule or regulation of the commission, or with any other federal, state, or local law, rule, or regulation applicable under the circumstances, shall subject the person so failing to comply to ejection from any state park area.

(2) All drug or alcohol related misconduct for which a citation is issued shall additionally subject the individual to expulsion from all lands administered by the commission for the following periods:

(a) One incident shall result in a twenty-four-hour expulsion.

(b) Two incidents shall result in a thirty-day expulsion.

(c) Three incidents shall result in a one-year expulsion.

(3) It shall be a civil infraction, under chapter 7.84 RCW, to fail to abide by a prominently posted restriction on the public use of park property.

AMENDATORY SECTION (Amending Order 83, filed 10/2/84)

WAC 352-32-290 Wood debris collection permit—Fee. (1) As used in this section "wood debris" means down and dead tree material (~~which~~) that may be removed without significantly adversely impacting the environment of the park at which it is located (~~significantly~~) and (~~which~~) that is surplus to the needs of such park.

(2) A person may collect and remove wood debris from a state park area only when a park (~~manager or~~) ranger has issued the person a wood debris collection permit.

(3) A wood debris collection permit is valid only at the state park at which the permit is issued (~~and only during the calendar year when the permit is issued~~).

(4) Subject to availability, for each wood debris collection permit issued, a person may collect and remove from a state park area not more than five cords of wood debris. Wood debris may be collected only for personal firewood use and only from sites and during time periods designated by a park (~~manager or~~) ranger.

(5) The nonrefundable fee for a wood debris collection permit shall be (~~ten dollars, except for persons sixty five years of age or over who shall be exempt from the fee~~) established by the director consistent with limitations identified in RCW 4.24.210, 43.51.045 and 43.52.065.

(6) This section shall be implemented in compliance with chapter 352-28 WAC.

**WSR 95-22-066
PROPOSED RULES
PARKS AND RECREATION
COMMISSION**

[Filed October 30, 1995, 3:33 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-19-023.

Title of Rule: Fishing, governs fishing in state park areas.

Purpose: The proposal will clarify the authority of the commission to close certain state park areas to the harvest of fish, including shellfish. It will also allow the director to close state park areas in emergencies and enter into agreements with the Department of Fish and Wildlife.

Statutory Authority for Adoption: RCW 43.51.180(3).

Statute Being Implemented: RCW 43.51.180(3).

Summary: The proposal will provide for better management of fishing in state park areas by clarifying the authority of the state Parks and Recreation Commission, allow the director to make emergency harvest closures and enter into agreements with the Department of Fish and Wildlife.

Name of Agency Personnel Responsible for Drafting and Implementation: Brian Hovis, 7150 Cleanwater Lane, Olympia, WA 98504, (360) 902-8635; and Enforcement: Park managers state wide.

Name of Proponent: Washington State Parks and Recreation Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule will describe the general rules adopted by the state Parks and Recreation Commission to govern fishing in state park areas.

Proposal Changes the Following Existing Rules: The proposed rule will clarify the authority of the state Parks and Recreation Commission to close certain areas to the harvest of fish, including shellfish; allow the director to make emergency closures; recognize in name and authority the new Washington State Department of Fish and Wildlife (WDFW); and allow the director to enter into an agreement with the Washington State Department of Fish and Wildlife. The rule will provide for better management of aquatic resources managed by the state Parks and Recreation Commission and allow for emergency actions to protect public health and safety. It will allow the director to make emergency closures and enter into agreements with the Department of Fish and Wildlife.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Exempt under chapter 19.85 RCW.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This is not a significant legislative rule.

Hearing Location: United States Forest Service, Olympic National Forest Office, 1835 Black Lake Boulevard S.W., Olympia, WA 98512, on December 8, 1995, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Terri Scharber by December 1, 1995, TDD (360) 664-3134, or (360) 902-8640.

Submit Written Comments to: Brian Hovis, P.O. Box 42668, Olympia, WA 98504-2668, FAX (360) 664-0278, by November 30, 1995.

Date of Intended Adoption: December 8, 1995.

October 30, 1995
Sharon Howdeshell
Office Manager

AMENDATORY SECTION (Amending Order 19, filed 2/1/74)

WAC 352-32-150 Fishing. ~~(((1) All laws, rules, and regulations of the state game commission relating to season, limits, and methods of fishing are applicable to fishing for game fish in state park areas. No person may fish for, or possess any fish taken from any dam, dike, bridge, dock, boat landing, or beach, which is conspicuously posted with a sign prohibiting fishing.~~

~~(2) All laws, rules, and regulations of the state department of fisheries relating to season, limits, and methods of taking are applicable to the taking of shellfish or food fish in state park areas, except that, in addition to such laws, the Washington state parks and recreation commission may, upon its finding and for good cause, close certain state park beaches for specified periods of time, to the taking of shellfish. Such closed areas shall be posted with appropriate signs.~~

~~(3) No person shall remove or cause to be removed any sea life from any state park beaches except for edible varieties as defined by the department of fisheries.)) (1) For the purposes of this section, the following definition applies: Fish are defined as all marine and freshwater fish and shellfish species including all species of aquatic invertebrates.~~

(2) Except for those state park areas in which harvest has been prohibited pursuant to subsection (3), (4), or (5) of this section, all state park areas are open for the harvest of fish, subject to all laws, rules, and regulations of the state department of fish and wildlife relating to seasons, limits, and methods of harvest. The director may develop or amend a memorandum of agreement with the state department of fish and wildlife to guide management of state park fishing areas.

(3) No person shall remove or cause to be removed any fish from any state park area except for food fish as defined by WAC 220-12-010, shellfish as defined by WAC 220-12-020, and game fish as defined by RCW 77.08.020 and WAC 232-12-019.

(4) The commission may, after consultation with the state department of fish and wildlife and local tribes, close state park areas to the harvest of some or all species of fish. Such state park areas shall be conspicuously posted as closed to harvest.

(5) The director may temporarily close any state park area to the harvest of some or all species of fish. Any such closure may be for only so long as is necessary to bring the issue before the commission at its next scheduled regular meeting. Such state park areas shall be conspicuously posted as closed to harvest.

(a) Prior to closing any park area pursuant to this subsection, the director or the director's designee shall hold a public hearing in the general vicinity of the park area to be closed. Prior notice of the public hearing shall be published in a newspaper of general circulation in the vicinity.

(b) In the event the director determines that an immediate harvest closure is necessary to protect against an imminent and substantial threat to the health, safety, and welfare of the public, park visitors or staff or commission property, the director may take emergency action to close a park to the harvest of fish without first complying with the publication

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and hearing requirements of this subsection. Such emergency closures may be effective for only so long as is necessary for the director to comply with the publication and hearing requirements of this subsection.

(6) A list of the state park areas closed pursuant to subsection (4) or (5) of this section shall be maintained by the director or the director's designee and be available to the public upon request.

(7) No person shall harvest or possess any fish from within a state park area posted as closed to harvest pursuant to subsection (4) or (5) of this section, except as necessary for scientific research authorized in writing by state parks.

WSR 95-22-069
PROPOSED RULES
DEPARTMENT OF ECOLOGY

[Order 94-37—Filed October 30, 1995, 4:32 p.m.]

Continuance of WSR 95-15-078.

Title of Rule: Chapter 173-340 WAC, Model Toxics Control Act regulation.

Purpose: To change adoption date to December 6, 1995.

Date of Intended Adoption: December 6, 1995.

October 30, 1995
 Mary Riveland
 Director

WSR 95-22-073
PROPOSED RULES
STATE BOARD FOR COMMUNITY
AND TECHNICAL COLLEGES

[Filed October 31, 1995, 11:15 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-19-062.

Title of Rule: Tuition charges for certain ungraded courses.

Purpose: Revises tuition and fees related to apprenticeship courses taken at the state's community and technical colleges.

Statutory Authority for Adoption: Chapters 28B.15 and 25B.50 RCW.

Statute Being Implemented: Amends WAC 131-28-026.

Summary: See Explanation of Rule below.

Reasons Supporting Proposal: Reflects understanding among the apprenticeship training community. Can be considered a negotiated rulemaking.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Scott Morgan, State Board for Community and Technical Colleges, 319 7th Avenue, Olympia, WA 98504, (360) 753-0880.

Name of Proponent: State Board for Community and Technical Colleges, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: In June 1995 the state board amended its rules on ungraded course waivers. The results: (1) ABE, ESL, and

GED preparation courses are to be offered by community colleges at no charge; (2) the waiver rates for apprenticeship training and parent education cooperatives are set at specific percentages of the tuition and fees paid by regular students; and (3) the waivers for the remaining ungraded courses designated by the state board are to be determined by local college board of trustees. The rate of waiver for apprenticeship and parent education are established in the WAC rules as a percentage of regular tuition and fees; the amount of the fee paid will change as the base tuition and fee rate changes. The apprenticeship waiver was set at 60%, meaning that the apprentice students pay 40% of what regular students pay. The resulting apprenticeship rate for 1995-96 is \$18/credit hour. Colleges were given the option of charging on a clock hour basis at \$1.20/clock hour. This apprenticeship rate exceeded a general understanding among the apprenticeship training community that the rate change would result in a \$1.00/clock hour. Given that understanding, a two-thirds waiver was recommended effective immediately and emergency rules were adopted by the board in September of 1995 filed under WSR 95-19-063 (in order to take effect for the 1995-96 school year). The other change that was recommended regarded restoration of the ungraded course designation for journeyman training in cooperation with joint apprenticeship and training committees. This was inadvertently omitted in the previous revision.

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

No small business economic impact statement has been prepared under chapter 19.85 RCW. Minimal economic impact, if any.

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

Hearing Location: Clover Park Technical College, 4500 Steilacoom Boulevard S.W., Tacoma, WA, on December 7, 1995, at 10 a.m.

Assistance for Persons with Disabilities: Contact Claire Krueger, State Board for Community and Technical Colleges, by December 1, 1995, TDD (360) 753-3680, or (360) 586-6440 (FAX).

Submit Written Comments to: Claire Krueger, Administrative Rules Coordinator, State Board for Community and Technical Colleges, P.O. Box 42495, Olympia, WA 98504-2495, FAX (360) 586-6440, by December 1, 1995.

Date of Intended Adoption: December 7, 1995.

October 31, 1995
 Claire C. Krueger
 Executive Assistant and
 Administrative Rules Coordinator

AMENDATORY SECTION (Amending WSR 95-13-070, filed 6/20/95, effective 7/21/95)

WAC 131-28-026 Tuition charges for certain ungraded courses. (1) The state board shall designate ungraded courses. These courses may be offered at tuition rates that differ from the standard rates set by WAC 131-28-025.

(2) Ungraded courses shall meet the following qualifications:

(a) The primary intent of offering the course is other than providing academic credit applicable to an associate or higher degree.

(b) The course has a specialized purpose in that it is intended to meet the unique educational needs of a specific category or group of students.

(c) The course is offered for the purpose of providing the individual student with a discrete skill or basic body of knowledge other than that intended to lead to initial employment.

(d) The course cannot be administered as a contract course pursuant to WAC 131-28-027, 131-32-010, or 131-32-020.

(e) The course is not offered primarily as an integral part of any lower-division curriculum or program.

(f) The course is not one specifically or primarily intended to satisfy requirements for receiving a high school diploma.

(3) Colleges may establish the amount of waiver for the following ungraded courses:

(a) Farm management and small business management;

(b) Emergency medical technician and paramedic continuing education;

(c) Retirement;

(d) Industrial first aid offered to satisfy WISHA and approved by the department of labor and industries;

(e) Journeyperson training in cooperation with joint apprenticeship and training committees.

(4) The waiver amounts for the following ungraded courses shall conform with the following schedule:

(a) Adult Basic Education, English as a Second Language, GED preparation: No charge.

(b) Parent education involving a cooperative preschool program: Eighty-five percent reduction from the standard per credit tuition and services activities fee charge. Parent education students taking eleven to eighteen credits shall not be charged for those credits.

(c) Courses offered for the purpose of satisfying related or supplemental educational requirements for apprentices indentured with the Washington state apprenticeship council or federal Bureau of Apprenticeship and Training: ~~((Fifty))~~ Sixty percent reduction from the standard per credit tuition and services and activities fee charge. The college may convert the credit hour charge to a rounded amount per clock hour: *Provided*, That until June 1, 1997, the waiver shall be ~~((sixty percent))~~ two-thirds.

(5) Students taking both regular and ungraded courses will be charged separately for the courses.

(6) Application of this section shall be subject to administrative procedures established by the state director with respect to maximum credit values of such ungraded courses, curriculum, or any unique circumstances related to enrollment in such courses.

(7) Ungraded course fees received pursuant to this section shall be accounted for and deposited in local community college operating fee accounts established in RCW 28B.15.031.

(8) Ungraded course fees may be paid by the sponsoring entity rather than an individual student.

WSR 95-22-075
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed October 31, 1995, 1:10 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-21-010.

Title of Rule: WAC 388-218-1830 Treatment of income—Suspension of a grant.

Purpose: The rule provides for the suspension instead of termination of an AFDC grant payment when income exceeds the payment standard for one month only.

Statutory Authority for Adoption: 45 CFR 233.23 (c) and (d).

Statute Being Implemented: 45 CFR 233.23 (c) and (d).

Summary: Amendment will clarify language to state that the process of suspension does not affect the budgeting process unless a significant change occurs during the suspense month. If no change occurs, then income will continue to be retrospectively budgeted.

Reasons Supporting Proposal: To clarify current language and insure appropriate income budgeting.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Rena Milare, Division of Income Assistance, Office of Assistance Programs, (360) 438-8311.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose and Summary above. The rule affects only recipients of AFDC who transfer real or personal property. This rule has no environmental or fiscal consequence. This rule revises existing language to clarify the intent of the rule and better comply with statute. There are no alternative forms of this regulation and a change to other rules would not achieve the proposed objective. The consequence of not amending the current rule is possible misapplication of the rule causing inaccurate AFDC eligibility determinations. This rule affects only recipients of the aid for dependent children (AFDC) program. This is a reasonable and cost-effective manner to comply with regulatory intent. Amendment of the existing rule will result in accurate AFDC eligibility determinations. Amendment ensures compliance with regulatory statute and clarifies agency procedures. The rule does not discriminate as specified in 45 CFR 35.130

Proposal does not change existing rules. Only clarifies existing language.

No small business economic impact statement has been prepared under chapter 19.85 RCW. See Explanation of Rule above. Rule affects only AFDC recipients with earned income.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Department of Social and Health Services is not identified in section 201.

Hearing Location: OB-2 Auditorium, 1115 Washington Street South, Olympia, WA 98504, on December 5, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Jeanette Sevedge-App, Acting Chief, by November 21, 1995, TDD (360) 753-4542, or SCAN 234-4542.

Submit Written Comments to: Jeanette Sevedge-App, Acting Chief, Vendor Services, P.O. Box 45811, Olympia, WA 98504, Identify WAC Numbers, FAX (360) 586-8487, by November 28, 1995.

Date of Intended Adoption: December 6, 1995.

October 31, 1995
 Sydney Doré
 for Jeanette Sevedge-App
 Acting Chief
 Office of Vendor Services

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-218-1830 Treatment of income—Suspension of a grant. (1) See chapter 388-245 WAC for effective dates of ineligibility.

(2) The department shall suspend rather than terminate if:

(a) The department has knowledge of or reason to believe ineligibility would be only for one payment month; and

(b) Ineligibility for that one payment month was caused by income or other circumstances in the corresponding budget month.

(3) The department shall (~~treat a person acquiring income during suspended status as a recipient in terms of eligibility, not as an applicant~~) continue the budgeting process regardless of suspension unless a significant change (i.e., loss of employment) occurs in the suspense month. See WAC 388-218-1910, Retrospective budgeting.

**WSR 95-22-077
 PROPOSED RULES
 PARKS AND RECREATION
 COMMISSION**

[Filed October 31, 1995, 2:35 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-16-110.

Title of Rule: Chapter 352-11 WAC, SEPA procedures.

Purpose: The Washington legislature has changed portions of chapter 43.21C RCW which required Department of Ecology to adopt/alter/repeal various sections of chapter 197-11 WAC. This, in turn requires Washington state parks to revise agency procedures implementing SEPA (agency rules chapter 352-11 WAC).

Statutory Authority for Adoption: RCW 43.21C.120.

Statute Being Implemented: Chapter 43.21C RCW and chapter 197-11 WAC.

Summary: Update state parks adoption by references of WAC and update chapter 352-11 WAC to reflect 1995 legislative mandated reforms.

Reasons Supporting Proposal: Required by RCW and WAC.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: David Heiser, Olympia, (360) 902-8636.

Name of Proponent: Washington State Parks and Recreation Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The updating of adoption by reference of chapter 197-11 WAC revises and adds WAC 197-11-210 through 197-11-268 and also refines chapter 352-11 WAC to reflect current requirements of chapter 43.21C RCW and chapter 197-11 WAC as revised by Department of Ecology March 31, 1995. Those changes will simply bring state parks rules into compliance with current statutes and rules.

Proposal Changes the Following Existing Rules: Incorporates SEPA/GMA integration per 1995 legislative direction. Requires consideration of local government GMA designation and critical areas ordinances by state parks. Changes are designed to allow full compliance with 1995 RCW and WAC changes by legislature and ecology.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Exempt under chapter 19.85 RCW.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This is not a significant legislative rule.

Hearing Location: United States Forest Service, Olympic National Forest Office, 1835 Black Lake Boulevard S.W., Olympia, WA 98512, on December 8, 1995, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Terri Scharber by December 1, 1995, TDD (360) 664-3134, or (360) 902-8640.

Submit Written Comments to: Dave Heiser, P.O. Box 42650, Olympia, WA 98504, FAX (360) 664-0278, by November 22, 1995.

Date of Intended Adoption: December 8, 1995.

October 31, 1995
 Sharon Howdeshell
 Office Manager

AMENDATORY SECTION (Amending Order 84, filed 10/3/84)

WAC 352-11-020 Adoption by reference. The Washington state parks and recreation commission adopts the following sections or subsections of chapter 197-11 WAC by reference.

WAC

- 197-11-040 Definitions.
- 197-11-050 Lead agency.
- 197-11-060 Content of environmental review.
- 197-11-070 Limitations on actions during SEPA process.
- 197-11-080 Incomplete or unavailable information.
- 197-11-090 Supporting documents.
- 197-11-100 Information required of applicants.
- 197-11-210 SEPA/GMA integration.
- 197-11-220 SEPA/GMA definitions.
- 197-11-228 Overall SEPA/GMA integration procedures.
- 197-11-230 Timing of an integrated GMA/SEPA process.

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- 197-11-232 SEPA/GMA integration procedures for preliminary planning, environmental analysis, and expanded scoping.
- 197-11-235 Documents.
- 197-11-250 SEPA/Model Toxics Control Act integration.
- 197-11-253 SEPA lead agency for MTCA actions.
- 197-11-256 Preliminary evaluation.
- 197-11-259 Determination of nonsignificance for MTCA remedial action.
- 197-11-262 Determination of significance and EIS for MTCA remedial actions.
- 197-11-265 Early scoping for MTCA remedial actions.
- 197-11-268 MTCA interim actions.
- 197-11-300 Purpose of this part.
- 197-11-305 Categorical exemptions.
- 197-11-310 Threshold determination required.
- 197-11-315 Environmental checklist.
- 197-11-330 Threshold determination process.
- 197-11-335 Additional information.
- 197-11-340 Determination of nonsignificance (DNS).
- 197-11-350 Mitigated DNS.
- 197-11-360 Determination of significance (DS)/initiation of scoping.
- 197-11-390 Effect of threshold determination.
- 197-11-400 Purpose of EIS.
- 197-11-402 General requirements.
- 197-11-405 EIS types.
- 197-11-406 EIS timing.
- 197-11-408 Scoping.
- 197-11-410 Expanded scoping. (Optional)
- 197-11-420 EIS preparation.
- 197-11-425 Style and size.
- 197-11-430 Format.
- 197-11-435 Cover letter or memo.
- 197-11-440 EIS contents.
- 197-11-442 Contents of EIS on nonproject proposals.
- 197-11-443 EIS contents when prior nonproject EIS.
- 197-11-444 Elements of the environment.
- 197-11-448 Relationship of EIS to other considerations.
- 197-11-450 Cost-benefit analysis.
- 197-11-455 Issuance of DEIS.
- 197-11-460 Issuance of FEIS.
- 197-11-500 Purpose of this part.
- 197-11-502 Inviting comment.
- 197-11-504 Availability and cost of environmental documents.
- 197-11-508 SEPA register.
- 197-11-535 Public hearings and meetings.
- 197-11-545 Effect of no comment.
- 197-11-550 Specificity of comments.
- 197-11-560 FEIS response to comments.
- 197-11-570 Consulted agency costs to assist lead agency.
- 197-11-600 When to use existing environmental documents.
- 197-11-610 Use of NEPA documents.
- 197-11-620 Supplemental environmental impact statement—Procedures.
- 197-11-625 Addenda—Procedures.
- 197-11-630 Adoption—Procedures.
- 197-11-635 Incorporation by reference—Procedures.
- 197-11-640 Combining documents.
- 197-11-650 Purpose of this part.
- 197-11-655 Implementation.
- 197-11-660 Substantive authority and mitigation.
- 197-11-680 Appeals.
- 197-11-700 Definitions.
- 197-11-702 Act.
- 197-11-704 Action.
- 197-11-706 Addendum.
- 197-11-708 Adoption.
- 197-11-710 Affected tribe.
- 197-11-712 Affecting.
- 197-11-714 Agency.
- 197-11-716 Applicant.
- 197-11-718 Built environment.
- 197-11-720 Categorical exemption.
- 197-11-722 Consolidated appeal.
- 197-11-724 Consulted agency.
- 197-11-726 Cost-benefit analysis.
- 197-11-728 County/city.
- 197-11-730 Decision maker.
- 197-11-732 Department.
- 197-11-734 Determination of nonsignificance (DNS).
- 197-11-736 Determination of significance (DS).
- 197-11-738 EIS.
- 197-11-740 Environment.
- 197-11-742 Environmental checklist.
- 197-11-744 Environmental document.
- 197-11-746 Environmental review.
- ~~(197-11-748 Environmentally sensitive area.)~~
- 197-11-750 Expanded scoping.
- 197-11-752 Impacts.
- 197-11-754 Incorporation by reference.
- 197-11-756 Lands covered by water.
- 197-11-758 Lead agency.
- 197-11-760 License.
- 197-11-762 Local agency.
- 197-11-764 Major action.
- 197-11-766 Mitigated DNS.
- 197-11-768 Mitigation.
- 197-11-770 Natural environment.
- 197-11-772 NEPA.
- 197-11-774 Nonproject.
- 197-11-776 Phased review.
- 197-11-778 Preparation.
- 197-11-780 Private project.
- 197-11-782 Probable.
- 197-11-784 Proposal.
- 197-11-786 Reasonable alternative.
- 197-11-788 Responsible official.
- 197-11-790 SEPA.
- 197-11-792 Scope.
- 197-11-793 Scoping.
- 197-11-794 Significant.
- 197-11-796 State agency.
- 197-11-797 Threshold determination.
- 197-11-799 Underlying governmental action.
- 197-11-800 Categorical exemptions.
- 197-11-810 Exemptions and nonexemptions applicable to specific state agencies.
- 197-11-880 Emergencies.
- 197-11-890 Petitioning DOE to change exemptions.
- 197-11-900 Purpose of this part.
- 197-11-902 Agency SEPA policies.

- 197-11-904 Agency SEPA procedures.
 197-11-906 Content and consistency of agency procedures.
 197-11-908 ((Environmentally sensitive)) Critical areas.
 197-11-912 Procedures on consulted agencies.
 197-11-914 SEPA fees and costs.
 197-11-916 Application to ongoing actions.
 197-11-920 Agencies with environmental expertise.
 197-11-922 Lead agency rules.
 197-11-924 Determining the lead agency.
 197-11-926 Lead agency for governmental proposals.
 197-11-928 Lead agency for public and private proposals.
 197-11-930 Lead agency for private projects with one agency with jurisdiction.
 197-11-932 Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city.
 197-11-934 Lead agency for private projects requiring licenses from a local agency, not a county/city, and one or more state agencies.
 197-11-936 Lead agency for private projects requiring licenses from more than one state agency.
 197-11-938 Lead agencies for specific proposals.
 197-11-940 Transfer of lead agency status to a state agency.
 197-11-942 Agreements on lead agency status.
 197-11-944 Agreements on division of lead agency duties.
 197-11-946 DOE resolution of lead agency disputes.
 197-11-948 Assumption of lead agency status.
 197-11-960 Environmental checklist.
 197-11-965 Adoption notice.
 197-11-970 Determination of nonsignificance (DNS).
 197-11-980 Determination of significance and scoping notice (DS).
 197-11-985 Notice of assumption of lead agency status.
 197-11-990 Notice of action.

AMENDATORY SECTION (Amending Order 84, filed 10/3/84)

WAC 352-11-040 Additional definitions. In addition to the definitions contained in WAC 197-11-700 through 197-11-799, the following terms shall have the listed meanings:

(1) "Agency" means the entire staff and appointed commission members constituting the Washington state parks and recreation commission.

(2) "Authorized public use" means that a particular parcel of real property has developed facilities which have been subject to public use or has been specifically designated and classified for such public use without developed facilities. No "authorized public use" shall be construed to have occurred on parcels of real property being held for future use and development nor on portions of existing park lands remote from existing public use facilities, including developed trail systems.

(3) "Commission" means the Washington state parks and recreation commission.

(4) "Director" means the director of the Washington state parks and recreation commission.

(5) "Program" means any of the headquarters' sections or divisions of the Washington state parks and recreation commission that administers a program, such as, but not

limited to, boating safety, winter recreation, and youth programs.

(6) "Regions" means any of the ((five)) regional offices of the Washington state parks and recreation commission.

(7) "Section" means any section within the divisional structure of the Washington state parks and recreation commission.

AMENDATORY SECTION (Amending Order 84, filed 10/3/84)

WAC 352-11-055 Timing of the SEPA process. (1) Integrating SEPA and agency activities. The SEPA process shall be integrated with agency activities at the earliest possible time to ensure that planning and decisions reflect environmental values, to avoid delays later in the process, and to seek to resolve potential problems.

(2) Timing of review of proposals. The agency shall prepare its threshold determination and environmental impact statement (EIS), if required, at the earliest possible point in the planning and decision-making process, when the principal features of a proposal and its environmental impacts can be reasonably identified.

(a) A proposal exists when the agency is presented with an application or has a goal and is actively preparing to make a decision on one or more alternative means of accomplishing that goal and the environmental effects can be meaningfully evaluated.

(i) The fact that proposals may require future agency approvals or environmental review shall not preclude current consideration, as long as proposed future activities are specific enough to allow some evaluation of their probable environmental impacts.

(ii) Preliminary steps or decisions are sometimes needed before a proposal is sufficiently definite to allow meaningful environmental analysis.

(b) Environmental reviews will normally begin when sufficient information is available for agency staff to make preliminary decisions. The agency may also organize environmental review in phases, as specified in WAC 197-11-060(5).

(c) Appropriate consideration of environmental information shall be completed before the agency commits to a particular course of action under WAC 197-11-070.

(3) Applications and rule making. The timing of environmental review for applications and for rule making shall be as follows:

(a) At the latest, the agency shall begin environmental review, if required, when an application is complete. The agency may initiate review earlier and may have informal conferences with applicants. A final threshold determination or final environmental impact statement (FEIS) shall normally precede or accompany the final staff recommendation, if any, in a quasi-judicial proceeding on an application. The substance of an ex parte communication of parties with any member of the commission concerning the decision of action will be placed on the record and subject to public announcement and opportunity for rebuttal at public hearings as required by RCW 42.36.060.

(b) For rule making, the DNS or DEIS shall normally accompany the proposed rule. A FEIS, if any, shall be

issued at least seven days before adoption of a final rule under WAC 197-11-460(4).

(4) Additional timing considerations.

(a) Commission staff receiving a completed application and environmental checklist shall forward such application and checklist to the responsible official who will determine whether the commission or another agency is the SEPA lead agency under WAC 197-11-050 and 197-11-922 through 197-11-940 within five working days. If the commission is not the lead agency, the responsible official shall send the completed environmental checklist and a copy of the application, together with an explanation of the determination to the identified lead agency.

(b) Commission staff receiving an application will forward it to the responsible official who will determine whether the proposal is an "action" and, if so, whether it is "categorically exempt" from SEPA. If the proposal is an "action" and is not exempt, the responsible official will ask the applicant to complete an environmental checklist. A checklist is not needed if the responsible official and applicant agree that an EIS is required, SEPA compliance has been completed, SEPA compliance has been initiated by another agency, or a checklist is included with the application.

(c) If the only nonexempt action is commission approval of detailed project plans and specifications, an applicant may request that the commission complete SEPA compliance before the applicant submits the detailed plans and specifications.

(d) The commission staff and applicants may hold preliminary discussions or exploration of ideas and options prior to commencing formal environmental review, under provisions of this chapter and chapter 197-11 WAC, subject to RCW 42.36.060.

(5) An overall decision to proceed with a course of action may involve a series of actions or decisions by one or more agencies. If several agencies have jurisdiction over a proposal, they shall coordinate their SEPA processes wherever possible. The agencies shall comply with lead agency determination requirements in WAC 197-11-050 and 197-11-922 through 197-11-948.

(6) To meet the requirement to insure that environmental values and amenities are given appropriate consideration along with economic and technical considerations, environmental documents and analysis shall be circulated and reviewed with other planning documents to the fullest extent possible.

(7) For its own public proposals, the responsible official may extend the time limits prescribed in this chapter.

(8) When the commission staff has prepared a commission agenda item for approval by the commission, the FEIS, DNS, or exemption statement shall accompany the agenda item to the commission for its review.

AMENDATORY SECTION (Amending Order 84, filed 10/3/84)

WAC 352-11-665 Policies and procedures for conditioning or denying permits or other approvals.

(1)(a) The overriding policy of the Washington state parks and recreation commission is to avoid or mitigate adverse

environmental impacts which may result from the agency's decisions.

(b) The commission shall use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs, and resources to the end that the state and its citizens may:

(i) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(ii) Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings;

(iii) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(iv) Preserve important historic, cultural, and natural aspects of our national heritage;

(v) Maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(vi) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(vii) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(c) The agency recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

(d) The agency shall ensure that presently unquantified environmental amenities and values will be given appropriate consideration in decision making along with economic and technical considerations.

(2) Policies - specific. The commission is responsible for the following approvals, permits, or rulemaking and for the acquisition of land suitable for parks, for repair, maintenance and new construction of park facilities which have potential to impact the environment and which are subject to the provisions of this chapter:

(a) Authority to acquire and develop parks and parkways (chapter 43.51 RCW);

(b) Grant concessions or leases in state parks and parkways (RCW 43.51.040(5));

~~((b))~~ (c) Grant franchises and easements for any legitimate purpose on parks and parkways (RCW 43.51.060(5));

~~((e))~~ (d) Enter into agreements whereby individuals or companies may rent undeveloped parks or parkway land for grazing, agricultural, or mineral development (RCW 43.51.060(7));

~~((d))~~ (e) Lease park land for television stations (RCW 43.51.062 and 43.51.063);

~~((e))~~ (f) Grant permits for improvement of parks (RCW 43.51.130 through 43.51.160);

~~((f))~~ (g) Administer the seashore conservation area including:

(i) Establish reasonable regulations for the use and control of vehicular traffic on or along the ocean beach highways (RCW 43.51.680, 79.94.340 and 79.94.360);

(ii) Sale of sand from accretions to supply the needs of cranberry growers (RCW 43.51.685); and or

(iii) ~~((Grant mining leases for the removal of "black sands" (minerals) (RCW 43.51.685); and or~~

(iv)) Grant leases and permits for the removal of sands for construction purposes (RCW 43.51.685).

~~((g))~~ (h) Stewardship, management and development of resources, including land acquisition in accordance with the State Wildlife and Recreation Lands Management Act (chapter 43.98B RCW);

(i) Administration, acquisition, development, operation and maintenance of snowmobile facilities (RCW 46.10.080);

(j) Acquisition, development and maintenance of scenic and recreational highways, and rest areas, including landscaping and signing (chapter 47.39 RCW);

(k) Review and approval or disapproval of plans for acquisition and operation of parks and recreation facilities by any port district (RCW 53.08.270);

(l) Acquisition, development, operation and maintenance of recreational trails (chapter 67.32 RCW);

(m) Development of a state-wide scenic rivers program plan, including proposals for acquisition and development of public access sites and facilities (chapter 79.72 RCW);

(n) Grant approvals for the construction, operation and maintenance of winter recreational devices, including but not limited to ski lifts, ski tows, j-bars, t-bars, ski mobiles, chair lifts and similar devices and equipment (RCW 70.88.010 through 70.88.040).

~~((h))~~ (o) Any other approval authority which may be granted to the commission in the future.

(3)(a) SEPA procedures. When the environmental document for a proposal for approval by the agency shows it will cause significant adverse impacts that the proponent does not plan to mitigate, the responsible official shall consider whether:

(i) The environmental document identified mitigation measures that are reasonable and capable of being accomplished;

(ii) Other local, state, or federal requirements and enforcement would mitigate the significant adverse environmental impacts; and

(iii) Reasonable mitigation measures are sufficient to mitigate the significant adverse impacts.

(b) The responsible official may:

(i) Condition the approval for a proposal if mitigation measures are reasonable and capable of being accomplished and the proposal is inconsistent with the policies in subsection (1) of this section.

(ii) Deny the permit or approval for a proposal if reasonable mitigation measures are insufficient to mitigate significant adverse environmental impacts and the proposal is inconsistent with the policies in subsection (1) of this section.

(c) The procedures in WAC 197-11-660 must also be followed when conditioning or denying permits or other approvals.

AMENDATORY SECTION (Amending Order 84, filed 10/3/84)

WAC 352-11-905 Responsibilities of individuals and work units within the agency. (1) The environmental ~~((coordination))~~ programs section of the agency shall be responsible for the following:

(a) Coordinating agency activities to comply with SEPA, encouraging consistency in SEPA compliance among all regions, sections, and programs.

(b) Providing information and guidance on SEPA and the SEPA rules to commission, staff, agencies, groups, and citizens.

(c) Receiving all SEPA documents sent to the commission for review and comment, distributing documents and coordinating review with appropriate regions, programs and sections, preparing the agency's response, ensuring a timely response, and requesting extensions to the comment period of an EIS, when needed.

(d) Maintaining the agency's files for EISs, DNSs, scoping notices, and notices of action prepared for commission approvals and other agency actions and which are sent to the department of ecology under SEPA and the SEPA rules.

(e) Maintaining files for the city/county SEPA procedures designating ~~((environmentally sensitive))~~ critical areas and flexible thresholds and making the information available to agency staff.

(f) Writing and/or coordinating EIS preparation, including scoping and the scoping notice, making sure to work with appropriate regions, programs, and sections.

(g) Preparing the agency's SEPA rules and amendments to the SEPA rules as necessary.

(h) Fulfilling the agency's other general responsibilities under SEPA and the SEPA rules.

(i) Determining whether a decision on a permit or other approval, program, policy, plan, or regulation is an "action" under SEPA and, if so, whether it is exempt from SEPA's requirements.

(j) Determining whether the commission or another agency is SEPA lead agency.

(k) Making the threshold determination. This shall be made by the responsible official under WAC 352-11-910.

(1) Issuing a determination of nonsignificance, if appropriate (issued by responsible official) and ensuring compliance with the public notice requirements of WAC 352-11-510;

(2) Other staff of the commission in regions, programs, and sections shall be responsible for the following:

(a) Reviewing SEPA documents and submitting comments to the environmental ~~((coordination))~~ programs section in a timely fashion, recognizing that SEPA and the SEPA rules impose strict time limits on commenting.

(b) Working with the environmental ~~((coordination))~~ programs section on preparation of EISs, DNSs, and environmental checklists.

(c) Ensuring that permit decisions are consistent with the final EIS and DNS.

AMENDATORY SECTION (Amending Order 84, filed 10/3/84)

WAC 352-11-908 ~~((Environmentally sensitive))~~ Critical areas. (1) The agency's responsible official shall obtain maps of all designated "~~((environmentally sensitive))~~ critical areas" on existing state park lands which have been prepared by counties/cities under WAC 197-11-908.

(2) In determining whether a proposal is exempt from SEPA, the agency shall respect "~~((environmentally sensitive))~~

critical area" designations made by counties/cities under WAC 197-11-908.

AMENDATORY SECTION (Amending Order 84, filed 10/3/84)

WAC 352-11-910 Designation of responsible official.

(1) The ultimate responsible official is the commission. Normally, the operational responsibility shall be delegated via the director to the ~~((chief))~~ (manager), environmental ~~((coordination))~~ programs. The manager, environmental programs may delegate this authority to the assistant manager, environmental programs and to the regional environmental specialists.

(2) Depending upon the size and scope of the proposed action, consideration may be given to establishing the responsible official at the level of assistant director, resources development, Washington state parks and recreation commission, or at the level of director.

**WSR 95-22-078
PROPOSED RULES
DEPARTMENT OF
NATURAL RESOURCES**

[Order 632—Filed October 31, 1995, 3:34 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-18-088.

Title of Rule: Forest protection zones—Pierce County. Identifies lands outside forest protection zone.

Purpose: Removes land from DNR fire protection, assigns responsibility for protection to Pierce County Fire Protection District #27, and removes forest protection assessment from lands transferred to fire district protection.

Statutory Authority for Adoption: RCW 76.04.165.

Reasons Supporting Proposal: The fire district agrees to protect forest lands in the area identified. This will result in more efficient fire protection for the residents in the area.

Name of Agency Personnel Responsible for Drafting: Mark Gray, Olympia, (360) 902-1300; Implementation and Enforcement: Region Manager, Enumclaw, (206) 931-3990.

Name of Proponent: Department of Natural Resources, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule transfers fire protection responsibilities on unimproved land on Anderson Island to Pierce County Fire Protection District #27. The rule's purpose and anticipated effect is to clarify the Department of Natural Resources' geographic area of fire protection responsibility, as directed in RCW 76.04.165.

Proposal Changes the Following Existing Rules: The proposal amends WAC 332-24-720 to exclude forest lands on Anderson Island from Department of Natural Resources' fire protection and assigns fire protection responsibility to Pierce County Fire Protection District #27.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not

impose more than minor costs on twenty percent of all industries, or more than ten percent of any one industry.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The rule relates only to internal governmental operations that are not subject to violation by a nongovernment entity. The content of the rule is explicitly and specifically dictated by statute.

Hearing Location: Anderson Island Community Center, 11411 Yoman Road, Anderson Island, WA, on December 8, 1995, at 7:00 p.m.

Assistance for Persons with Disabilities: Contact Mark Gray by December 7, 1995, (360) 902-1300.

Submit Written Comments to: FAX (360) 902-1757, by December 8, 1995.

Date of Intended Adoption: January 2, 1996.

October 29, 1995

Kaleen Cottingham

Department Supervisor

AMENDATORY SECTION (Amending Order 609, filed 3/4/93, effective 4/4/93)

WAC 332-24-720 Forest protection zone—Pierce County. (1) It is determined that some forest lands within Pierce County are best protected by fire protection districts. Therefore, the forest lands, situated in the following fire protection districts, are removed from the department's forest protection zone and become the protection responsibility of the district:

(a) Fire Protection District 21. All forest lands, except state and federal forest lands within the legal description as follows: Township 17 North, Range 3 East, W.M., Sections 1, 2, 11, 12; Township 17 North, Range 4 East, W.M., Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15; Township 17 North, Range 5 East, W.M., Sections 4, 5, 6, 7; Township 18 North, Range 3 East, W.M., Sections 13, 14, 23, 24, 25, 26, 27, 34, 35, 36; Township 18 North, Range 4 East, W.M., Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36; Township 18 North, Range 5, East W.M., Sections 18, 19, 20, 29, 30, 31, 32, 33; Township 19 North, Range 4 East, W.M., Sections 28, 29, 30, 31, 32, 33, 34.

(b) Fire Protection District 27. All forest lands, except state and federal forest lands on Anderson Island.

(2) Forest lands removed from the forest protection zone will not be assessed under RCW 76.04.610 or 76.04.630.

(3) The exchange of fire protection responsibility involving Fire Protection District 21 will be effective January 1, 1994.

(4) The exchange of fire protection responsibility involving Fire Protection District 27 will be effective January 1, 1997.

WSR 95-22-080
PROPOSED RULES
DEPARTMENT OF
RETIREMENT SYSTEMS
 [Filed October 31, 1995, 4:37 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-18-012.

Title of Rule: Repeal of location pay rules.

Purpose: To repeal administrative rules which were rendered invalid by subsequent legislative amendment to RCW 41.40.010 by section 3, chapter 244, Laws of 1995.

Statutory Authority for Adoption: RCW 41.50.050.

Statute Being Implemented: RCW 41.40.010(8).

Summary: WAC 415-108-461 and 415-108-462 were adopted in response to 1994 amendments to RCW 41.40.010 including certain types of stand-by pay. The 1994 amendments were repealed in 1995. The WACs based on the 1994 amendments should also be repealed.

Reasons Supporting Proposal: Following the 1995 amendments, the prior WACs are now obsolete. They need to be repealed.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Paul Neal, 1025 East Union, Olympia, WA 98504-8380, (360) 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: Rule repeals location pay WACs that were superseded by statute.

Proposal Changes the Following Existing Rules: Repeals WAC 415-108-461 and 415-108-462.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rule only affects public employers and employees.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Department of Retirement Systems is not one of the agencies covered by section 201. Further, the department does not elect to be voluntarily covered by the provision.

Hearing Location: Boardroom, 2nd Floor, 1025 East Union Avenue, Olympia, WA 98504-8380, on December 7, 1995, at 4:00 p.m.

Assistance for Persons with Disabilities: Contact Paul Neal by December 5, 1995, TDD (360) 586-5450, or (360) 586-3368.

Submit Written Comments to: Paul Neal, P.O. Box 48380, Olympia, WA 98504-8380, FAX (360) 753-3166, by December 5, 1995.

Date of Intended Adoption: December 11, 1995.

October 31, 1995

Paul Neal

Rules Coordinator

WAC 415-108-461 Standby pay—Location restricted compensation.
 WAC 415-108-462 Location restricted compensation—Employer policy.

WSR 95-22-081
PROPOSED RULES
DEPARTMENT OF
RETIREMENT SYSTEMS
 [Filed October 31, 1995, 4:38 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-18-013.

Title of Rule: Survivor benefit options.

Purpose: To adopt new survivor benefit options that provide for (1) a joint and two-thirds survivor benefit; and (2) a pop-up of the benefit if the survivor beneficiary predeceases the retiree.

Statutory Authority for Adoption: RCW 2.10.146, 41.26.460, 41.32.530, 41.50.050, 41.32.785, 41.40.188, 41.40.660.

Statute Being Implemented: RCW 2.10.146, 41.26.460, 41.32.530, 41.32.785, 41.40.188, 41.40.660.

Summary: Adopts additional survivor benefit options. The rules also provide for a pop-up provision that increases a retiree's allowance to the standard benefit amount if the beneficiary predeceases the retiree.

Reasons Supporting Proposal: The Joint Committee on Pension Policy has identified these additional options as desirable.

Name of Agency Personnel Responsible for Drafting: Paul Neal, 1025 East Union, Olympia, WA 98504-8380, (360) 586-3368; **Implementation and Enforcement:** Janet Hazelton, 1025 East Union, Olympia, WA 98504-8380, (360) 753-1718.

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 implements new survivor options in order to give members more flexibility in planning their retirement. The department anticipates that this will allow members to achieve better coordination between their state retirement allowances and their other resources.

Proposal Changes the Following Existing Rules: The rule amends WAC 415-112-725, 415-112-727, 415-104-211, 415-104-215, 415-108-324, 415-108-326, 415-100-045, 415-100-051 and 415-100-055; and repeals WAC 415-112-720, 415-104-201, 415-104-205, 415-108-320, 415-108-322, and 415-100-041.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rules only affect public employees.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Department of Retirement Systems is not one of the agencies mandatorily covered by section 201. The department does not elect to voluntarily bring itself within the coverage of that provision.

REPEALER

The following sections of the Washington Administrative Code are repealed:

PROPOSED

Hearing Location: Boardroom, 2nd Floor, 1025 East Union Avenue, Olympia, WA 98504-8380, on December 7, 1995, at 4:00 p.m.

Assistance for Persons with Disabilities: Contact Paul Neal by December 5, 1995, TDD (360) 586-5450, or (360) 586-3368.

Submit Written Comments to: Paul Neal, P.O. Box 48380, Olympia, WA 98504-8380, FAX (360) 753-3166, by December 5, 1995.

Date of Intended Adoption: December 11, 1995.

October 31, 1995

Paul Neal

Rules Coordinator

AMENDATORY SECTION (Amending WSR 91-03-016, filed 1/7/91, effective 2/7/91)

WAC 415-112-725 Married member's benefit selection—Spousal consent required. ~~((The))~~ A member, if married, must provide the spouse's written consent ~~((of his or her spouse))~~ to the option selected under WAC 415-112-727. If a married member does not provide spousal consent, the department will pay the retired member a joint and fifty percent survivor benefit allowance and record the member's spouse as the ~~((beneficiary))~~ survivor, in compliance with RCW 41.32.530(2) and 41.32.785(2), ~~((as amended))~~. Spousal consent means that the married member's spouse consents to the retirement option selected by the member. The spouse's notarized signature on a completed retirement application constitutes spousal consent.

AMENDATORY SECTION (Amending WSR 91-03-016, filed 1/7/91, effective 2/7/91)

WAC 415-112-727 Retirement benefit options. ~~((Chapter 249, Laws of 1990 (SHB 2643), as it amends RCW 41.32.498, 41.32.530, 41.32.785 and 41.32.790, provides benefit options for retiring eligible members of either Plan I or Plan II. In addition, each Plan I option has a cost of living adjustment (COLA) option. The choice of option is to be made upon application for either service or disability retirement.~~

~~(1) Maximum benefit allowance. The retired member elects to receive the maximum benefit to which they are entitled, with no survivor or beneficiary allowance. Upon the retired member's death, any remaining balance in employee contributions is retained by the retirement system.~~

~~(2) Standard allowance. A retired member shall receive a monthly retirement allowance computed as provided in RCW 41.32.530 (Plan I) or 41.32.785 (Plan II) based solely on the single life of the member. Upon the retired member's death, all benefits cease. The remaining balance, if any, of the member's accumulated contributions shall be paid to the member's designated survivor, or to the member's surviving spouse, or to the member's legal representative, in accordance with RCW 41.32.530 and 41.32.785.~~

~~(3) Joint and one hundred percent allowance. A retired member shall receive a reduced monthly retirement allowance based on the joint life expectancy of the member and the designated survivor nominated by written designation duly executed and filed with the department at the time of retirement. Upon the retired member's death, the survivor~~

~~shall receive the same monthly reduced retirement allowance for the duration of the survivor's life.~~

~~(4) Joint and fifty percent allowance. A retired member shall receive a reduced monthly retirement allowance based on the joint life expectancy of the member and the designated survivor nominated by written designation duly executed and filed with the department at the time of retirement. Upon the retired member's death, the survivor shall receive one half of the member's monthly retirement allowance for the duration of the survivor's life.)~~ RCW 41.32.530 (Plan I) and RCW 41.32.785 (Plan II) enable the department to provide retiring members with four retirement benefit options. In addition, retiring Plan I members may select the COLA (cost-of-living adjustment) option. The retiring member must choose an option(s) when applying for service or disability retirement.

(1) Benefit options without survivor feature.

(a) Maximum benefit allowance. Plan I retirees may elect to receive the maximum benefit possible which is based on a single life annuity. The maximum benefit allowance does not include a survivor allowance or beneficiary payment. When the retiree dies, all benefits cease. Any remaining balance in employee contributions is retained by the retirement system.

(b) Option One (standard allowance). The department pays a monthly retirement allowance based on a reduced single life annuity of the member, as provided in RCW 41.32.480 (Plan I - Service), RCW 41.32.550 (Plan I - Disability), RCW 41.32.765 (Plan II - Service), or RCW 41.32.790 (Plan II - Disability). When the retiree dies, all benefits cease. Any remaining balance of the member's accumulated contributions will be paid to:

- (i) The retiree's designated beneficiary; or if none, to
- (ii) The retiree's surviving spouse; or if none, to
- (iii) The retiree's legal representative.

A member selecting Option One must designate a beneficiary at the time of retirement by filing a completed and notarized form provided by the department.

(2) Benefit options with a survivor feature. A retiring member is allowed to select from several retirement options which create an actuarially equivalent benefit that includes a survivor feature. The survivor feature entitles the survivor to receive a monthly allowance after the retiree dies. If the member chooses one of the survivor options, the monthly benefit the member will receive is actuarially reduced to offset the cost of the survivor feature. After the retiree dies, the department pays the survivor an allowance for the duration of his or her life. If the retiree and the survivor both die before the retiree's accumulated contributions are exhausted, the remaining balance is retained in the retirement fund.

(a) Option Two (joint and whole allowance). When the retiree dies, the department pays the survivor a retirement allowance equal to the gross monthly allowance received by the retiree.

(b) Option Three (joint and one-half allowance). When the retiree dies, the department pays the survivor an allowance equal to one-half of the retiree's gross monthly retirement allowance.

(c) Option Four (joint and two-thirds allowance).

(i) This subsection applies to members retiring on or after January 1, 1996.

(ii) When the retiree dies, the department pays the survivor an allowance equal to two-thirds (66.667%) of the retiree's gross monthly retirement benefit allowance.

(3) Supplemental COLA option for Plan I members. Retiring Plan I members may select an annual cost-of-living adjustment (COLA) option in addition to their choice of retirement benefit options listed above in subsections (1) and (2) of this section. Retiring members who choose this supplemental option will have their monthly retirement allowance actuarially reduced to offset the cost of annual adjustment.

(4) Benefit increases when survivor predeceases retiree (pop-up provision).

(a) This section applies to members retiring on or after January 1, 1996, who select Option Two, Three, or Four.

(b) Plan I members. If the survivor dies before the retiree, the retiree's monthly retirement allowance increases, effective the first day of the following month, to:

(i) The amount that would have been received had the retiree chosen the maximum benefit, minus;

(ii) Any reduction in the maximum allowance resulting from a withdrawal of contributions, plus;

(iii) Any cost-of-living adjustments the retiree received prior to the survivor's death based on the original option selection.

(c) Plan II members. If the survivor dies before the retiree, the retiree's monthly retirement allowance increases, effective the first day of the following month, to:

(i) The amount that would have been received had the retiree chosen the standard allowance; plus

(ii) Any cost-of-living adjustments the retiree received prior to the survivor's death based on the original option selection.

(d) Pop-up recalculation example.

Plan One: Lucinda retires from TRS Plan I in 1996 (Year 0) with \$55,000 in accumulated contributions. As a TRS I member she is allowed to withdraw some or all of her contributions when she retires. She decides to withdraw \$5,000 so she and Garth, her husband, can take a cruise. This will actuarially reduce Lucinda's maximum benefit from \$2,000 per month to \$1,963.86. Lucinda would also like Garth to receive a monthly allowance after she dies. Therefore, Lucinda chooses one of the benefit options with a survivor feature. As a result, her monthly allowance is further actuarially reduced from \$1,963.86 to \$1,846.03. Unfortunately, Garth dies in January 2001 (Year 5). Under the "pop-up" provision, Lucinda's monthly benefit will increase to \$1,963.86, the amount she would have received had she chosen the maximum benefit (after reduction for her withdrawals). If Lucinda selected the COLA option or if she has otherwise become eligible for a COLA, the accumulated COLAs (based on the prior benefit allowance) will be added to the \$1,963.86*.

Plan Two: Agnes retires from TRS Plan II in 1996 (Year 0). She would like Beatrice, her daughter, to receive a monthly allowance after Agnes dies. Therefore, Agnes selects a retirement benefit option with a survivor feature. As a result her monthly allowance is reduced from \$2,000 (standard allowance) to \$1,750. Unfortunately, Beatrice dies in January 2001 (Year 5). Under the "pop-up" provision, Agnes' monthly benefit will increase to the amount she would have received had she chosen Option One (standard allowance) plus her accumulated COLA's:

Year	Option One (Standard Allowance)	Survivor Option (2,3,4) plus COLAs	COLA incr. (3% max)	\$ Increase
0 (1996)	2,000.00	1,750.00	(inelig.)	0.00
1 (1997)		1,750.00	.02	35.00
2 (1998)		1,785.00	.03	33.55
3 (1999)		1,838.55	.025	45.96
4 (2000)		1,884.51	.03	56.54
5 (2001)	2,000.00	1,941.05	—	—
			Total COLA's	191.05
Original Option One Benefit Amount		+ Total COLA's	= New Benefit Amount	
\$2000		+ \$191.05	= \$2,191.05*	

*In the future (i.e., 2001 or Year 5), COLAs will be based on the increased benefit amount.

(e) If the survivor dies and the retiree's benefit increases under this section, and thereafter the retiree also dies before all contributions are exhausted, the remaining balance is retained by the retirement fund.

(5) Survivor. For the purposes of this provision, "survivor" means a person nominated by the member to receive a monthly benefit allowance after the member dies. A member nominates the survivor at the time of retirement by filing a completed and notarized form provided by the department.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 415-112-720 Background and purpose.

AMENDATORY SECTION (Amending WSR 91-03-014, filed 1/7/91, effective 2/7/91)

WAC 415-104-211 Married member's benefit selection—Spousal consent required. ((The)) A member, if married, must provide the spouse's written consent ((of his or her spouse)) to the option selected under WAC 415-104-215. If a married member does not provide spousal consent, the department will pay the retired member a joint and ((fifty percent)) one-half survivor benefit allowance and record the member's spouse as the ((beneficiary)) survivor, in compliance with RCW 41.26.460(2)((, as amended)). "Spousal consent" means that the married member's spouse consents to the retirement option selected by the member. The spouse's notarized signature on a completed retirement application constitutes spousal consent.

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AMENDATORY SECTION (Amending WSR 91-03-014, filed 1/7/91, effective 2/7/91)

WAC 415-104-215 Retirement benefit options. ((RCW 41.26.460, as amended by chapter 249, Laws of 1990, provides three benefit options for members retiring under the provisions of RCW 41.26.430 or 41.26.470. The choice of option is to be made by the member upon application for either service or disability retirement.

(1) Standard allowance. A retired member shall receive the monthly retirement allowance provided by RCW 41.26.460 (1)(a) based solely on the life of the member. Upon the retired member's death, all continuing benefits cease. The remaining balance, if any, of the member's accumulated contributions shall be paid to the member's designated survivor, or to the member's surviving spouse, or to the member's legal representative, in accordance with RCW 41.26.460 (1)(a).

(2) Joint and one hundred percent allowance. A retired member shall receive a reduced monthly retirement allowance based on the joint life expectancy of the member and the designated survivor nominated by written designation duly executed and filed with the department at the time of retirement. Upon the retired member's death, the survivor shall receive the same monthly retirement allowance for the duration of the survivor's life.

(3) Joint and fifty percent allowance. A retired member shall receive a reduced monthly retirement allowance based on the joint life expectancy of the member and the designated survivor nominated by written designation duly executed and filed with the department at the time of retirement. Upon the retired member's death, the survivor shall receive one half of the amount of the retired member's monthly retirement allowance for the duration of the survivor's life.)) RCW 41.26.460 enables the department to provide retiring members with four retirement benefit options. The member must choose an option when applying for service or disability retirement.

(1) Option One (standard allowance). The department pays the retiree a monthly retirement allowance actuarially based solely on the single life of the member, in accordance with RCW 41.26.430 (service) or 41.26.470 (disability). When the retiree dies, all benefits cease. Any remaining balance of the retiree's accumulated contributions will be paid to:

- (a) The retiree's designated beneficiary; or if none, to
- (b) The retiree's surviving spouse; or if none, to
- (c) The retiree's legal representative.

The member must designate a beneficiary at the time of retirement by filing a completed and notarized form provided by the department.

(2) Benefit options with a survivor feature. A retiring member is allowed to select from several retirement options which create an actuarially equivalent benefit that includes a survivor feature. The survivor feature entitles the survivor to receive a monthly allowance after the retiree dies. If the member chooses one of the survivor options, the monthly benefit the member will receive is actuarially reduced to offset the cost of the survivor feature. After the retiree dies, the department pays the survivor an allowance for the duration of his or her life. If the retiree and the survivor both die before the retiree's accumulated contributions are

exhausted, the remaining balance is retained in the retirement fund.

(a) Option Two (joint and whole allowance). When the retiree dies, the department pays the survivor a monthly retirement allowance equal to the gross monthly allowance received by the retiree.

(b) Option Three (joint and one-half allowance). When the retiree dies, the department pays the survivor one-half of the amount of the retiree's gross monthly retirement allowance.

(c) Option Four (joint and two-thirds allowance).

(i) This subsection applies to members retiring on or after January 1, 1996.

(ii) When the retiree dies, the department pays the survivor two-thirds (66.667%) of the retiree's gross monthly retirement allowance.

(3) Benefit increases when survivor predeceases retiree (pop-up provision).

(a) This section applies to members retiring on or after January 1, 1996, who select Option Two, Three, or Four.

(b) If the survivor dies before the retiree, the retiree's monthly retirement allowance increases, effective the first day of the following month, to:

(i) The amount that would have been received had the retiree chosen Option One; plus

(ii) Any cost-of-living adjustments the retiree received prior to the survivor's death based on the original option selection.

(c) Pop-up recalculation example:

Plan Two:

Agnes retires in 1996 (Year 0). She would like Beatrice, her daughter, to receive a monthly allowance after Agnes dies. Therefore, Agnes selects a retirement benefit option with a survivor feature. As a result her monthly allowance is reduced from \$2,000 (standard allowance) to \$1,750. Unfortunately, Beatrice dies in January 2001 (Year 5). Under the "pop-up" provision, Agnes' monthly benefit will increase to \$2,191.05, the amount she would have received had she chosen Option One (standard allowance) plus her accumulated COLA's:

<u>Year</u>	<u>Option One (Standard Allow.)</u>	<u>Survivor Option (2,3,4) plus COLAs</u>	<u>COLA incr. (3% max)</u>	<u>\$ Increase</u>
0 (1996)	2,000.00	1,750.00	(inelig.)	0.00
1 (1997)		1,750.00	.02	35.00
2 (1998)		1,785.00	.03	53.55
3 (1999)		1,838.55	.025	45.96
4 (2000)		1,884.51	.03	56.54
5 (2001)	2,000.00	1,941.05	—	—
			<u>Total COLA's</u>	<u>191.05</u>
<u>Original Option One Benefit Amount</u>		<u>+ Total COLA's</u>	<u>= New Benefit Amount</u>	
<u>\$2000</u>		<u>+ \$191.05</u>	<u>= \$2,191.05*</u>	

* In the future (i.e., Year 5), Agnes' COLA will be based on the increased benefit amount (\$2,191.05).

(d) If the survivor dies and the retiree's benefit increases under this section, and thereafter the retiree also dies before all contributions are exhausted, the remaining balance is retained by the retirement fund.

(4) Survivor. For the purposes of this provision, "survivor" means a person nominated by the member to receive a monthly benefit allowance after the member dies. A member nominates the survivor at the time of retirement by filing a completed and notarized form provided by the department.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 415-104-201 Background and purpose.
- WAC 415-104-205 Definitions for purposes of WAC 415-104-200 through 415-104-215.

AMENDATORY SECTION (Amending WSR 91-03-015, filed 1/7/91, effective 2/7/91)

WAC 415-108-324 Married member's benefit selection—Spousal consent required. The member, if married, must provide the spouse's written consent ((of his or her spouse)) to the option selected under WAC 415-108-326. If a married member does not provide spousal consent, the department will pay the retired member a joint and ((fifty percent)) one-half survivor benefit allowance and record the member's spouse as the ((beneficiary,)) survivor in compliance with chapter 41.40 RCW and RCW 41.40.660(2)((, as amended)). "Spousal consent" means that the married member's spouse consents to the retirement option selected by the member. The spouse's notarized signature on a completed retirement application constitutes spousal consent.

AMENDATORY SECTION (Amending WSR 91-03-015, filed 1/7/91, effective 2/7/91)

WAC 415-108-326 Retirement benefit options. ((Chapter 249, Laws of 1990 (SHB 2643), as it amends

RCW 41.40.185, 41.40.190, 41.40.230, 41.40.235, 41.40.250, 41.40.660 and 41.40.670, provides three benefit options for retiring eligible members of either Plan I or Plan II. In addition, each Plan I option has a cost of living adjustment (COLA) option. The choice of option is to be made upon application for retirement, either for service or for disability.

(1) Standard allowance. A retired member shall receive a monthly retirement allowance computed as provided by RCW 41.40.185, 41.40.190, 41.40.230, 41.40.235, 41.40.250, 41.40.660 or 41.40.670 based solely on the single life of the member. Upon the retired member's death, all benefits cease. The remaining balance, if any, of the member's accumulated contributions shall be paid to the member's designated survivor, or to the member's surviving spouse, or to the member's legal representative, in accordance with RCW 41.40, as amended.

(2) Joint and one hundred percent allowance. A retired member shall receive a reduced monthly retirement allowance based on the joint life expectancy of the member and the designated survivor nominated by written designation duly executed and filed with the department at the time of retirement. Upon the retired member's death, the survivor shall receive the same monthly reduced retirement allowance for the duration of the survivor's life.

(3) Joint and fifty percent allowance. A retired member shall receive a reduced monthly retirement allowance based on the joint life expectancy of the member and the designated survivor nominated by written designation duly executed and filed with the department at the time of retirement. Upon the retired member's death, the survivor shall receive one-half of the amount of the retired member's monthly retirement allowance for the duration of the survivor's life.)) RCW 41.40.188 (Plan 1) and RCW 41.40.660 (Plan 2) enable the department to provide retiring members with four retirement benefit options. In addition, retiring Plan I members may select the COLA (cost-of-living adjustment) option. The retiring member must choose an option(s) when applying for service or disability retirement:

(1) Option One (standard allowance). The department will pay a monthly retirement allowance based solely on the single life of the member, as provided by RCW 41.40.185, 41.40.190, 41.40.230, 41.40.235, 41.40.250, 41.40.660, or

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41.40.670. When the retiree dies all benefits cease. Any remaining balance of the retiree's accumulated contributions will be paid to:

- (a) The retiree's designated beneficiary; or if none, to
- (b) The retiree's surviving spouse; or if none, to
- (c) The retiree's legal representative.

The member must designate a beneficiary at the time of retirement by filing a completed and notarized form provided by the department.

(2) **Benefit options with a survivor feature.** A retiring member is allowed to select from several retirement options which create an actuarially equivalent benefit that includes a survivor feature. The survivor feature entitles the survivor to receive a monthly allowance after the retiree dies. If the member chooses one of the survivor options, the monthly benefit the member will receive is actuarially reduced to offset the cost of the survivor feature. After the retiree dies, the department pays the survivor an allowance for the duration of his or her life. If the retiree and the survivor both die before the retiree's accumulated contributions are exhausted, the remaining balance is retained in the retirement fund.

(a) **Option Two (joint and whole allowance).** When the retiree dies, the department pays the survivor an allowance equal to the gross monthly allowance received by the retiree.

(b) **Option Three (joint and one-half allowance).** When the retiree dies, the department pays the survivor an allowance equal to one-half of the retiree's gross monthly retirement allowance.

(c) **Option Four (joint and two-thirds allowance).**

(i) This subsection applies to members retiring on or after January 1, 1996.

(ii) When the retiree dies, the department pays the survivor an allowance equal to two-thirds (66.667%) of the retiree's gross monthly retirement allowance.

(3) **Supplemental COLA option for Plan I members.** Retiring Plan I members may select an annual cost-of-living adjustment (COLA) option, in addition to their choice of retirement benefit options listed in subsections (1) and (2) of this section. Retiring members who choose this supplemental option will have their monthly retirement allowance actuarially reduced to offset the cost of annual adjustment.

(4) **Benefit increases when survivor predeceases retiree (pop-up provision).**

(a) This section applies to members retiring on or after January 1, 1996, who select Option Two, Three, or Four.

(b) If the survivor dies before the retiree, the retiree's monthly retirement allowance increases, effective the first day of the following month, to:

(i) The amount that would have been received had the retiree chosen Option One; plus

(ii) Any cost-of-living adjustments the retiree received prior to the survivor's death based on the original option selection.

(c) **Pop-up recalculation examples.**

Plan One:

Lucinda retires from PERS Plan I in 1996 (Year 0). She would like Garth, her husband, to receive a monthly allowance when she dies. Therefore, Lucinda chooses one of the benefit options with a survivor feature. As a result, her monthly allowance is actuarially reduced from \$2,000 (standard allowance) to \$1,750. Unfortunately, Garth dies in January 2001 (Year 5). Under the "pop-up" provision, Lucinda's monthly benefit will increase to \$2,000, the amount she would have received had she chosen the Option One (standard allowance) plus any COLA's Lucinda had received based on her prior benefit allowance:

<u>Original Option 1 Benefit Amount</u>	+	<u>Total COLA's</u>	=	<u>New Benefit Amt.</u>
\$2,000.00	+	0 (None accrued)	=	\$2,000.00*

Plan Two:

Agnes retires from PERS Plan II in 1996 (Year 0). Agnes would like Beatrice, her daughter, to receive a monthly allowance after Agnes dies. Therefore, Agnes selects a retirement benefit option with a survivor feature. As a result, her monthly allowance is reduced from \$2,000 (standard allowance) to \$1,750. Unfortunately, Beatrice dies in 2001 (Year 5). Under the "pop-up" provision, Agnes' monthly benefit will increase to \$2,191.05, the amount she would have received had she chosen Option One (standard allowance) plus her accumulated COLA's:

<u>Year</u>	<u>Option One (Standard Allow.)</u>	<u>Survivor Option (2,3,4) plus COLAs</u>	<u>COLA incr. (3% max)</u>	<u>\$ Increase</u>
0 (1996)	2,000.00	1,750.00	(ineligible)	0.00
1 (1997)		1,750.00	.02	35.00
2 (1998)		1,785.00	.03	53.55
3 (1999)		1,838.55	.025	45.96
4 (2000)		1,884.51	.03	56.54
5 (2001)	2,000.00	1,941.05	—	—
			<u>Total COLA's</u>	<u>191.05</u>
<u>Original Option One Benefit Amount</u>		<u>+ Total COLA's</u>		<u>= New Benefit Amount</u>
\$2000		+ \$191.05		= \$2,191.05*

*In the future (i.e. Year 4), COLAs will be based on the increased benefit amount.

(d) If the survivor dies and the retiree's benefit increases under this section, and thereafter the retiree also dies before all contributions are exhausted, the remaining balance is retained by the retirement fund.

(5) **Survivor.** For the purposes of this provision, "survivor" means a person nominated by the member to receive a monthly benefit allowance after the member dies. A member nominates the survivor at the time of retirement

by filing a completed and notarized form provided by the department.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 415-108-320 Background and purpose.
WAC 415-108-322 Definitions for purposes of WAC 415-108-320 through 415-108-326.

AMENDATORY SECTION (Amending WSR 91-03-013, filed 1/7/91, effective 2/7/91)

WAC 415-100-045 Definition ~~(s for purposes of WAC 415-100-040 through 415-100-055)~~ of member. (1) ("Eligible member" or) "Member" means:

(a) A judge as defined in RCW 2.10.030(2), who elected to exchange survivor benefits ~~((and who))~~, filed the requisite documents with the department pursuant to RCW 2.10.140(2) ~~((-~~

(2) "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. Concurrently, "survivor" may include a surviving spouse as defined in RCW 2.10.030(4).

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

(4) "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."

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

(6) "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), and is making contributions to the system; or

(b) A former judge as defined in RCW 2.10.030(2), who elected to exchange survivor benefits, filed the requisite documents with the department pursuant to RCW 2.10.140(2), and left accumulated contributions in the system; or

(c) A retiree.

(2) A retiree means any judge, as defined in RCW 2.10.030(2), in receipt of a retirement allowance or other benefit provided by chapter 2.10 RCW resulting from service rendered to an employer.

AMENDATORY SECTION (Amending WSR 91-03-013, filed 1/7/91, effective 2/7/91)

WAC 415-100-051 Married member's benefit selection—Spousal consent required. The member, if married, must provide the spouse's written consent ~~((of his or her spouse))~~ to the option selected under WAC 415-100-

055. If a married member does not provide spousal consent, the department will pay the retired member a joint and ~~((fifty percent))~~ one-half survivor benefit allowance and record the member's spouse as the ~~((beneficiary))~~ survivor, in compliance with RCW 2.10.146(2) ~~((, as amended))~~. "Spousal consent" means that the married member's spouse consents to the retirement option selected by the member. The spouse's notarized signature on a completed retirement application constitutes spousal consent.

AMENDATORY SECTION (Amending WSR 91-03-013, filed 1/7/91, effective 2/7/91)

WAC 415-100-055 Retirement benefit options. ~~((RCW 2.10.146, as amended by chapter 249, Laws of 1990, provides three benefit options for eligible members retiring under the provisions of RCW 2.10.100 or 2.10.120. The choice of option is to be made by the member upon application for either service or disability retirement.~~

(1) Standard allowance. A retired member shall receive a monthly retirement allowance computed as provided in RCW 2.10.110 or 2.10.130, based solely on the single life of the member. Upon the retired member's death, all continuing benefits cease. The remaining balance, if any, of the member's accumulated contributions shall be paid to the member's designated survivor, or to the member's surviving spouse, or to the member's legal representative, in accordance with RCW 2.10.146 (1)(a).

(2) Joint and one hundred percent allowance. A retired member shall receive a reduced monthly retirement allowance based on the joint life expectancy of the member and the designated survivor nominated by written designation duly executed and filed with the department at the time of retirement. Upon the retired member's death, the survivor shall receive the same monthly retirement allowance for the duration of the survivor's life.

(3) Joint and fifty percent allowance. A retired member shall receive a reduced monthly retirement allowance based on the joint life expectancy of the member and the designated survivor nominated by written designation duly executed and filed with the department at the time of retirement. Upon the retired member's death, the survivor shall receive one half of the amount of the retired member's monthly retirement allowance for the duration of the survivor's life.) RCW 2.10.146, enables the department to provide retiring members with four retirement benefit options. The member must choose an option when applying for service or disability retirement.

(1) **Option One (standard allowance).** The department pays the retiree a monthly retirement allowance based solely on the single life of the member, in accordance with RCW 2.10.146. When the retiree dies, all benefits cease. Any remaining balance of the retiree's accumulated contributions, will be paid to:

(a) The member's designated beneficiary; or if none, to

(b) The member's surviving spouse; or if none, to

(c) The member's legal representative.

The member must designate a beneficiary at the time of retirement by filing a completed and notarized form provided by the department.

(2) **Benefit options with a survivor feature.** A retiring member is allowed to select from several retirement options

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which create an actuarially equivalent benefit that includes a survivor feature. The survivor feature entitles the survivor to receive a monthly allowance after the retiree dies. If the member chooses one of the survivor options, the monthly benefit the member will receive is actuarially reduced to offset the cost of the survivor feature. After the retiree dies, the department pays the survivor an allowance for the duration of his or her life. If the retiree and the survivor both die before the retiree's accumulated contributions are exhausted, the remaining balance is retained in the retirement fund.

(a) Option Two (joint and whole allowance). When the retiree dies, the department pays the survivor a monthly retirement allowance equal to the gross monthly allowance received by the retiree.

(b) Option Three (joint and one-half allowance). When the retiree dies, the department pays the survivor one-half of the amount of the retiree's gross monthly retirement allowance.

(c) Option Four (joint and two-thirds allowance).

(i) This subsection applies to members retiring on or after January 1, 1996.

(ii) When the retiree dies, the department pays the survivor two-thirds (66.667%) of the member's gross monthly retirement allowance.

(3) Benefit increases when survivor predeceases retiree (pop-up provision).

(a) This section applies to members retiring on or after January 1, 1996, who selected Option Two, Three, or Four.

(b) If the survivor dies before the retiree, the retiree's monthly retirement allowance will increase, effective the first day of the following month, to:

(i) The amount that would have been received had the retiree chosen Option One described in subsection (1) of this section; plus

(ii) Any cost-of-living adjustments received prior to the survivor's death based on original selection.

(c) Pop-up recalculation example.

Agnes retires in 1996 (Year 0). She would like Beatrice, her daughter, to receive a monthly allowance after Agnes dies. Therefore, Agnes selects a retirement benefit option with a survivor feature. As a result her monthly allowance is reduced from \$2,000 (standard allowance) to \$1,750. Unfortunately, Beatrice dies in January 2001 (Year 5). Under the pop-up provision, Agnes' monthly benefit will increase to the amount she would have received had she chosen Option One (standard allowance) plus her accumulated COLA's:

<u>Year</u>	<u>Option One (Standard Allow.)</u>	<u>Survivor Option (2,3,4) plus COLAs</u>	<u>COLA incr. (3% max)</u>	<u>\$ Increase</u>
0 (1996)	2,000.00	1,750.00	(ineligible)	0.00
1 (1997)		1,750.00	.02	35.00
2 (1998)		1,785.00	.03	53.55
3 (1999)		1,838.55	.025	45.96
4 (2000)		1,884.51	.03	56.54
5 (2001)	2,000.00	1,941.05	—	—
			<u>Total COLA's</u>	<u>191.05</u>

<u>Original Option One Benefit Amount</u>	<u>+ Total COLA's</u>	<u>= New Benefit Amount</u>
<u>\$2000</u>	<u>+ \$191.05</u>	<u>= \$2,191.05*</u>

* In the future (i.e., Year 5), Agnes' COLA will be based on the increased benefit amount (\$2,191.05).

(d) If the survivor dies and the retiree's benefit increases under this section, and thereafter the retiree also dies before all contributions are exhausted, the remaining balance is retained by the retirement fund.

(4) Survivor. For the purposes of this provision, "survivor" means a person nominated by the member to receive a monthly benefit allowance after the member dies. A member nominates the survivor at the time of retirement by filing a completed and notarized form provided by the department.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 415-100-041 Background and purpose.

**WSR 95-22-082
PROPOSED RULES
DEPARTMENT OF
RETIREMENT SYSTEMS
[Filed October 31, 1995, 4:40 p.m.]**

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-18-014.

Title of Rule: Definition of uniformed fire fighter.

Purpose: To codify the department's definition of uniformed fire fighter.

Statutory Authority for Adoption: RCW 41.50.050, 41.50.055.

Statute Being Implemented: RCW 41.26.030(4).

Summary: This rule incorporates a solution worked out between the Department of Retirement Systems and affected interest groups during the rule-making hearings for the LEOFF eligibility WACs.

Reasons Supporting Proposal: The proposed rule provides clarification on how the Department of Retirement Systems determines who is a fire fighter entitled to LEOFF membership.

Name of Agency Personnel Responsible for Drafting: Paul Neal, 1025 East Union, Olympia, WA 98504-8380, (360) 586-3368; Implementation and Enforcement: Leah Wilson, 1025 East Union, Olympia, WA 98504-8380, (360) 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 clarifies definition of uniformed fire fighters by explicitly cross-referencing the existing statutory definition. The purpose is to help clarify who are fire fighters entitled to LEOFF membership. The department anticipates that this will assist employers in determining LEOFF membership eligibility.

Proposal Changes the Following Existing Rules: Amends WAC 415-04-225 by adding a cross-reference to "uniformed fire fighter" definition.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rule only affects public employees and employees.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Department of Retirement Systems is not one of the agencies covered by section 201. Further, the department does not elect to be voluntarily covered by the provision.

Hearing Location: Boardroom, 2nd Floor, 1025 East Union Avenue, Olympia, WA 98504-8380, on December 7, 1995, at 4:00 p.m.

Assistance for Persons with Disabilities: Contact Paul Neal by December 5, 1995, TDD (360) 586-5450, or (360) 586-3368.

Submit Written Comments to: Paul Neal, P.O. Box 48380, Olympia, WA 98504-8380, FAX (360) 753-3166, by December 5, 1995.

Date of Intended Adoption: December 11, 1995.

October 31, 1995

Paul Neal

Rules Coordinator

AMENDATORY SECTION (Amending WSR 95-16-053, filed 7/25/95, effective 8/25/95)

WAC 415-104-225 Am I a member? If you are employed by an employer as a full-time, fully compensated law enforcement officer or fire fighter, you are required to be a LEOFF member.

(1) Law enforcement officers.

(a) You are a law enforcement officer only if you are commissioned and employed on a full-time, fully compensated basis as a:

(i) City police officer;

(ii) Town marshal or deputy marshal;

(iii) County sheriff;

(iv) Deputy sheriff, if you passed a civil service exam for deputy sheriff and you possess all of the powers, and may perform any of the duties, prescribed by law to be performed by the sheriff;

(b) Effective January 1, 1994, "law enforcement officer" also includes commissioned persons employed on a full-time, fully compensated basis as a:

(i) General authority Washington peace officer under RCW 10.93.020(3);

(ii) Port district general authority law enforcement officer and you are commissioned and employed by a port district general authority law enforcement agency;

(iii) State university or college general authority law enforcement officer; or

(c) Effective January 1, 1993, "law enforcement officer" also includes commissioned persons employed on a full-time, fully compensated basis as a public safety officer or director of public safety of a city or town if, at the time you first became employed in this position, the population of the city or town did not exceed ten thousand. See RCW 41.26.030(3).

(d) If you meet the requirements of (a), (b) or (c) of this subsection, you qualify as a law enforcement officer regardless of your rank or status as a probationary or permanent employee.

(e) You are not a law enforcement officer if you are employed in either:

(i) A position that is clerical or secretarial in nature and you are not commissioned; or

(ii) A corrections officer position and the only training required by the Washington criminal justice training commission for your position is basic corrections training under WAC 139-10-210.

(2) Fire fighters. You are a fire fighter if you are employed in a uniformed fire fighter position by an employer on a full-time, fully compensated basis, and as a consequence of your employment, you have the legal authority and responsibility to direct or perform fire protection activities that are required for and directly concerned with preventing, controlling or extinguishing fires.

(a) "Fire protection activities" may include incidental functions such as housekeeping, equipment maintenance, grounds maintenance, fire safety inspections, lecturing, performing community fire drills and inspecting homes and schools for fire hazards. These activities qualify as fire protection activities only if the primary duty of your position is preventing, controlling or extinguishing fires.

(b) You are a fire fighter if you qualify as supervisory fire fighter personnel.

(c) If your employer requires fire fighters to pass a civil service examination, you must be actively employed in a position that requires passing such an examination in order to qualify as a fire fighter unless you qualify as supervisory fire fighter personnel.

(d) You are a fire fighter if you meet the requirements of this section regardless of your rank or status as a probationary or permanent employee or your particular specialty or job title.

(e) You do not qualify for membership as a fire fighter if you are a volunteer fire fighter or resident volunteer fire fighter.

(3) Defined terms used. Definitions for the following terms used in this section may be found in the sections listed.

(a) "Commissioned" - WAC 415-104-0111.

(b) "Director of public safety" - WAC 415-104-0112.

(c) "Employer" - RCW 41.26.030.

(d) "Fire fighter" - RCW 41.26.030.

(e) "Full time" - WAC 415-104-0114.

- (f) "Fully compensated" - WAC 415-104-0115.
- (g) "Law enforcement officer" - RCW 41.26.030.
- (h) "Member" - RCW 41.26.030.
- (i) "Public safety officer" - WAC 415-104-0120.
- (j) "Uniformed fire fighter position" - WAC 415-104-

0125.

NEW SECTION

WAC 415-104-0125 Uniformed fire fighter position—Definition. "Uniformed fire fighter position" means a position which may only be filled by uniformed personnel as that term is defined in RCW 41.56.030 (7)(e) as in effect on July 1, 1995. A position only qualifies as a uniformed fire fighter position if the employer has identified it as such for all purposes. An employer may designate a position as uniformed regardless of whether the employer is covered by public employees' collective bargaining under chapter 41.56 RCW.

WSR 95-22-083
PROPOSED RULES
DEPARTMENT OF
RETIREMENT SYSTEMS
 [Filed October 31, 1995, 4:42 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-18-010.

Title of Rule: Excess compensation.

Purpose: To codify the department's interpretation of the excess compensation statute, RCW 41.50.150.

Statutory Authority for Adoption: RCW 41.50.050.

Statute Being Implemented: RCW 41.50.150.

Summary: The proposed rules codify the Department of Retirement System's standard for evaluating whether a payment included in the calculation of a retirement allowance is excess compensation, that is, something other than regular salary or overtime.

Reasons Supporting Proposal: To provide employers with better notice regarding the department's interpretation of RCW 41.50.150.

Name of Agency Personnel Responsible for Drafting: Paul Neal, 1025 East Union, Olympia, WA 98504-8380, (360) 586-3368; Implementation: Jack Bryant, 1025 East Union, Olympia, WA 98504-8380, (360) 753-3109; and Enforcement: Margaret Wimmer, 1025 East Union, Olympia, WA 98504-8380, (360) 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 proposed rules codify the Department of Retirement Systems interpretations implementing RCW 41.50.150. It defines the terms "cash-out," "overtime," "regular salary" and "annual leave" as used in RCW 41.50.150. The purpose of the rule is to provide employer with more notice about the effects of RCW 41.50.150. The Department of Retirement Systems anticipates that employers

will have a better understanding of which of their pay practices will result in excess compensation billings.

Proposal Changes the Following Existing Rules: The proposal amends WAC 415-108-010 and 415-112-015 by deleting the definition of annual leave and recodifying it in proposed WAC 415-02-120.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rules only affect public employers.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Department of Retirement Systems is not one of the agencies covered by section 201. Further, the department does not elect to be voluntarily covered by the provision.

Hearing Location: Capital Plaza Boardroom, 1025 East Union, Olympia, WA 98504-8380, on December 6, 1995, at 2:30 to 4:30 p.m.

Assistance for Persons with Disabilities: Contact Paul Neal by December 5, 1995, TDD (360) 586-4190, or (360) 586-5450.

Submit Written Comments to: Paul Neal, 1025 East Union, Olympia, WA 98504-8380, FAX (360) 753-3166, by December 5, 1995.

Date of Intended Adoption: January 10, 1996.

October 31, 1995

Paul Neal

Rules Coordinator

NEW SECTION

WAC 415-02-120 How does the department determine excess compensation? "Excess compensation" is reportable compensation that increases a member's retirement allowance as identified in RCW 41.50.150. When excess compensation increases an employee's retirement allowance, the employer is responsible for paying the affected trust fund for the present value of the retirement allowance increase.

(1) **Only reportable compensation included in the retirement allowance calculation can be excess compensation.** A payment is "excess compensation" under RCW 41.50.150 if it is reportable compensation included in the calculation of the retirement allowance that is not regular salary, overtime, or an allowable annual leave cash out as defined in RCW 41.50.150(2) and subsections (2) and (3) of this section. "Reportable compensation" means:

(a) Earnable compensation under the teachers' retirement system Plans I or II;

(b) Compensation earnable under the public employees' retirement system Plans I or II;

(c) Basic salary under the law enforcement officers' and fire fighters' retirement system Plan I or Plan II; or

(d) Regular salary under the Washington state patrol retirement system.

(2) **"Cash out," "overtime" and "regular salary" defined.**

(a) "Cash out" means a payment from an employer to an employee based on the value of any accrued leave or holiday leave. A payment is a cash out if the employee gives up the right to take paid time off in exchange for the payment. A cash out includes, but is not limited to:

(i) Any payment added to salary or wages in lieu of an accrual of leave; or

(ii) Any payment added to salary or wages concurrent with a reduction in the employee's accrued leave.

Example: An employee has an annual leave balance of two hundred ten hours. At the end of each fiscal year, the employee is paid ten hours worth of salary and his leave balance is decreased by ten hours. The employee has given up the right to take off ten hours with pay in exchange for the payment. The payment is a cash out.

Example: An employee has earned two hundred forty hours of annual leave, which she earns at a rate of fourteen hours per month. If the employee accrues annual leave in excess of two hundred forty hours and cashes that accrual out at time of retirement, the employer will be billed for excess compensation. Rather than allow the employee to accrue annual leave in excess of two hundred forty hours, the employer pays the employee an additional fourteen hours of compensation per month, effectively cashing out the employee's annual leave in advance. This action is still considered a cash out of annual leave under RCW 41.50.150.

(b) "Overtime" means a payment of up to twice an employee's regular daily or hourly rate of pay for time worked in addition to regular working hours. "Regular working hours" includes scheduled compensated time off for recognized holidays such as Christmas day. Any payment for additional time worked in excess of twice a person's daily or hourly rate of pay is not overtime exempted from the definition of excess compensation under RCW 41.50.150(2).

(i) To determine a person's daily or hourly rate of pay the department will divide the employee's regular annual salary by the number of regularly scheduled work days or hours in the work year.

(ii) In calculating the number of regularly scheduled work days or hours in a work year, the department will include all paid holidays and paid leave days, excluding days cashed out. The department is not bound by the number of work days or hours identified in an employment contract.

Example: An employer's policy grants President's day as a paid holiday for all employees. Due to an emergency, an employee is called into work on President's day and works a full shift. The employee receives double time and one-half for working on President's day, one day's pay for the holiday and time and one-half for the overtime hours worked. Because the pay for the holiday is pay for regularly scheduled time, the employee's actual overtime rate is time and one-half. None of the pay received by the employee for working on President's day would be excess compensation.

(c) "Regular salary" means the basic rate of salary or wages for personal services. Payments in addition to the basic rate of salary or wages that are not regular salary include but are not limited to:

(i) Supplemental contracts under RCW 28A.400.200. Payments under supplemental contracts for additional time, responsibility or incentives are in addition to basic contract salary and are not regular salary. However, payments for extra time are overtime and are not excess compensation if the payments do not exceed twice the regular rate of pay.

(ii) Performance bonuses. A performance bonus is a payment for meeting or exceeding performance goals set by the employer. A performance bonus may also be an additional payment provided by the employer based upon conditions which may or may not occur.

Example: An employer provides an employee with an additional two percent of salary at the end of the fiscal year if the employer's governing board agrees that the employee's work has been outstanding. The payment is not guaranteed to the employee and may be granted or withheld at the board's discretion. This payment is not regular salary.

Example: A school district offers a principal a payment in addition to her stated salary if the school's enrollment exceeds the school's capacity. This payment is not guaranteed based solely upon the principal's performance of her duties. Instead it is conditioned upon an event which may or may not occur. If the event does not occur, the payment is not made. The payment is not regular salary.

(iii) Other lump sum payments not included in the salary base. Generally, payments not included in the salary base are not regular salary.

(A) If a lump sum payment is a one-time payment in addition to an employee's basic rate of salary or wages and is not included in the salary base, it does not become part of the salary on which subsequent salary increases or leave cash outs are calculated. Because it is a lump sum payment that does not become part of the salary base, it is not regular salary.

(B) A payment is regular salary even if it is not included in the salary base if it is:

(I) Guaranteed to an employee or class of employees by the terms of a collective bargaining agreement, employment contract or employer policy;

(II) Not conditioned upon performance of activities in addition to regular duties or the above average performance of regular duties; and

(III) Paid at regular intervals of not less than once per month.

(3) **Characterization of leave cash outs.** An annual leave cash out in excess of two hundred forty hours is excess compensation if included in the calculation of a retirement allowance. A cash out of any other form of leave, regardless of amount, is excess compensation if included in the calculation of a retirement allowance.

(a) "Annual leave" means leave provided by an employer for the purpose of vacation. Annual leave does not

include leave for illness, personal business if in addition to and different than vacation leave, or other paid time off from work: *Provided, however,* That if an employer authorizes only one type of leave to provide paid leave for vacation and illness as well as any other excused absence from work, such leave will be considered annual leave for purposes of RCW 41.50.150.

(b) A cash out of leave which is not annual leave as defined under WAC 415-108-010, is "any other form of leave" under RCW 41.50.150(2). The department will bill the employer for any such leave cash out as excess compensation under RCW 41.50.150.

(c) The department will characterize hours of leave earned by an employee for all purposes in the form in which the leave was earned. The department will disregard any conversion of leave by an employer from one form to another and bill the employer for excess compensation as required by RCW 41.50.150.

Example: Before cashing out an employee's sick leave balance, the employer converts the sick leave to annual leave. If the payment were actually an annual leave cash out, the first two hundred forty hours cashed out would not be excess compensation. The department does not recognize the conversion and treats the leave in the form in which it was earned, e.g., as a sick leave cash out.

AMENDATORY SECTION (Amending WSR 95-16-053, filed 7/25/95, effective 8/25/95)

WAC 415-108-010 Definitions. ~~((+))~~ All definitions in RCW 41.40.010 apply to terms used in this chapter. Other terms relevant to the administration of chapter 41.40 RCW are defined in this chapter.

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

~~"Annual leave" means leave provided by an employer for the purpose of vacation and does not include leave for illness, personal business if in addition to and different than vacation leave, or other paid time off from work: *Provided, however,* That if an employer authorizes only one type of leave to provide paid leave for vacation and illness as well as any other excused absence from work, such leave will be considered annual leave for purposes of RCW 41.50.150.)~~

AMENDATORY SECTION (Amending WSR 95-16-053, filed 7/25/95, effective 8/25/95)

WAC 415-112-015 Definitions. ~~((+))~~ All definitions in RCW 41.32.010 apply to terms used in this chapter. Other terms relevant to the administration of chapter 41.32 RCW are defined in this chapter.

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

~~"Annual leave" means leave provided by an employer for the purpose of vacation and does not include leave for illness, personal business if in addition to and different than vacation leave, or other paid time off from work: *Provided, however,* That if an employer authorizes only one type of leave to provide paid leave for vacation and illness, as well~~

~~as any other excused absence from work, such leave will be considered annual leave for purposes of RCW 41.50.150.)~~

**WSR 95-22-085
PROPOSED RULES
POLLUTION LIABILITY
INSURANCE AGENCY**

[Filed November 1, 1995, 9:05 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-18-054.

Title of Rule: Chapter 374-70 WAC, Heating oil pollution liability insurance program.

Purpose: The purpose of this rule is to address a solution to the threat posed to human health and the environment by accidental releases of heating oil from active heating oil tanks.

Other Identifying Information: Establishes a temporary program to assist owners and operators of active heating oil tanks to obtain pollution liability insurance.

Statutory Authority for Adoption: Chapter 70.149 RCW.

Statute Being Implemented: Chapter 70.149 RCW.

Summary: A voluntary program providing insurance coverage on behalf of the named insureds: All registered owners of active heating oil tanks. The pollution liability insurance policy will provide sixty thousand dollars coverage, including reinsurance, per occurrence, per site, per year and be in excess of other valid insurance and warranties.

Reasons Supporting Proposal: The legislature finds an acute problem exists because owners of active heating oil tanks used for space heating have been unable to obtain pollution liability insurance or the insurance has been unaffordable.

Name of Agency Personnel Responsible for Drafting: Ginny Ristine and Andrea Moss, Olympia, Washington 98504, (360) 586-5997; Implementation and Enforcement: James Sims, Olympia, Washington 98504, (360) 586-5997.

Name of Proponent: Pollution Liability Insurance Agency, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The director, as the heating oil pollution liability insurance program administrator, is responsible for obtaining pollution liability insurance coverage on behalf of the named insureds: All registered owners of active heating oil tanks. The pollution liability insurance policy will provide sixty thousand dollars coverage, including reinsurance, per occurrence and shall be in excess of other valid insurance and warranties. The policy will be reinsured through the Pollution Liability Insurance Agency trust account.

Proposal does not change existing rules.

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

Small Business Economic Impact Statement

Chapter 70.149 RCW directs the Pollution Liability Insurance Agency (PLIA) to address a solution to the threat

posed to human health and the environment by accidental releases of heating oil from active heating oil tanks and to establish the heating oil pollution liability insurance program to assist owners and operators of heating oil tanks. The director of the Pollution Liability Insurance Agency is also directed to protect the state from unwanted or unintended liability.

The Washington Regulatory Fairness Act requires that proposed rules which have more than a minor economic impact on any one industry shall be reviewed to determine if the cost of coming into compliance with the proposed rules will create a disproportionately higher economic burden on small business in comparison with the cost of compliance for large business. The act defines a small business as an employer with fifty or fewer employees.

The Pollution Liability Insurance Agency has examined at length the potential economic impact on all parties associated with the proposed rule. The adoption of this proposed rule will not have an adverse economic impact on small business. Nevertheless, PLIA has prepared an impact statement so that there can be no question regarding intent or potential impact.

Requirements of RCW 19.85.403:

1. Include a brief description of the reporting, record keeping, and other requirements of the proposed rule.

a. The proposed rule requires that a heating oil service provider (contractor) who wishes to participate in corrective action projects covered by the heating oil pollution liability insurance program must hold a state contractor's license and must be bonded holding certificates of insurance covering general liability, vehicles and workman's compensation.

These are normal requirements expected of any contractor performing excavation, tank removal, testing and other related underground storage tank work. These are also normal requirements for any contractor performing work for the state of Washington. No additional licensing or bonding requirements have been imposed. This requirement has been adopted to ensure that service providers performing work under the program are fully protected in case of an accident or adverse action resulting from work performed or not performed. This will ensure that the state of Washington will not be held liable for such actions and will not be named a potential liable party (PLP) for a contaminated heating oil tank site.

b. The proposed rule requires that a heating oil service provider (contractor) who wishes to participate in corrective action projects covered by the heating oil pollution liability insurance program must provide a written estimate of the scope of work for approval prior to commencement of work, provide change orders for approval prior to commencement of work, and provide a report of work on completion of the project.

These requirements are not considered to be abnormal or onerous. Any homeowner, small business operator, church pastor, or other heating oil tank owner or operator should require written estimates and change orders on any construction project in order to be certain of costs. The report to be completed at the conclusion of corrective action is required by the Department of Ecology. Preparation of scope of work estimates, change orders or work completion reports will not impose an additional economic burden on the service provider.

2. Analyze the costs of compliance for businesses required to comply with the proposed rule.

No additional costs of compliance will result from compliance with the proposed rule.

3. Consider whether compliance with the rule will cause businesses to lose sales or revenue.

Compliance with the proposed rule will not cause businesses to lose sales or revenue. Revenue will be increased for those service providers that choose to participate in the program.

4. Determine if the proposed rule will have a disproportionate impact on small businesses.

The proposed rule will not have a disproportionate impact on small businesses. Almost all heating oil service providers performing this work are, in fact, small businesses.

5. Include a statement of the steps taken by the agency to reduce the costs of the rule on small businesses.

PLIA is not requiring that service providers performing corrective action work under the program be certified site assessors. Such a requirement would increase the costs of the service provider performing the work and would eliminate some service providers from seeking work under the program.

6. Include a description of how the agency will involve small businesses in the development of the rule.

Over the past three months, during the development of the proposed rule, PLIA has conducted two informal fact-finding meetings with the Washington Oil Heat Institute, a trade association made up of heating oil dealers and service providers. At each meeting a significant number of dealers and service providers were present and participated. An informal fact-finding meeting was also conducted with members of the Inland Empire Oil Heat, a trade association of heating oil dealers and service providers. Two meetings were held with representatives of the real estate industry and a meeting was held with independent insurance agents.

Notices of the public hearings to be conducted on this proposed rule will be sent to all affected industries and trade associations, as well as individual attorneys, realtors, contractors and individuals who have expressed an interest in the program.

7. Include a list of industries that will be required to comply with the rule.

Insurance industry, no economic impact.

Real estate industry, no economic impact.

Heating oil dealers, no economic impact.

Tank service providers, no economic impact.

CONCLUSION:

The director, Pollution Liability Insurance Agency, finds that the adoption of this proposed rule will not have an adverse economic impact on small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. PLIA is not one of the major agencies addressed in section 201, chapter 403, Laws of 1995.

Hearing Location: EPA Region X, 1200 6th Avenue, Seattle, WA and at the Spokane Public Library, 906 West Main, Spokane, WA, on December 5, 1995, at 5:30 - 7:00 p.m.

Assistance for Persons with Disabilities: Contact Washington Relay Number, TDD (800) 833-6388.

Submit Written Comments to: Pollution Liability Insurance Agency, P.O. Box 40930, Olympia, WA 98504-0930, FAX (360) 586-7187, by December 6, 1995.

Date of Intended Adoption: December 12, 1995.

November 1, 1995

James M. Sims

Director

Chapter 374-70 WAC HEATING OIL POLLUTION LIABILITY INSURANCE PROGRAM

NEW SECTION

WAC 374-70-010 Purpose and authority. (1) The purpose of this chapter is to address a solution to the threat posed to human health and the environment by accidental releases of heating oil from active heating oil tanks. It is in the best interest of all citizens for heating oil tanks to be operated safely, and for accidental releases or spills to be dealt with expeditiously in order to ensure that the environment, particularly ground water, is protected. It is also in the best interest of individual heating oil tank owners to protect them from the unexpected liability and potential financial hardship associated with an accidental release from a heating oil tank.

(2) The pollution liability insurance agency is directed by chapter 70.149 RCW to establish the heating oil pollution liability insurance program to assist owners and operators of active heating oil tanks.

NEW SECTION

WAC 374-70-020 Definitions. Unless the context requires otherwise, the definitions in this section shall apply throughout this chapter.

(1) "Abandoned heating oil tank" means a heating oil tank system that has been abandoned or decommissioned and is no longer active and in use.

(2) "Accidental release" means a sudden or nonsudden release of heating oil from an active heating oil tank that results in bodily injury, property damage, or a need for corrective action, neither expected nor intended by the owner or operator.

(3) "Active" heating oil tank means a heating oil tank that:

(a) Is in use at the time of registration for the heating oil pollution liability insurance program;

(b) Has been in continuous use for a period of eighteen months prior to registration; and

(c) Has been continuously in use between registration and submission of a notice of claim.

(4) "Agency" means the Washington state pollution liability insurance agency established pursuant to chapter 70.148 RCW. For purposes of chapter 70.149 RCW, agency shall also mean staff or employees of the pollution liability insurance agency.

(5) "Bodily injury" means bodily injury, sickness, or disease sustained by a person, including death at any time, resulting from the injury, sickness, or disease.

(6) "Claim" means a demand made by a named insured, or the insured's representative, for payment of the benefits

provided under the heating oil pollution liability insurance program.

(7)(a) "Corrective action" means those actions reasonably required to be undertaken by the insured to remove, treat, neutralize, contain, or clean up an accidental release in order to comply with a statute, ordinance, rule, regulation, directive, order, or similar legal requirement, in effect at the time of an accidental release, of the United States, the state of Washington, or a political subdivision of the United States or the state of Washington. "Corrective action" includes, where agreed to in writing, in advance by the insurer, action to remove, treat, neutralize, contain, or clean up an accidental release to avert, reduce, or eliminate the liability of the insured for corrective action, bodily injury, or property damage. "Corrective action" also includes actions reasonably necessary to monitor, assess, and evaluate an accidental release.

(b) "Corrective action" does not include:

(i) Replacement or repair of heating oil tanks or other receptacles; or

(ii) Replacement or repair of piping, connections, and valves of tanks or other receptacles.

(8) "Director" means the director of the Washington state pollution liability insurance agency or the director's appointed representative.

(9) "Heating oil" means any petroleum product used for space heating in oil-fired furnaces, heaters, and boilers, including stove oil, diesel fuel, or kerosene. "Heating oil" does not include petroleum products used as fuels in motor vehicles, marine vessels, trains, buses, aircraft, or any off-highway equipment not used for space heating, or for industrial processing or the generation of electrical energy.

(10) "Heating oil tank" means an active tank and its connecting pipes, whether above or below ground, or in a basement, with pipes connected to the tank for space heating of human living or working space on the premises where the tank is located. "Heating oil tank" does not include a decommissioned or abandoned heating oil tank, or a tank used solely for industrial process heating purposes or generation of electrical energy.

(11) "Heating oil tank service provider" is an independent contractor responsible for all aspects of corrective action including excavation, tank/line removal, sampling and testing, remedial actions, site restoration, and submittal of required reports to PLIA.

(12) "MTCA" means the Model Toxics Control Act (chapter 70.105D RCW).

(13) "Named insured" means the individual insureds who are heating oil tank owners registered for coverage under the heating oil pollution liability insurance program.

(14) "Occurrence" means an accident, including continuous or repeated exposure to conditions, that results in an accidental release from an active heating oil tank.

(15) "Owner" means the person, or his or her authorized representative, legally responsible for a heating oil tank, its contents, and the premises upon which the heating oil tank is located.

(16) "Owner or operator" means a person in control of, or having responsibility for, the daily operation of a heating oil tank.

(17) "Per occurrence, per site, per year" means one accidental release per site, per year.

PROPOSED

(18) "Pollution liability insurance agency" (PLIA) means the Washington state pollution liability insurance agency established pursuant to chapter 70.148 RCW. For purposes of chapter 70.149 RCW, pollution liability insurance agency shall also mean staff or employees of the pollution liability insurance agency.

(19) "Pollution liability insurance agency trust account" means the pollution liability insurance agency trust account established under chapter 70.148 RCW and established in the custody of the state treasurer. Expenditures from the account are used for the purposes of chapter 70.148 RCW including the payment of costs of administering the pollution liability insurance program, and payment of reinsurance claims.

(20) "Property damage" means:

(a) Physical injury to, destruction of, or contamination of tangible property, including the loss of use of the property resulting from the injury, destruction, or contamination; or

(b) Loss of use of tangible property that has not been physically injured, destroyed, or contaminated but has been evacuated, withdrawn from use, or rendered inaccessible because of an accidental release.

(21) "Release" means a spill, leak, emission, escape, or leaching into the environment.

(22) "Third-party claimant" means a person alleged to have suffered property damage requiring corrective action or bodily injury as a direct result of a leak or spill from the heating oil tank of a named insured.

(23) "Third-party liability" means the liability of a heating oil tank owner to another person due to property damage requiring corrective action or bodily injury that results from a leak or spill from an active heating oil tank.

NEW SECTION

WAC 374-70-030 Responsibility. (1) The director of the pollution liability insurance agency is directed by chapter 70.149 RCW to establish the heating oil pollution liability insurance program to assist owners and operators of active heating oil tanks. The agency implements and administers the pollution liability insurance program established by chapter 70.148 RCW and the heating oil pollution liability insurance program established by chapter 70.149 RCW.

(2) The location of the principal office and the mailing address of the agency is:

Pollution Liability Insurance Agency
State of Washington
1015 10th Avenue, S.E.
P.O. Box 40930
Olympia, WA 98504-0930

(3) The principal administrative and appointing officer of the agency is the director. The director may designate other employees of the agency to act in his or her behalf in the director's absence or with respect to those matters in which so doing would enhance the efficiency of the agency's operations.

NEW SECTION

WAC 374-70-040 Insurance program. The director, as the heating oil pollution liability insurance program administrator, is responsible for obtaining pollution liability insurance coverage on behalf of the named insureds: All registered owners of active heating oil tanks. The pollution liability insurance policy will provide sixty thousand dollars coverage, including reinsurance, per occurrence and shall be in excess of other valid insurance and warranties. The policy will be reinsured through the pollution liability insurance agency trust account.

NEW SECTION

WAC 374-70-050 Eligibility. Owners and operators of active heating oil tanks in the state of Washington are eligible for coverage under the heating oil pollution liability insurance program.

(1) Participation in the heating oil pollution liability insurance program is optional for heating oil tank owners. If a heating oil tank owner wishes to participate in the heating oil pollution liability insurance program, the heating oil tank owner must register the active heating oil tank by submitting to PLIA a completed registration form to be provided by PLIA. Heating oil tank owners choosing to participate in the heating oil pollution liability insurance program established by this chapter must comply with the following criteria:

(a) The owner must submit proof, by one or more of the following methods, that the heating oil tank is active at the time of registration with the agency (PLIA) and that the heating oil tank has remained active eighteen months prior to registration:

(i) The owner must submit to PLIA a statement from a heating oil supplier attesting to deliveries of heating oil to the heating oil tank for eighteen months prior to registration; and/or

(ii) The owner must submit to PLIA a copy of invoices, or canceled checks, for receipt of heating oil at the heating oil tank reflecting purchases or deliveries for eighteen months prior to registration;

(b) Abandoned or decommissioned heating oil tank systems are not eligible for coverage under the heating oil pollution liability insurance program;

(c) At the discretion of the director, the following circumstances dictate individual consideration for eligibility for coverage under the heating oil pollution liability insurance program:

(i) If a heating oil tank has been recently installed (new construction) or reactivated (conversion to oil heat); or

(ii) If a heating oil tank has not been active for eighteen months prior to registration due to unusual or extenuating circumstances;

(d) In the event of a property transfer, heating oil pollution liability insurance coverage of a registered heating oil tank ceases. The new owner must submit a new registration form if the owner wishes to participate in the heating oil pollution liability insurance program. If the new owner does not submit a new registration form, the active heating oil tank will not be covered under the heating oil pollution liability insurance program; and

(e) PLIA reserves the right to perform an independent investigation to verify the eligibility of a heating oil tank. All investigative costs will be the responsibility of PLIA.

(2) Accidental releases occurring prior to heating oil tank registration are not eligible for coverage under the heating oil pollution liability insurance program.

(3) Owners and operators of active heating oil tanks, or sites containing active heating oil tanks where an accidental release has been identified or where the owner or operator knows of an accidental release prior to heating oil tank registration are eligible for coverage under the heating oil pollution liability insurance program subject to the following conditions:

(a) The owner or operator must have a plan for proceeding with corrective action; and

(b) If the owner or operator files a claim with PLIA, the owner or operator has the burden of proving, to the satisfaction of the director, that the claim is not related to an accidental release occurring prior to the heating oil tank registration.

NEW SECTION

WAC 374-70-060 Coverage. (1) The effective date of coverage under the heating oil pollution liability insurance program is January 1, 1996. Thereafter, individual heating oil tank coverage shall become effective on the date of heating oil tank registration.

(2) The heating oil pollution liability insurance program provides coverage for corrective action costs up to sixty thousand dollars per occurrence, per site, per year, exclusive of other valid insurance or warranties.

(3) **Corrective action costs covered under the heating oil pollution liability insurance program include:**

(a) Corrective action if the accidental release occurs after the registration of an active heating oil tank;

(b) Actions necessary to determine the extent and severity of an accidental release;

(c) Costs, not to exceed sixty thousand dollars per occurrence, per site, per year;

(d) Costs in excess of other valid insurance or warranties;

(e) First-party property damage restoration, including landscaping, limited to one thousand five hundred dollars per occurrence, per site, per year;

(f) Third-party property damage restoration, including landscaping, limited to one thousand five hundred dollars for each third-party claimant per occurrence, per site, per year;

(g) Excavation, treatment and/or removal and proper disposal of any soil or water contaminated by the accidental release and removal and proper disposal of nonrepairable heating oil tank or tanks; and

(h) Required soil and water sampling and testing to determine if corrective action standards have been met.

(4) **Corrective action costs not covered under the heating oil pollution liability insurance program include:**

(a) Corrective action if the accidental release occurred prior to the registration of an active heating oil tank;

(b) Costs covered by other valid insurance or warranties;

(c) Costs in excess of sixty thousand dollars per occurrence, per site, per year, exclusive of other valid insurance or warranties;

(d) Cleanup of contamination from other sources;

(e) Repair or replacement of the heating oil tank, lines, or furnace;

(f) Emergency heat restoration procedures;

(g) Cleanup of a site beyond the MTCA cleanup levels;

(h) Corrective action associated with an abandoned or decommissioned heating oil tank or site;

(i) First-party property damage restoration, including landscaping, in excess of one thousand five hundred dollars per occurrence, per site, per year;

(j) Third-party property damage restoration, including landscaping, in excess of one thousand five hundred dollars for each third-party claimant per occurrence, per site, per year; and

(k) Defense costs, including the costs of legal representation, expert fees, and related costs and expenses incurred in defending against claims or actions brought by or on behalf of:

(i) The United States, the state of Washington, or a political subdivision of the United States or state of Washington to require corrective action or to recover costs of corrective action; or

(ii) A third party for bodily injury or property damage caused by an accidental release.

(5) If a claim exceeds sixty thousand dollars in total damages, coverage within the sixty thousand dollar policy limit shall be on a pro rata basis between the insured heating oil tank owner and third-party claimant(s).

NEW SECTION

WAC 374-70-070 Parties involved with an accidental release and corrective action. Among the potential parties involved when an accidental release is suspected from a heating oil tank or line are the heating oil tank owner or operator, adjacent property owners, heating oil supplier, PLIA, third-party administrator, department of ecology, and heating oil tank service providers.

(1) Heating oil tank owner or operator. All liabilities caused by an accidental release originating from a heating oil tank are the sole responsibility of the heating oil tank owner. **The pollution liability insurance agency and/or the state of Washington accepts no liability, nor portion of the liability, from the heating oil tank owner.** The heating oil tank operator may submit forms to PLIA on behalf of the owner, however, no corrective action may be performed without the specific written consent of the heating oil tank owner. The heating oil tank owner or operator is responsible for selecting a heating oil tank service provider from the prequalified list supplied by PLIA, working with that service provider to file the appropriate forms and reports with PLIA, and for approving the completed corrective action.

(2) Adjacent property owners. If an accidental release migrates off-site, or is suspected to have migrated, the adjacent property owner may be involved in the corrective action. In this situation, the heating oil tank owner or operator shall notify PLIA of the occurrence and provide the adjacent property owner's name, address and telephone number.

(3) Heating oil supplier. Some heating oil suppliers provide customer services which may be a resource to evaluate a suspected accidental release to the environment.

If after investigating a heating system malfunction, a heating oil supplier determines that an accidental release may have occurred, the heating oil supplier should inform the owner or operator of the accidental release.

(4) **PLIA.** PLIA registers heating oil tanks, purchases insurance and provides reinsurance, provides a list of prequalified heating oil tank service providers, manages claims, investigates sites and provides certification that a claim is closed.

(5) **Third-party administrator.** PLIA will appoint a third-party administrator to perform all initial investigations and site assessments. Investigation will include, but not necessarily be limited to, verification that the accidental release is from an active, registered heating oil tank, investigation of the existence of any other valid insurance or warranties providing coverage for the heating oil tank and/or property, and determination of the extent and severity of the accidental release. The heating oil tank owner or operator shall cooperate fully with the third-party administrator and supply any information necessary for the third-party administrator to complete the initial investigation and site assessment, including, but not limited to, a copy of any homeowner, pollution liability, or environmental impairment insurance policy(ies). A report of the investigation will be submitted to PLIA.

(6) **Department of ecology.** The department of ecology administers state-wide laws and rules detailing MTCA cleanup standards for both soil and ground water. To be eligible for coverage under the heating oil pollution liability insurance program, corrective action must satisfy MTCA and pertinent local government requirements.

(7) **Heating oil tank service provider.** A heating oil tank service provider is an independent contractor responsible for all aspects of corrective action including excavation, tank/line removal, sampling and testing, remedial actions, site restoration, and submittal of required reports to PLIA.

NEW SECTION

WAC 374-70-080 Claims procedures. To receive payment from the heating oil pollution liability insurance program for covered corrective action costs, the following actions are required:

(1) The claim must be for corrective action resulting from an accidental release from an active heating oil tank which has been registered with PLIA prior to the accidental release;

(2) The claim must satisfy all requirements and restrictions established by chapter 70.149 RCW and this chapter. Any failure to satisfy all requirements and restrictions may be a basis for denial of claim;

(3) The heating oil tank owner or operator must provide notice to PLIA that a potential claim exists within seven days of discovery that an accidental release may have occurred;

(4) Upon receipt of notice of a potential claim, PLIA will commence completion of the notice of claim, and will provide the heating oil tank owner or operator with a list of prequalified heating oil tank service providers;

(5) The heating oil tank operator may submit reports and forms on behalf of the heating oil tank owner; however,

no corrective action will be initiated or performed without the specific written consent of the heating oil tank owner;

(6) Initial investigation and site assessment will be performed by a third-party administrator appointed by PLIA. Investigation will include, but not necessarily be limited to, verification that the accidental release is from an active, registered heating oil tank, investigation of the existence of any other valid insurance or warranties providing coverage for the heating oil tank and/or property, and determination of the extent and severity of the accidental release. The heating oil tank owner or operator shall cooperate fully with the third-party administrator and supply any information necessary for the third-party administrator to complete the initial investigation and site assessment, including, but not limited to, a copy of any homeowner, pollution liability, or environmental impairment insurance policy(ies). A report of the investigation will be submitted to PLIA;

(7) If the claim is determined by PLIA to be valid, the heating oil tank owner or operator will be notified by PLIA to select a heating oil tank service provider, from the list of prequalified heating oil tank service providers, to perform corrective action. PLIA's list of prequalified heating oil tank service providers will be updated quarterly. The heating oil tank owner or operator must contact PLIA, prior to selecting a heating oil tank service provider, to confirm that the heating oil tank service provider is still included on the agency's list of prequalified heating oil tank service providers;

(8) The prequalified heating oil tank service provider will notify PLIA of selection by the heating oil tank owner or operator. PLIA will then forward to the heating oil tank service provider the following forms:

(a) Scope of work proposal. This form will provide the heating oil tank owner or operator and PLIA a proposal of the extent and elements of corrective action, as well as a specific cost proposal;

(b) Change order. This form provides a proposal for change or deviation from the scope of work proposal;

(c) Project field report. This form provides a record of all corrective action and work elements, as well as a record of detailed costs. The project field report must include color photographs of the project at commencement, completion, and any significant steps in between, as well as appropriate project sketches and/or plans; and

(d) Claim report. This form will include a project closeout report, final cleanup report, and corrective action cost claim;

(9) The prequalified heating oil tank service provider will submit for approval to the heating oil tank owner or operator and to PLIA a scope of work proposal for corrective action at the heating oil tank site;

(10) Upon receipt of approval by the heating oil tank owner or operator and PLIA of the scope of work proposal, the heating oil tank service provider may commence work to accomplish corrective action in compliance with MTCA independent remedial action;

(11) All work performed by the heating oil tank service provider on behalf of the heating oil tank owner or operator and PLIA must be within the terms of the contract and the approved scope of work proposal and shall not exceed costs included in the scope of work proposal. Any change(s) or deviation(s) from the approved scope of work proposal must

be accomplished through a change order request which must be approved in advance by the heating oil tank owner or operator and PLIA. Any work performed by the heating oil tank service provider that has not been approved, prior to performance, by the heating oil tank owner or operator and PLIA, or is beyond the terms of the scope of work proposal or change order(s), or is in excess of costs approved in the scope of work proposal or change order(s), will not be paid or reimbursed under the heating oil pollution liability insurance program. Such work or excess costs will be the responsibility of the heating oil tank owner and/or heating oil tank service provider;

(12) Corrective action activities and costs must be recorded by the heating oil tank service provider on the project field report form provided by PLIA. The project field report must include color photographs of the project at commencement, completion and any significant steps between, as well as appropriate project sketches and/or plans;

(13) Upon completion of all corrective action, the heating oil tank owner or operator must sign the project closeout report indicating approval of and satisfaction with all work performed by the heating oil tank service provider;

(14) Upon completion of all corrective action and approval by the heating oil tank owner or operator, the heating oil tank service provider must submit to PLIA a complete claim report. The claim report will include the project closeout report, project field report, final cleanup report and corrective action cost claim. After review and approval of the claim report by PLIA, the heating oil tank service provider will receive payment;

(15) Upon completion of corrective action that appears to satisfy the requirements of all applicable state and local statutes, the director will certify that the claim has been closed;

(16) Approval of claims and payment of covered costs are contingent upon the availability of revenue. The director reserves the right to defer payment at any time that claim demands exceed the revenue available for the heating oil pollution liability insurance program. Payment will commence with sufficient revenue; and

(17) PLIA will maintain all records associated with a claim for a period of ten years.

NEW SECTION

WAC 374-70-090 Third-party claims procedures.

For a third party to receive payment from the heating oil pollution liability insurance program for covered corrective action, the following actions are required:

(1) The claim must be for corrective action resulting from a leak or spill from an active heating oil tank which has been registered with PLIA prior to the leak or spill;

(2) The claim must satisfy all requirements and restrictions established for third-party claims by chapter 70.149 RCW and this chapter. Any failure to satisfy all requirements and restrictions may be a basis for denial of claim;

(3) The heating oil tank owner or operator must provide notice to PLIA that a potential third-party claim may exist within seven days of discovery that a leak or spill may have occurred;

(4) The third-party claimant must provide notice to PLIA that a potential third-party claim may exist within ten

days of discovery that damage may have occurred from a leak or spill from a named insured's active heating oil tank;

(5) Upon receipt of notice of a potential claim, PLIA will commence completion of the notice of claim;

(6) Initial investigation and site assessment will be performed by a third-party administrator appointed by PLIA. Investigation will include, but not necessarily be limited to, verification that the leak or spill is from an active, registered heating oil tank, investigation of the existence of any other valid insurance or warranties providing coverage for the heating oil tank and/or property, and determination of the extent and severity of the leak or spill. The third-party claimant shall cooperate fully with the third-party administrator and supply any information necessary for the third-party administrator to complete the initial investigation and site assessment. A report of the investigation will be submitted to PLIA;

(7) If the claim is determined by PLIA to be valid, the third-party claimant will be notified by PLIA to select a heating oil tank service provider, from the list of prequalified heating oil tank service providers, to perform corrective action. PLIA's list of prequalified heating oil tank service providers will be updated quarterly. The third-party claimant must contact PLIA, prior to selecting a heating oil tank service provider, to confirm that the heating oil tank service provider is still included on the agency's list of prequalified heating oil tank service providers;

(8) The prequalified heating oil tank service provider will notify PLIA of selection by the third-party claimant. PLIA will then forward to the heating oil tank service provider the following forms:

(a) Scope of work proposal. This form will provide the third-party claimant and PLIA a proposal of the extent and elements of corrective action, as well as a specific cost proposal;

(b) Change order. This form provides a proposal for change or deviation from the scope of work proposal;

(c) Project field report. This form provides a record of all corrective action and work elements, as well as a record of detailed costs. The project field report must include color photographs of the project at commencement, completion, and any significant steps in between, as well as appropriate project sketches and/or plans; and

(d) Claim report. This form will include a project closeout report, final cleanup report, and corrective action cost claim;

(9) The prequalified heating oil tank service provider will submit for approval to the third-party claimant and to PLIA a scope of work proposal for corrective action;

(10) Upon receipt of approval by the third-party claimant and PLIA of the scope of work proposal, the heating oil tank service provider may commence work to accomplish corrective action in compliance with MTCA independent remedial action;

(11) All work performed by the heating oil tank service provider on behalf of the third-party claimant and PLIA must be within the terms of the contract and the approved scope of work proposal and shall not exceed costs included in the scope of work proposal. Any change(s) or deviation(s) from the approved scope of work proposal must be accomplished through a change order request which must be approved in advance by the third-party claimant and PLIA. Any work

performed by the heating oil tank service provider that has not been approved, prior to performance, by the third-party claimant and PLIA, or is beyond the terms of the scope of work proposal or change order(s), or is in excess of costs approved in the scope of work proposal or change order(s), will not be paid or reimbursed under the heating oil pollution liability insurance program. Such work or excess costs will be the responsibility of the third-party claimant and/or heating oil tank service provider;

(12) Corrective action activities and costs must be recorded by the heating oil tank service provider on the project field report form provided by PLIA. The project field report must include color photographs of the project at commencement, completion and any significant steps between, as well as appropriate project sketches and/or plans;

(13) Upon completion of all corrective action, the third-party claimant must sign the project closeout report indicating approval of and satisfaction with all work performed by the heating oil tank service provider;

(14) Upon completion of all corrective action and approval by the third-party claimant, the heating oil tank service provider must submit to PLIA a complete claim report. The claim report will include the project closeout report, project field report, final cleanup report and corrective action cost claim. After review and approval of the claim report by PLIA, the heating oil tank service provider will receive payment;

(15) Upon completion of corrective action that appears to satisfy the requirements of all applicable state and local statutes, the director will certify that the claim has been closed;

(16) Approval of claims and payment of covered costs are contingent upon the availability of revenue. The director reserves the right to defer payment at any time that claim demands exceed the revenue available for the heating oil pollution liability insurance program. Payment will commence with sufficient revenue; and

(17) PLIA will maintain all records associated with a claim for a period of ten years.

NEW SECTION

WAC 374-70-100 Service provider requirements and procedures. (1) All corrective action shall be performed by prequalified heating oil tank service providers. A heating oil tank service provider is an independent contractor responsible for all aspects of corrective action including excavation, tank/line removal, sampling and testing, remedial actions, site restoration, and submittal of required reports to PLIA. PLIA will maintain a list of prequalified heating oil tank service providers. This list will be made available to heating oil tank owners and operators. PLIA will continually monitor the performance of the prequalified heating oil tank service providers.

(2) To qualify as a prequalified heating oil tank service provider, a contractor must submit to PLIA the following documents:

(a) Certificates of insurance covering general liability, vehicles, and workers' compensation, including limits of coverage;

(b) Copy of state general contractor's license; and

(c) A signed agreement to terms and conditions, established by PLIA, for prequalified heating oil tank service providers.

(3) Once retained, the heating oil tank service provider works with PLIA, the heating oil tank owner or operator and/or the third-party claimant to perform the following:

(a) Perform the corrective action;

(b) Document the costs of the corrective action; and

(c) File the forms required to receive payment from the heating oil pollution liability insurance program.

(4) All prequalified heating oil tank service providers must follow claims procedures as outlined in WAC 374-70-070.

(5) All corrective action activities must meet the criteria established by MTCA and any pertinent local ordinances or requirements.

NEW SECTION

WAC 374-70-110 Quality assurance. (1) PLIA shall maintain a detailed record of any quality assurance issues. Whenever the agency documents a violation of the agency's standards and procedures, the agency shall notify the heating oil tank service provider and explain the agency's procedures as set forth in this section.

(2)(a) After the agency has documented one violation of the agency's standards and procedures, the agency shall prepare a written summary of events;

(b) The director shall inform the affected heating oil tank service provider in writing of the violation. The heating oil tank service provider may respond in writing to the violation or change its practice within twenty days.

(3) If the heating oil tank service provider does not change its practice or respond in writing within twenty days, the agency may delete the heating oil tank service provider from the agency's list of prequalified heating oil tank service providers, and the heating oil tank service provider will not be eligible for payments, either directly or indirectly of corrective action costs.

NEW SECTION

WAC 374-70-120 Appeals. (1) A person may appeal any of the following decisions made under the heating oil pollution liability insurance program to the director:

(a) A denial of eligibility for coverage;

(b) Amount of payment allowed for corrective action;

(c) Amount of payment allowed for property damage;

(d) Amount of payment allowed for a third-party liability claim;

(e) A determination that cleanup does not meet MTCA standards;

(f) A denial of inclusion on the agency's list of prequalified heating oil tank service providers; and

(g) Removal of a heating oil tank service provider from the agency's list of prequalified heating oil tank service providers.

(2) A person has forty-five days after the decision to file a written request for a hearing.

(3) If the written request for a hearing is received within forty-five days, the director shall conduct an adjudicative hearing proceeding under chapter 34.05 RCW.

(4) If the written request for a hearing is not received within forty-five days after the decision, no further consideration will be given to the appeal.

NEW SECTION

WAC 374-70-130 Confidentiality of information. (1) All information obtained during heating oil tank registration shall be confidential and may not be made public or otherwise disclosed to any person, firm, corporation, agency, association, government body, or other entity.

(2) All examination and proprietary reports and information obtained in soliciting bids from insurers and in monitoring the selected insurer shall be confidential and may not be made public or otherwise disclosed to any person, firm, corporation, agency, association, government body, or other entity.

WSR 95-22-086
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
RETIREMENT SYSTEMS
 (By the Code Reviser's Office)
 [Filed November 1, 1995, 9:10 a.m.]

WAC 415-112-0153, 415-112-0155, 415-112-0164 and 415-112-0166, proposed by the Department of Retirement Systems in WSR 95-09-069, appearing in issue 95-09 of the State Register, which was distributed on May 3, 1995, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
 Washington State Register

WSR 95-22-088
PROPOSED RULES
DEPARTMENT OF HEALTH
 [Filed November 1, 1995, 10:12 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-01-062.

Title of Rule: Chapter 246-919 WAC, Medical Quality Assurance Commission.

Purpose: To review, amend and repeal medical licensure and disciplinary rules to conform to new statute which combined the Board of Medical Examiners and the Medical Disciplinary Board into the Medical Quality Assurance Commission. It also creates the Medical Quality Assurance Commission under new chapter 246-919 WAC.

Statutory Authority for Adoption: RCW 18.71.017 and 18.71A.020.

Statute Being Implemented: RCW 18.71.017 and 18.71A.020.

Summary: This proposal, in keeping with changes made to chapters 18.71 and 18.71A RCW and the elimination of chapter 18.72 RCW, would repeal chapters 246-917 and 246-920 WAC while recreating them in a new chapter, chapter 246-919 WAC. It would also eliminate those sections of the

rule which are now governed by the Office of Professional Standards under chapter 246-11 WAC. In addition, it would update the language in chapter 246-918 WAC, the majority being a change from "board" to "commission."

Reasons Supporting Proposal: This proposal is required due to the passage of ESHB 2676 which combined the Board of Medical Examiners and the Medical Disciplinary Board into the Medical Quality Assurance Commission.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Beverly A. Teeter, Olympia, (360) 664-8690.

Name of Proponent: Department of Health, Medical Quality Assurance Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: ESHB 2676 passed in the 1994 legislative session created the Medical Quality Assurance Commission by combining the Board of Medical Examiners and the Medical Disciplinary Board. This rule repeals those sections of the WAC regarding the Board of Medical Examiners and the Medical Disciplinary Board and reinstates them as the Medical Quality Assurance Commission under new chapter 246-919 WAC. It also updates the language in chapter 246-918 WAC to conform to changes made by ESHB 2676. The requirements regarding licensure and disciplinary procedures will not change.

Proposal Changes the Following Existing Rules: This rule repeals chapters 246-917 and 246-920 WAC governing the Board of Medical Examiners and the Medical Disciplinary Board and reestablishes them as the Medical Quality Assurance Commission under chapter 246-919 WAC. Regulatory authority and licensing requirements remain the same. This rule also allows for the language change to chapter 246-918 WAC, the majority being a change from the word "board" to "commission."

No small business economic impact statement has been prepared under chapter 19.85 RCW. There has been no change to the fee structure, therefore there is no impact on small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Although this rule repeals chapters 246-917 and 246-920 WAC, it reestablishes them under chapter 246-919 WAC and the content and purpose remain the same. This rule does not subject a person to a penalty or sanction; does not establish, alter or revoke a qualification or standard for physician or physician assistant licensure; and does not make significant amendment to a policy or regulatory program.

Hearing Location: Seattle Airport Hilton, 17620 Pacific Highway South, Seattle, WA 98188-0964, on December 15, 1995, at 3:00 p.m. to 4:00 p.m.

Assistance for Persons with Disabilities: Contact Susan Anthony, Program Manager, by November 30, 1995, TDD (360) 664-0064.

Submit Written Comments to: Beverly Teeter, Department of Health, Medical Quality Assurance Commission, P.O. Box 47866, Olympia, WA 98504-7866, by November 30, 1995.

Date of Intended Adoption: December 16, 1995.

October 25, 1995
Keith O. Shafer
Executive Director

commission or a quorum of the entire commission. The commission has two panels: Panel A has ten members and Panel B has nine members.

**Chapter 246-919 WAC
MEDICAL QUALITY ASSURANCE COMMISSION**

NEW SECTION

WAC 246-919-010 Definitions. (1) "Commission" means the Washington state medical quality assurance commission.

(2) "Applicant" is an individual who has completed the application form and has paid the application fee.

(3) "Physician" means a physician licensed pursuant to chapter 18.71 RCW.

(4) "Unprofessional conduct" as used in these regulations shall mean the conduct described in RCW 18.71.0193 for conduct occurring before June 11, 1986, and the conduct described in RCW 18.130.180 for conduct occurring on or after June 11, 1986.

(5) "Hospital" means any health care institution licensed pursuant to chapter 70.41 RCW.

(6) "Nursing home" means any health care institution which comes under chapter 18.51 RCW.

(7) "Mentally or physically disabled physician" means a physician who has either been determined by a court to be mentally incompetent or mentally ill or who is unable to practice medicine with reasonable skill and safety by reason of any mental or physical condition.

NEW SECTION

WAC 246-919-020 Commission address. The commission's official mailing address is:

Medical Quality Assurance Commission
Department of Health
P.O. Box 47866
Olympia, WA 98504-7866

NEW SECTION

WAC 246-919-030 Current address. It is the responsibility of each licensee to maintain a current mailing address on file with the commission. The mailing address on file with the commission shall be used for mailing of all official matters from the commission to the licensee. If charges against the licensee are mailed by certified mail to the address on file with the commission and returned unclaimed or are unable to be delivered for any reason, then the commission shall proceed against the licensee by default under RCW 34.05.440.

CONSTRUCTION

NEW SECTION

WAC 246-919-100 Construction. The term "commission" as used in chapter 246-919 WAC shall mean a duly constituted panel of the Washington state medical quality assurance commission if a panel has been constituted to preside at the hearing. If a panel has not been so constituted, then the term "commission" shall mean the entire

NEW SECTION

WAC 246-919-110 Commission meetings. Regular commission meetings shall be held at least four times yearly. Additional regular or special meetings may be called at the discretion of the chair or quorum of the commission.

NEW SECTION

WAC 246-919-120 Appearance and practice before agency—Solicitation of business unethical. It shall be unethical for persons while acting as a representative of the commission to solicit business by circulars, advertisements or by personal communication or interviews not warranted by personal relations, provided that such representative may publish or circulate business cards. It is equally unethical to procure business indirectly by solicitors of any kind.

NEW SECTION

WAC 246-919-130 Appearance and practice before agency—Standards of ethical conduct. All persons appearing in proceedings before the commission in a representative capacity 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 commission may decline to permit such person to appear in a representative capacity in any proceeding before it.

NEW SECTION

WAC 246-919-140 Appearance and practice before agency—Appearance by former member of attorney general's staff. No member of the attorney general's staff assigned to represent the commission may at any time after severing his or her employment with the attorney general appear, except with the written permission of the commission, in a representative capacity on behalf of other parties in a formal proceeding wherein he or she previously took an active part in the investigation as a representative of the commission.

NEW SECTION

WAC 246-919-150 Appearance and practice before agency—Former employee and board/commission member as witness. No former employee of a board/commission or department of health or former board/commission member shall, at any time after severing employment or serving as a board/commission member, appear as a witness on behalf of parties other than the board/commission or department of health in a formal proceeding wherein he or she previously took an active part in the investigation or deliberation as a representative of the board/commission of the department of health except with the written permission of the commission.

PROPOSED

RULE PROCESS

NEW SECTION

WAC 246-919-200 Petitions for rule making, amendment or repeal—Who may petition. Any interested person may petition the commission requesting the promulgation, amendment, or repeal of any rule.

NEW SECTION

WAC 246-919-210 Petitions for rule making, amendment or repeal—Requisites. Where the petition requests the promulgation of a rule, the requested or proposed rule must be set out in full. The petition must also include all the reasons for the requested rule together with briefs of any applicable law. Where the petition requests the amendment or repeal of a rule presently in effect, the rule or portion of the rule in question must be set out as well as a suggested amended form, if any. The petition must include all reasons for the requested amendment or repeal of the rule.

NEW SECTION

WAC 246-919-220 Petitions for rule making, amendment or repeal—Agency must consider. All petitions shall be considered by the commission and the commission may, in its discretion, order a hearing for the further consideration and discussion of the requested promulgation, amendment, repeal, or modification of any rule.

NEW SECTION

WAC 246-919-230 Petitions for rule making, amendment or repeal—Notice of disposition. The commission shall notify any petitioning party within a reasonable time of the disposition of the petition.

NEW SECTION

WAC 246-919-240 Declaratory rulings. (1) As prescribed by RCW 34.05.240, any interested person may petition the commission for a declaratory ruling. The commission shall consider the petition and within a reasonable time the commission shall:

- (a) Issue a nonbinding declaratory ruling; or
- (b) Notify the person that no declaratory ruling is to be issued; or
- (c) Set a reasonable time and place for hearing argument upon the matter, and give reasonable notification to the person of the time and place for such hearing and of the issues involved.

(2) If a hearing as provided in subsection (1)(c) of this section is conducted, the commission shall within a reasonable time:

- (a) Issue a binding declaratory rule; or
- (b) Issue a nonbinding declaratory ruling; or
- (c) Notify the petitioner that no declaratory ruling is to be issued.

APPLICATIONS AND EXAMINATIONS

NEW SECTION

WAC 246-919-300 Application withdrawals. An application for a license may not be withdrawn after the commission or the reviewing commission member determines that grounds exist for denial of the license or for the issuance of a conditional license. Applications which are subject to investigation for unprofessional conduct or impaired practice may not be withdrawn.

NEW SECTION

WAC 246-919-305 Refunds. Application or license fees are not refundable or transferable.

NEW SECTION

WAC 246-919-310 Credentialing of physicians and surgeons. All completed applications, for either limited or full licensure, must be reviewed by a member of the commission or a designee authorized in writing by the commission prior to examination and/or licensure.

NEW SECTION

WAC 246-919-320 Approved United States and Canadian medical schools. For the purposes of the Medical Practice Act, the commission approves those medical schools listed as accredited medical schools in the United States set forth in Appendix II, Table I, and as accredited schools in Canada set forth in Appendix III, Table I, as published in the *Journal of the American Medical Association* for March 7, 1980.

NEW SECTION

WAC 246-919-330 Postgraduate medical training defined. (1) For the purposes of this chapter, postgraduate medical training shall be considered to mean clinical training approved by the commission in general medicine or surgery, or a recognized specialty or subspecialty in the field of medicine or surgery. The training must be acquired after completion of a formal course of undergraduate medical instruction outlined in RCW 18.71.055. Clinical performance deemed unsatisfactory by the program performance evaluation will not be accepted. This definition shall be considered to include, but not be limited to, internships, residencies and fellowships in medical or surgical subjects.

(2) The commission approves the following postgraduate clinical training courses:

(a) Programs accredited by the American Medical Association Accreditation Council for Graduate Medical Education which are listed in the 1984-85 directory of residency programs, or programs approved by the American Medical Association Accreditation Council at the time of residency.

(b) Preregistration training programs approved as of July 1, 1982, by the Canadian National Joint Committee on Accreditation of Preregistration Physician Training Programs, or programs approved by the Canadian National Joint Committee on Accreditation of Preregistration Physician Training Programs at the time of residency.

NEW SECTION**WAC 246-919-340 International medical graduates.**

(1) Except in unusual circumstances, which shall be considered individually by the commission, all graduates of international medical schools who were not licensed in another state prior to 1958 must have obtained the certificate granted by the Educational Commission for Foreign Medical Graduates (ECFMG) or must qualify for exemption as provided for in other sections of these rules and regulations.

(2) A United States citizen or resident alien who has obtained his medical education in a medical school outside the United States, Canada, or Puerto Rico shall be eligible for licensure in the state of Washington if he or she has satisfied the following requirements:

(a) Has completed all of the formal academic requirements for graduation from a medical school outside the United States, provided that such medical school provides a resident course of professional instruction equivalent to that required under RCW 18.71.055 for approval of United States and Canadian schools. An internship and/or social service in an international country shall not be considered to be a part of the formal academic requirements;

(b) Has successfully completed one academic year of supervised clinical training in a program approved by the commission. Approval of such program shall be based on the following requirements:

(i) The program shall be sponsored by a United States medical school approved by the commission;

(ii) The school must provide supervision equivalent to that given undergraduate medical students;

(iii) Admission to such a program shall be contingent upon review of the applicant's academic achievement, completion of the formal academic curriculum of the international medical school, and the attainment of a score satisfactory to the medical school in a qualifying examination acceptable to the commission such as Part 1 of the National Board examination, or day-1 of FLEX examination, or the ECFMG examination;

(iv) The program must include experience in each of the major clinical disciplines;

(c) Has completed the postgraduate clinical hospital training required by the commission of all applicants for licensure; and

(d) Has passed the examination required by the commission of all applicants for licensure.

(3) Satisfaction of the requirements of subsection (2) of this section shall substitute for the completion of any international internship and/or social service required by the international medical school or government as a condition to the awarding of a medical degree or licensure, and no such requirements shall be a condition of licensure as a physician in this state.

(4) Certification by the ECFMG shall not be a condition of licensure as a physician in this state for candidates who have successfully completed the requirements of subsection (2) of this section.

(5) All persons issued a license to practice medicine and surgery by the medical quality assurance commission shall possess all the rights and privileges thereof, including the use of the title "doctor of medicine" and the initials "M.D."

(6) Graduates of international medical schools who do not qualify for licensure under these rules and regulations will be required to meet the rules previously adopted by the commission.

NEW SECTION

WAC 246-919-350 Examinations. The United States Medical Licensure Examination shall be given twice yearly in the months of June and December. All applications for examination in the state of Washington shall be complete and on file with the Federation of State Medical Boards no later than September 1 for the December examination or March 1 for the June examination.

NEW SECTION

WAC 246-919-355 Examination scores. Examinations accepted by the Washington state medical quality assurance commission:

(1) The commission adopts the United States Medical Licensing Examination (USMLE) as the examination accepted by the commission.

(2) The minimal passing scores for each component of any approved examination combination shall be a score of seventy-five as defined by the examining authority.

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

(4) To be eligible for USMLE Step 3, the applicant must:

(a) Have obtained the M.D. degree;

(b) Have successfully completed the Federation Licensure Examination (FLEX) Component 1 or both National Boards Examination (NBE) Parts I and II or USMLE Steps 1 and 2 or NBE Part I and USMLE Step 2 or Step 1 and NBE Part II; and

(c) Be certified by the ECFMG if a graduate of an international medical school, or have successfully completed a fifth pathway program; and postgraduate training year in a program of graduate medical education accredited by the Accreditation Council for Graduate Medical Education.

NEW SECTION

WAC 246-919-360 Examinations accepted for reciprocity or waiver. (1) The commission may accept certain examinations as a basis for licensure. These examinations include USMLE, FLEX, NBE, or those given by the other states, with the exception of Florida and Hawaii. Those who have taken the Licentiate of the Medical Council of Canada (L.M.C.C.) and holds a valid LMCC certification obtained after 1969, may be granted a license without examination.

PROPOSED

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

Accepted Examinations taken in Sequence	Other Acceptable Combinations
NBME Part I plus NBME Part II plus NBME Part III	NBME Part I or USMLE Step 1 plus NBME Part II or USMLE Step 2 plus NBME Part III or USMLE Step 3
FLEX Component 1 plus FLEX Component 2	FLEX Component 1 plus USMLE Step 3 or NBME Part I or USMLE Step 1 plus NBME Part II or USMLE Step 2 plus FLEX Component 2
USMLE Step 1 plus USMLE Step 2 plus USMLE Step 3	

NEW SECTION

WAC 246-919-365 FLEX examination standards.

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

- Day 1 equals 1/6.
- Day 2 equals 2/6.
- Day 3 equals 3/6.

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

NEW SECTION

WAC 246-919-370 Special purpose examination. (1)

The commission may require an applicant or licensee to pass the Special Purpose Examination (SPEX) or any other examination deemed appropriate. An applicant or licensee may be required to take an examination when the commission has concerns with the applicant's or licensee's ability to practice competently for reasons which may include, but are not limited to, the following:

- (a) Resolved or pending malpractice suits;
- (b) Pending action by another state licensing authority;
- (c) Actions pertaining to privileges at any institution; or
- (d) Not having practiced for an interval of time.

(2) The minimum passing score on the SPEX examination shall be seventy-five. The passing score for any other examination under this rule shall be determined by the commission.

NEW SECTION

WAC 246-919-380 AIDS prevention and information education requirements. (1) Definitions.

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the department of health or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(2) Application for licensure. Applicants for licensure shall submit, prior to being granted a license and in addition to the other requirements, evidence to show compliance with the educational requirements of subsection (3) of this section, certify that such requirements will be satisfied by the date of the applicant's first renewal.

(3) AIDS education and training.

(a) Acceptable education and training. The commission will accept education and training that qualifies for continuing medical education credit. Such education and training shall be a minimum of four clock hours regarding the prevention, transmission and treatment of AIDS, and may include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(b) Any reinstatement of a license that is lapsed, inactive, or revoked or actually suspended for a term during which the licensee did not obtain the required AIDS education shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of (a) of this subsection.

(c) Documentation. The applicant for licensure shall certify that the minimum education and training has been completed after January 1, 1987. The documentation of education and training and description of learning shall be maintained for two years after issuance of license.

NEW SECTION

WAC 246-919-390 Temporary permits—Recognized jurisdictions. (1) For the issuance of temporary permits under RCW 18.130.075 to applicants who graduated from a school of medicine located in any state, territory, or possession of the United States, the District of Columbia, or the Dominion of Canada prior to July 28, 1985, the following jurisdictions are deemed to have licensing standards substantially equivalent to Washington state's licensing standards: Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Guam, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.

(2) For the issuance of temporary permits under RCW 18.130.075 to applicants who graduated from a school of medicine located in any state, territory, or possession of the United States, the District of Columbia, or the Dominion of Canada after July 28, 1985, the following jurisdictions are deemed to have licensing standards substantially equivalent to Washington state's licensing standards: Connecticut, Maine, Michigan, Nevada, and New Hampshire.

(3) For the issuance of temporary permits under RCW 18.130.075 to applicants who graduated from a school of medicine located outside the states, territories, and possessions of the United States, the District of Columbia, or the Dominion of Canada prior to July 28, 1985, the following jurisdictions are deemed to have licensing standards substantially equivalent to Washington state's licensing standards: Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Guam, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.

(4) For the issuance of temporary permits under RCW 18.130.075 to applicants who graduated from a school of medicine located outside the states, territories, and possessions of the United States, the District of Columbia, or the Dominion of Canada after July 28, 1985, the following jurisdictions are deemed to have licensing standards substantially equivalent to Washington state's licensing standards: Arizona, Colorado, Connecticut, Delaware, Georgia, Hawaii, Idaho, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oregon, Rhode Island, Tennessee, Texas, Virginia, West Virginia, and Wyoming.

NEW SECTION

WAC 246-919-395 Temporary permits—Issuance and duration. (1) Upon submission of a completed license application form on which the applicant indicates that he or she wishes to receive a temporary practice permit; payment of the application fee and temporary practice permit fee; receipt of the American Medical Association's physicians' data profile verifying states in which the applicant is or was licensed; receipt of disciplinary action data bank report from the Federation of State Medical Boards and receipt of written verification attesting that the applicant has a license in good standing and is not subject to charges or disciplinary action for unprofessional conduct or impairment from all states which the applicant is or was licensed, the applicant shall be issued a temporary practice permit unless there is a basis for denial of the license or issuance of a conditional license.

(2) The temporary permit shall expire upon the issuance of a license by the commission; initiation of an investigation by the commission of the applicant; or ninety days, whichever occurs first.

(3) An applicant who receives a temporary practice permit and who does not complete the application process may not receive additional temporary practice permits even upon submission of a new application in the future.

RENEWAL AND CME REQUIREMENTSNEW SECTION

WAC 246-919-400 Scope. This regulation governs all physicians licensed pursuant to chapter 18.71 RCW who wish to renew their licenses to practice in the state of Washington.

NEW SECTION

WAC 246-919-410 License renewal. The physician and surgeon license shall be renewed annually or as specified in chapter 18.71 RCW. The date of renewal shall be the licensee's birth date.

An initial license shall expire on the licensee's next birth date. However, if the licensee's next birth date is within three months of the initial date of licensure, the original license shall expire on his or her second birth date following original licensure. Before the expiration date of a license, a courtesy renewal notice will be mailed to the last address on file of every person holding a current license. The licensee is responsible for renewing his or her license prior to the expiration date regardless of whether the licensee receives the courtesy notice. Should the licensee fail to renew his or her license prior to the expiration date, the individual is subject to the statutory penalty fee. If the licensee fails to renew his or her license within three years from expiration date thereof, such individual must apply for licensing under the statutory conditions then in force.

NEW SECTION

WAC 246-919-420 License renewal form. A license shall not be renewed until the applicant has submitted completed renewal forms and the full amount of the renewal fee, including any penalty fee for late renewal of the license.

NEW SECTION

WAC 246-919-430 General requirements. (1) The commission requires one hundred fifty credit hours of continuing education every three years.

(2) In lieu of the one hundred fifty hours of continuing medical education, the commission will accept a current Physician's Recognition Award from the American Medical Association or a current certificate from any specialty board approved by the American Board of Medical Specialties (ABMS) which is considered by the specialty board as equivalent to the one hundred fifty hours of continuing medical education required under WAC 246-919-430(1). The commission will also accept certification or recertification by a specialty board as the equivalent of one hundred fifty hours of continuing medical education. A list of the approved specialty boards are designated in the *1995 Official American Boards of Medical Specialty Director of Board Certified Medical Specialist* and will be maintained by the commission. The list shall be made available upon request. The certification or recertification must be obtained in the three years preceding application for renewal.

(3) In case licensees fail to meet the requirements because of illness or other extenuating circumstances, each case will be considered on an individual basis and when the circumstances justify it, the commission or its designee may grant an extension of time.

NEW SECTION

WAC 246-919-440 Certification of compliance. (1) Every three years a licensee shall submit an affidavit of compliance with the one hundred fifty-hour continuing medical education requirement on a form supplied by the commission.

(2) The commission reserves the right to require a licensee to submit evidence in addition to the affidavit to demonstrate compliance with the one hundred fifty-hour continuing medical education requirement. Accordingly, it is the responsibility of a licensee to maintain evidence of such compliance.

NEW SECTION

WAC 246-919-450 Categories of creditable continuing medical education activities. The licensee may earn all one hundred fifty credit hours in Category I. If the licensee does not earn the one hundred fifty credit hours in Category I, the licensee must earn the total of one hundred fifty credit hours in at least three of the five categories. The following are categories of creditable continuing medical education activities approved by the commission:

- Category I Continuing medical education activities with accredited sponsorship
- Category II Continuing medical education activities with nonaccredited sponsorship (maximum of sixty hours)
- Category III Teaching medical physicians or the allied health services (maximum of sixty hours)
- Category IV Books, papers, publications, exhibits (maximum of sixty hours)
- Category V Nonsupervised: Self-assessment, self-instruction, specialty board examination preparation,

quality of care and/or utilization review (maximum of sixty hours).

NEW SECTION

WAC 246-919-460 Continuing medical education requirement. (1) The credits must be earned in the thirty-six-month period preceding application for renewal of licensure.

(2) One clock-hour shall equal one credit-hour for the purpose of satisfying the one hundred fifty-hour continuing medical education requirement.

(3)(a) **Category I: Continuing medical education activities with accredited sponsorship.** A maximum of one hundred fifty credit hours may be earned in Category I. The commission has approved the standards adopted by the Accreditation Council for Continuing Medical Education or its designated interstate accrediting agency, the Washington State Medical Association, in accrediting organizations and institutions offering continuing medical education programs, and will accept attendance at such programs offered by organizations and institutions offering continuing medical education programs, and will accept attendance at such programs offered by organizations and institutions so recognized as credit towards the licensee's continuing medical education requirement for annual renewal of licensure.

(b) **Category II: Continuing medical education activities with nonaccredited sponsorship.** A maximum of sixty credit hours may be earned by attendance at continuing medical education programs that are not approved in accordance with the provisions of Category I.

(c) **Category III: Teaching medical physicians or the allied health services.** A maximum of sixty credit hours may be earned for serving as an instructor of medical students, house staff, other physicians or allied health professionals from a hospital or institution with a formal training program if the hospital or institution has approved the instruction.

(d) **Category IV: Books, papers, publications, exhibits.**

(i) A maximum of sixty credit hours may be earned under Category IV, with specific subcategories listed below. Credit may be earned only during the thirty-six-month period following presentations or publications.

(ii) Ten credit hours may be claimed for a paper, exhibit, publication, or for each chapter of a book that is authored and published. A paper must be published in a recognized medical journal. A paper that is presented at a meeting or an exhibit that is shown must be to physicians or allied health professionals. Credit may be claimed only once for the scientific materials presented. Credit should be claimed as of the date materials were presented or published.

Medical editing can not be accepted in this or any other category for credit.

(e) **Category V: Nonsupervised.**

(i) A maximum of sixty credit hours may be earned under Category V. Credit may be earned only for the thirty-six-month period following the year in which the study, preparation, care and/or review occurred.

(ii) **Self-assessment:** Credit hours may be earned for completion of a multimedia medical education program.

(iii) Self-instruction: Credit hours may be earned for the independent reading of scientific journals and books.

(iv) Specialty board examination preparation: Credit hours may be earned for preparation for specialty board certification or recertification examinations.

(v) Quality care and/or utilization review: Credit hours may be earned for participation on a staff committee for quality of care and/or utilization review in a hospital or institution or government agency.

NEW SECTION

WAC 246-919-470 Approval not required. (1) The commission will not give prior approval for any continuing medical education. The commission will accept any continuing medical education that reasonably falls within these regulations and relies upon each individual physician's integrity in complying with this requirement.

(2) The commission will not give prior approval for any formal continuing medical education program. The continuing medical education category will depend solely upon the accredited status of the organization or institution. The number of creditable hours may be determined by counting the contact hours of instruction and rounding to the nearest quarter hour. The commission relies upon the integrity of program sponsors to present continuing medical education that constitutes a meritorious learning experience.

NEW SECTION

WAC 246-919-480 Retired active physician license. (1) RCW 18.130.250 provides for a retired active license status for individuals already licensed who wish to practice only in emergent or intermittent circumstances. For the purpose of implementing RCW 18.130.250, the licensee must hold a current active license and meet the following criteria:

- (a) The licensee's practice is limited to providing health care services without compensation;
- (b) Services are provided in community clinics located in the state of Washington that are operated by public or private tax-exempt corporations; and
- (c) Services must be limited to primary care.

(2) Individuals requesting a retired active license status must submit a letter to the department at the time of their renewal declaring their intent to practice only on an intermittent or emergency basis as defined in subsection (1) of this section. Physician retired active licenses will not be retroactively issued for prior years.

(3) A licensee wishing to return to a full active license must meet the current requirements for relicensure.

(4) Individuals practicing with a retired active license are subject to chapter 18.130 RCW to the same extent as individuals holding an active license.

(5) Retired active licensees must meet the continuing education requirements established in WAC 246-919-430 through 246-919-470.

ADJUDICATIVE PROCEDURES

NEW SECTION

WAC 246-919-500 Brief adjudicative proceedings—Denials based on failure to meet education, experience, or examination prerequisites for licensure. The commission adopts RCW 34.05.482 and 34.05.485 through 34.05.494 for adjudicative proceedings requested by applicants, who are denied a license under chapters 18.71 and 18.71A RCW for failure to meet the education, experience, or examination prerequisites for licensure. The sole issue at the adjudicative proceeding shall be whether the applicant meets the education, experience, and examination prerequisites for the issuance of a license.

NEW SECTION

WAC 246-919-510 Adjudicative proceedings. The commission adopts the model procedural rules for adjudicative proceedings as adopted by the department of health and contained in chapter 246-11 WAC, including subsequent amendments.

STANDARDS FOR PROFESSIONAL CONDUCT

NEW SECTION

WAC 246-919-600 Prescriptions—Schedule II stimulant drugs. (1) A physician shall be guilty of unprofessional conduct if he or she prescribes, orders, dispenses, administers, supplies or otherwise distributes any amphetamines or other Schedule II nonnarcotic stimulant drug to any person except for the therapeutic treatment of:

- (a) Narcolepsy;
- (b) Hyperkinesia;
- (c) Brain dysfunction of sufficiently specific diagnosis, or etiology which clearly indicates the need for these substances in treatment or control;
- (d) Epilepsy;
- (e) Differential psychiatric evaluation of depression; or
- (f) Depression shown to be refractory to other therapeutic modalities; or for the clinical investigation of the effects of such drugs or compounds in which case an investigative protocol must be submitted to and reviewed and approved by the commission before the investigation has begun.

(2) A physician prescribing or otherwise distributing controlled substances as permitted by subsection (1) of this section shall maintain a complete record which must include:

- (a) Documentation of the diagnosis and reason for prescribing; and
 - (b) Name, dose, strength, and quantity of drug, and the date prescribed or distributed.
- (3) The records required by subsection (2) of this section shall be made available for inspection by the commission or its authorized representative upon request.
- (4) Schedule II stimulant drugs shall not be dispensed or prescribed for the treatment or control of exogenous obesity.

NEW SECTION

WAC 246-919-610 Use of drugs or autotransfusion to enhance athletic ability. (1) A physician shall not prescribe, administer or dispense anabolic steroids, growth hormones, testosterone or its analogs, human chorionic

gonadotropin (HCG), other hormones, or any form of autotransfusion for the purpose of enhancing athletic ability.

(2) A physician shall complete and maintain patient medical records which accurately reflect the prescribing, administering or dispensing of any substance or drug described in this rule or any form of autotransfusion. Patient medical records shall indicate the diagnosis and purpose for which the substance, drug or autotransfusion is prescribed, administered or dispensed and any additional information upon which the diagnosis is based.

(3) A violation of any provision of this rule shall constitute grounds for disciplinary action under RCW 18.130.180(7). A violation of subsection (1) of this section shall also constitute grounds for disciplinary action under RCW 18.130.180(6).

NEW SECTION

WAC 246-919-620 Cooperation with investigation.

(1) A licensee must comply with a request, under RCW 70.02.050, for health care records or documents from an investigator who is acting on behalf of the disciplining authority pursuant to RCW 18.130.050(2) by submitting the requested items within fourteen calendar days of receipt of the request by the licensee or the licensee's attorney, whichever is first. If the licensee fails to comply with the request within fourteen calendar days, the investigator shall contact the licensee or the licensee's attorney by letter as a reminder.

(a) Investigators may extend the time for response if the licensee requests an extension for a period not to exceed seven calendar days. Other requests for extension may be granted by the commission chair or the commission's designee.

(b) If the licensee fails to comply with the request within three business days after the receipt of the written reminder, a statement of charges shall be issued pursuant to RCW 18.130.180(8) and, if there is sufficient evidence to support additional charges, those charges may be included in the statement of charges.

(2) A licensee must comply with a request for nonhealth care records or documents from an investigator who is acting on behalf of the commission pursuant to RCW 18.130.050(2) by submitting the requested items within fourteen calendar days of receipt of the request by the licensee or the licensee's attorney, whichever is first. If the licensee fails to comply with the request within fourteen calendar days, the investigator shall contact the licensee or the licensee's attorney by letter as a reminder.

(a) Investigators may extend the time for response if the licensee requests an extension for a period not to exceed seven calendar days. Other requests for extension may be granted by the commission chair or the commission's designee.

(b) If the licensee fails to comply with the request within three business days after the receipt of the written reminder, then a subpoena shall be served upon the licensee to obtain the requested items.

(c) If the licensee fails to comply with the subpoena, a statement of charges shall be issued pursuant to RCW 18.130.180(8) and, if there is sufficient evidence to support

additional charges, then those charges may be included in the statement of charges.

(3) A licensee must comply with a request for information from an investigator who is acting on behalf of the commission pursuant to RCW 18.130.050(2). This information may include, but is not limited to, an explanation of the matter under investigation, curriculum vitae, continuing medical education credits, malpractice action summaries, or hospital affiliations. The licensee will submit the requested information within fourteen calendar days of receipt of the request by the licensee or the licensee's attorney, whichever is first. If the licensee fails to comply with the request within fourteen calendar days, the investigator shall contact the licensee or the licensee's attorney by letter as a reminder.

(a) Investigators may extend the time for response if the licensee requests an extension for a period not to exceed seven calendar days. Other requests for extension may be granted by the commission chair or the commission's designee.

(b) If the licensee fails to comply with the written reminder within three business days after the receipt of the reminder, a statement of charges shall be issued pursuant to RCW 18.130.180(8) and, if there is sufficient evidence to support additional charges, then those charges may be included in the statement of charges.

(4) In negotiating a settlement on a statement of charges based on RCW 18.130.180(8), the reviewing commission member may take into consideration whether the licensee has complied with the request after the statement of charges has been issued. Any settlement proposal shall be presented to the commission or a duly constituted panel of the commission for a decision on ratification and until ratified, the settlement is not final.

MANDATORY REPORTING

NEW SECTION

WAC 246-919-700 Mandatory reporting. (1) All reports required by these regulations shall be submitted to the commission as soon as possible, but not later than sixty days after a determination is made.

(2) A report should contain the following information if known:

(a) The name, address and telephone number of the person making the report;

(b) The name, address and telephone numbers of the physician being reported;

(c) The case number of any patient whose treatment is a subject of the report;

(d) A brief description or summary of the facts which gave rise to the issuance of the report, including dates of occurrences;

(e) If court action is involved, the name of the court in which the action is filed along with the date of filing and docket number; and

(f) Any further information which would aid the evaluation of the report.

(3) The mandatory reporting shall not act as a waiver of confidentiality of medical records and committee reports. The information reported or disclosed shall be kept for the confidential use of the commission as provided in the

Uniform Disciplinary Act and shall not be subject to subpoena or discovery proceedings in any civil action as provided in RCW 4.24.250, and shall be exempt from public disclosure pursuant to chapter 42.17 RCW except for review as provided in RCW 18.71.0195.

NEW SECTION

WAC 246-919-710 Mandatory reporting requirement satisfied. The requirement for a report to the commission under RCW 18.71.0193(1) may be satisfied by submitting the report to the impaired physician program approved by the commission under this chapter.

NEW SECTION

WAC 246-919-720 Health care institutions. The chief administrator or executive officer of any health care institutions, which includes, but is not limited to, hospitals, clinics and nursing homes, shall report to the commission when any physician's clinical privileges are terminated or are restricted based on a determination, in accordance with an institution's bylaws, that a physician has either committed an act or acts which may constitute unprofessional conduct or that a physician may be mentally or physically disabled. Said officer shall also report if a physician accepts voluntary termination or restriction of clinical privileges in lieu of formal action based upon unprofessional conduct or upon being mentally or physically disabled.

NEW SECTION

WAC 246-919-730 Medical associations or societies. The president or chief executive officer of any medical association or society within this state shall report to the commission when a medical society hearing panel or committee determines that a physician has committed unprofessional conduct or that a physician may not be able to practice medicine with reasonable skill and safety to patients as the result of any mental or physical condition and constitutes an apparent risk to the public health, safety or welfare. The report required by this subsection shall be made without regard to whether the license holder appeals, accepts or acts upon the determination made by the association or society. Notification of appeal shall be included.

NEW SECTION

WAC 246-919-740 Health care service contractors and disability insurance carriers. The executive officer of every health care service contractor and disability insurer, licensed under chapters 48.20, 48.21, 48.21A and 48.44 RCW operating in the state of Washington, shall report to the commission all final determinations that a physician has engaged in flagrant overcharging for medical services or has flagrantly engaged in overutilization of medical services or has charged fees for medical services not actually provided.

NEW SECTION

WAC 246-919-750 Courts. The commission requests the assistance of all clerks of trial courts within the state to report all medical malpractice judgments and all convictions

of licensed medical doctors, other than minor traffic violations.

NEW SECTION

WAC 246-919-760 State and federal agencies. The commission requests the assistance of executive officers of any state or federal program operating in the state of Washington, under which a physician is employed to provide patient care services, to report to the commission whenever such a physician has been judged to have demonstrated his/her incompetency or negligence in the practice of medicine, or has otherwise committed unprofessional conduct; or is a mentally or physically disabled physician.

NEW SECTION

WAC 246-919-770 Professional standards review organizations. When authorized by federal law, every professional standards review organization operating within the state of Washington shall report to the commission any determinations that a physician has engaged or is engaging in consistent, excessive utilization of any medical or surgical test, treatment or procedure when such procedures are clearly not called for under the circumstances in which such services were provided.

PHYSICIAN AND SURGEON FEES

NEW SECTION

WAC 246-919-990 Physician and surgeon fees. The following nonrefundable fees shall be charged by the health professional quality assurance division of the department of health:

Title of Fee	Fee
Physician and surgeons: Chapter 18.71 RCW	
Application	\$300.00
Retired active physician license renewal	125.00
Renewal	100.00
Disciplinary assessment	100.00
Late renewal penalty	50.00
Surcharge for impaired physician program	25.00
State certification	50.00
Duplicate license	15.00
Temporary permit	50.00
Postgraduate limited license fees: RCW 18.71.095	
Limited license application	200.00
Limited license renewal	100.00
Disciplinary assessment	100.00
Surcharge-impaired physician	25.00
Limited duplicate license	15.00

**Chapter 246-918 WAC
PHYSICIAN((S) ASSISTANTS—(~~BOARD OF MEDICAL EXAMINERS~~)) MEDICAL QUALITY
ASSURANCE COMMISSION**

PROPOSED

AMENDATORY SECTION (Amending WSR 93-21-016, filed 10/11/93, effective 11/11/93)

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

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

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

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

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

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

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

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

(5) "((Board)) Commission approved program" means a physician assistant program that maintains *Committee on Allied Health Education and Accreditation* standards as defined in the "essentials" of the council of medical education of the American Medical Association.

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

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

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

WAC 246-918-006 Refunds. Application((registration;)) or license fees are not refundable or transferable.

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

WAC 246-918-007 Application withdrawals. An application for a license may not be withdrawn after the ((board)) commission or the reviewing ((board)) commission member determines that grounds for denial of the license or the issuance of a conditional license may be appropriate. Applications which are subject to investigation for unprofessional conduct or impaired practice may not be withdrawn.

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

WAC 246-918-008 Brief adjudicative proceedings—Denials based on failure to meet education, experience, or

examination prerequisites for licensure. The ((board)) commission adopts RCW 34.05.482 and 34.05.485 through 34.05.494 for adjudicative proceedings requested by applicants, who are denied a license under chapter 18.71A RCW for failure to meet the education, experience, or examination prerequisites for licensure. The sole issue at the adjudicative proceeding shall be whether the applicant meets the education, experience, and examination prerequisites for the issuance of a license.

AMENDATORY SECTION (Amending WSR 93-21-016, filed 10/11/93, effective 11/11/93)

WAC 246-918-009 Adjudicative proceedings. The ((board)) commission adopts the model procedural rules for adjudicative proceedings as adopted by the department of health and contained in chapter 246-11 WAC, including subsequent amendments.

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

WAC 246-918-030 Prescriptions issued by physician assistants. A physician assistant may issue written or oral prescriptions as provided herein when approved by the ((board)) commission and assigned by the supervising physician(s).

(1) A physician assistant may not prescribe controlled substances unless specifically approved by the ((board)) commission or its designee. A physician assistant may issue prescriptions for legend drugs for a patient who is under the care of the physician(s) responsible for the supervision of the physician assistant.

(a) Written prescriptions shall include the name, address, and telephone number of the physician or medical group; the name and address of the patient and the date on which the prescription was written.

(b) The physician assistant shall sign such a prescription using his or her own name followed by the letters "P.A."

(c) Written prescriptions for schedule two through five must include the physician assistant's D.E.A. registration number, or, if none, the supervising physician's D.E.A. registration number, followed by the letters "P.A." and the physician assistant's license number.

(2) A physician assistant employed or extended privileges by a hospital, nursing home or other health care institution may, if permissible under the bylaws, rules and regulations of the institution, order pharmaceutical agents for inpatients under the care of the physician(s) responsible for his or her supervision.

(3) The license of a physician assistant who issues a prescription in violation of these provisions shall be subject to revocation or suspension.

(4) Physician assistants may dispense medications the physician assistant has prescribed from office supplies. The physician assistant shall comply with the state laws concerning prescription labeling requirements.

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

WAC 246-918-035 Certified physician assistant prescriptions. A certified physician assistant may issue written or oral prescriptions as provided herein when approved by the ~~((board))~~ commission or its designee.

(1) Written prescriptions shall include the name, address, and telephone number of the physician or medical group; the name and address of the patient and the date on which the prescription was written.

(a) The certified physician assistant shall sign such a prescription using his or her own name followed by the letters "P.A.-C."

(b) The written prescriptions for schedule two through five must include the physician assistant's D.E.A. registration number, or, if none, the sponsoring physician's D.E.A. registration number, followed by the letters "P.A.-C" and the physician assistant's license number.

(2) A certified physician assistant employed or extended privileges by a hospital, nursing home or other health care institution may, if permissible under the bylaws, rules and regulations of the institution, order pharmaceutical agents for inpatients under the care of the sponsoring physician(s).

(3) The license of a certified physician assistant who issues a prescription in violation of these provisions shall be subject to revocation or suspension.

(4) Certified physician assistants may dispense medications the certified physician assistant has prescribed from office supplies. The certified physician assistant shall comply with the state laws concerning prescription labeling requirements.

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

WAC 246-918-050 Physician assistant qualifications effective January 1, 1990. Individuals applying to the ~~((board))~~ commission under chapter 18.71A RCW after December 31, 1989, shall be required to have graduated from a ~~((board))~~ commission approved physician assistant program and be NCCPA examination eligible.

AMENDATORY SECTION (Amending Order 203B, filed 10/2/91, effective 11/2/91)

WAC 246-918-070 Credentialing of physician assistants. All completed applications ~~((;))~~ for ~~((either original or transfer))~~ licensure ~~((,--must))~~ shall be reviewed by a member of the ~~((board))~~ commission or a designee authorized in writing by the ~~((board))~~ commission, prior to licensure.

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

WAC 246-918-080 Physician assistant—~~((Registration))~~ Licensure. (1) ~~((Classification. Each physician assistant will be classified according to the specialty or content of his or her training program.~~

~~((2-Registration))~~ Application procedure. Applications ~~((shall))~~ may be made jointly by the physician and the physician assistant on forms supplied by the ~~((board))~~ commission. Applications and supporting documents must

be on file in the ~~((board))~~ commission office prior to consideration for ~~((registration))~~ licensure.

(2) No physician assistant or physician assistant-surgical assistant shall begin practice without commission approval of the practice plan of that working relationship. Practice plans must be submitted on forms provided by the commission.

Change in supervision. In the event that a physician assistant or physician assistant-surgical assistant who is currently licensed and desires to become associated with another physician, he or she must submit a new practice plan.

~~((3))~~ ~~((Registration))~~ Licensure expiration and renewal. ~~((Physician assistant original registration will be issued to expire on the physician assistant's next birthdate. Each registered assistant and the registering physician shall be required to submit an application and fees annually for renewal of their registration at least sixty days prior to the expiration of the registration. Application for renewal shall be submitted on forms provided by the board. A physician assistant may allow his or her registration to expire for no longer than three years and reinstate it by submitting an application with all the required documents and application fee. After three years registration expiration, the physician assistant will be considered a new applicant and will have to meet all statutes and rules in effect at the time of the new application.~~

~~((4) Change of registration. In the event that a physician assistant who is currently registered desires to become associated with another physician. Application for transfer of registration shall be made on forms provided by the board.))~~ The physician assistant's license shall be renewed annually. The date of renewal shall be the licensee's birth date.

An initial license shall expire on the licensee's next birth date. However, if the licensee's next birth date is within three months of the initial date of licensure, the original license shall expire on his or her second birth date following original licensure. Before the expiration date of a license, a courtesy renewal notice will be mailed to the last address on file of every person holding a current license. The licensee is responsible for renewing his or her license prior to the expiration date regardless of whether the licensee receives the courtesy notice. If the licensee fails to renew his or her license within three years from expiration date thereof, such individual must apply for licensing under the statutory conditions then in force.

AMENDATORY SECTION (Amending Order 321B, filed 12/14/92, effective 1/14/93)

WAC 246-918-085 License renewal form. A license shall not be renewed until the ~~((applicant))~~ licensee has submitted ~~((completed))~~ all required renewal forms and the full amount of the renewal fee ~~((,--including any penalty fee for late renewal of the license)).~~

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

WAC 246-918-090 Physician assistant and certified physician assistant utilization. No physician shall serve as primary supervisor or sponsor for more than three licensees

without ~~((special))~~ authorization by the ~~((board))~~ commission.

AMENDATORY SECTION (Amending WSR 94-15-065, filed 7/19/94, effective 8/19/94)

WAC 246-918-095 Scope of practice—Osteopathic alternate physician. The physician assistant licensed under chapter 18.71A RCW practices under the practice plan and prescriptive authority approved by the ~~((board))~~ commission whether the alternate sponsoring physician or alternate supervising physician is licensed under chapter 18.57 or 18.71 RCW.

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

WAC 246-918-110 Termination of sponsorship or supervision. Upon termination of the working relationship, ~~((the board shall require))~~ the sponsoring or supervising physician and the licensee is required to each submit a letter to the commission indicating the relationship has been terminated and may summarize their observations of the working relationship. Exceptions to this requirement may be authorized by the ~~((board))~~ commission or its designee.

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

WAC 246-918-120 Remote site—Utilization—Limitations, geographic. (1) No licensee shall be utilized in a remote site without approval by the ~~((board))~~ commission or its designee. A remote site is defined as a setting physically separate from the sponsoring or supervising physician's primary place for meeting patients or a setting where the physician is present less than twenty-five percent of the practice time of the licensee.

(2) Approval by the ~~((board))~~ commission or its designee may be granted to utilize a licensee in a remote site if:

- (a) There is a demonstrated need for such utilization;
- (b) Adequate provision for ~~((immediate))~~ timely communication between the primary or alternate physician and the licensee exists;
- (c) The responsible sponsoring or supervising physician spends at least ten percent of the practice time of the licensee in the remote site. In the case of part time or unique practice settings, the physician may petition the ~~((board))~~ commission to modify the on-site requirement providing the sponsoring physician demonstrates that adequate supervision is being maintained by an alternate method. The ~~((board))~~ commission will consider each request on an individual basis;
- (d) The names of the sponsoring or supervising physician and the licensee shall be prominently displayed at the entrance to the clinic or in the reception area.

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

WAC 246-918-130 Physician assistants. (1) A physician assistant may perform only those services as outlined in the standardized procedures reference and guidelines established by the ~~((board))~~ commission. If said

assistant is being trained to perform additional procedures beyond those established by the ~~((board))~~ commission, the training must be carried out under the direct, personal supervision of the supervising physician or a qualified person mutually agreed upon by the supervising physician and the physician assistant. Requests for approval of newly acquired skills shall be submitted to the ~~((board))~~ commission and may be granted by a reviewing ~~((board))~~ commission member or at any regular meeting of the ~~((board))~~ commission.

(2) The physician assistant may not practice in a remote site, or prescribe controlled substances unless specifically approved by the ~~((board))~~ commission or its designee.

(3) A physician assistant may sign and attest to any document that might ordinarily be signed by a licensed physician, to include but not limited to such things as birth and death certificates.

(4) A physician assistant and supervising physician shall ensure that, with respect to each patient, all activities, functions, services and treatment measures are immediately and properly documented in written form by the physician assistant. Every written entry shall be reviewed and countersigned by the supervising physician within two working days unless a different time period is authorized by the ~~((board))~~ commission.

~~((4))~~ (5) It shall be the responsibility of the physician assistant and the supervising physician to ensure that adequate supervision and review of the work of the physician assistant are provided.

~~((5))~~ (6) In the temporary absence of the supervising physician, the supervisory and review mechanisms shall be provided by a designated alternate supervisor(s).

~~((6))~~ (7) The physician assistant, at all times when meeting or treating patients, must wear a badge identifying him or her as a physician assistant.

~~((7))~~ (8) No physician assistant may be presented in any manner which would tend to mislead the public as to his or her title.

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

WAC 246-918-140 Certified physician assistants. (1) A certified physician assistant may perform only those services as outlined in the standardized procedures reference and guidelines established by the ~~((board))~~ commission. If said assistant is being trained to perform additional procedures beyond those established by the ~~((board))~~ commission, the training must be carried out under the direct, personal supervision of the sponsoring physician or a qualified person mutually agreed upon by the sponsoring physician and the certified physician assistant. Requests for approval of newly acquired skills shall be submitted to the ~~((board))~~ commission and may be granted by a reviewing ~~((board))~~ commission member or at any regular meeting of the ~~((board))~~ commission.

(2) A certified physician assistant may sign and attest to any document that might ordinarily be signed by a licensed physician, to include, but not limited to such things as birth and death certificates.

(3) It shall be the responsibility of the certified physician assistant and the sponsoring physician to ensure that appropriate consultation and review of work are provided.

~~((3))~~ (4) In the temporary absence of the sponsoring physician, the consultation and review of work shall be provided by a designated alternate sponsor(s).

~~((4))~~ (5) The certified physician assistant must, at all times when meeting or treating patients, wear a badge identifying him or her as a certified physician assistant.

~~((5))~~ (6) No certified physician assistant may be presented in any manner which would tend to mislead the public as to his or her title.

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

WAC 246-918-170 Physician assistant and certified physician assistant AIDS prevention and information education requirements. (1) Definitions.

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of human immunodeficiency virus (HIV-related) illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the department of health with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(2) Application for licensure. Effective July 1, 1989, persons who submit an application for licensure shall submit, prior to being granted a license and in addition to the other requirements, evidence to show compliance with the educational requirements of subsection (4) of this section.

~~(3) ((1989 renewal of license. Effective with the renewal period beginning July 1, 1989, through June 30, 1990, all licensees making application for renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4) of this section. Renewal applicants who have documented circumstances which prevent obtaining the required education on AIDS may petition the board for an extension.~~

~~(4))~~ AIDS education and training.

(a) Acceptable education and training. The ~~((board))~~ commission will accept education and training that qualifies for continuing medical education credit. Such education and training shall be a minimum of four clock hours regarding the prevention, transmission and treatment of AIDS, and may include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

~~(b) ((Implementation. Effective July 1, 1989, the requirement for licensure, renewal, or reinstatement of any license that is lapsed, inactive, or revoked or actually suspended for a term during which the licensee did not obtain the required AIDS education shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of (a) of this subsection.~~

~~(e))~~ Documentation. The licensee or applicant for licensure shall:

(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;

(ii) Keep records for two years documenting education and training and description of the learning;

(iii) Be prepared to validate, through submission of these records, that education and training has taken place.

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

WAC 246-918-180 Continuing medical education requirements. (1) Each licensee is required to have and attest to one hundred hours of continuing medical education every two years for renewal. A licensee shall be required to submit evidence of compliance upon request by the ~~((board))~~ commission.

(2) In lieu of one hundred hours of continuing medical education the ~~((board))~~ commission will accept a current certification with the National Commission for the Certification of Physician Assistants and will consider approval of other programs as they are developed.

(3) If a licensee fails to meet the requirements because of illness or other extenuating circumstances, each case will be considered by the ~~((board))~~ commission or its designee on an individual basis.

(4) The ~~((board))~~ commission approves the following categories of creditable continuing medical education. A minimum of forty credit hours must be earned in Category I.

Category I Continuing medical education activities with accredited sponsorship

Category II Continuing medical education activities with nonaccredited sponsorship and other meritorious learning experience.

(5) The ~~((board))~~ commission adopts the standards approved by the American Academy of Physician Assistants for the evaluation of continuing medical education requirements in determining the acceptance and category of any continuing medical education experience.

(6) One clock hour shall equal one credit hour for the purpose of satisfying the one hundred hour continuing medical education requirement.

(7) It will not be necessary to inquire into the prior approval of any continuing medical education. The ~~((board))~~ commission will accept any continuing medical education that reasonably falls within these regulations and relies upon each licensee's integrity in complying with this requirement.

(8) Continuing medical education sponsors need not apply for nor expect to receive prior ~~((board))~~ commission approval for a formal continuing medical education program. The continuing medical education category will depend solely upon the accredited status of the organization or institution. The number of hours may be determined by counting the contact hours of instruction and rounding to the nearest quarter hour. The ~~((board))~~ commission relies upon the integrity of the program sponsors to present continuing medical education for licensees that constitutes a meritorious learning experience.

PROPOSED

AMENDATORY SECTION (Amending WSR 93-21-016, filed 10/11/93, effective 11/11/93)

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

- (1) Function only in the operating room as approved by the ~~((board))~~ commission;
- (2) Only be allowed to close skin and subcutaneous tissue, placing suture ligatures, clamping, tying and clipping of blood vessels, use of cautery for hemostasis under direct supervision;
- (3) Not be allowed to perform any independent surgical procedures, even under direct supervision, and will be allowed to only assist the operating surgeon;
- (4) Have no prescriptive authority; and
- (5) Not write any progress notes or order(s) on hospitalized patients, except operative notes.

AMENDATORY SECTION (Amending Order 360B, filed 5/5/93, effective 6/5/93)

WAC 246-918-260 Physician assistant-surgical assistant—Utilization and supervision. (1) ~~((Utilization plan. The transfer or dual application for licensure as a physician assistant surgical assistant must include a detailed plan describing the manner in which the physician assistant-surgical assistant will be utilized. Such utilization plan shall specify which physician assistant-surgical assistant tasks set forth in WAC 246-918-250 will be performed by the physician assistant-surgical assistant.))~~ Responsibility of physician assistant-surgical assistant. The physician assistant-surgical assistant is responsible for performing only those tasks authorized by the supervising physician(s) and within the scope of physician assistant-surgical assistant practice described in WAC 246-918-250. The physician assistant-surgical assistant is responsible for ensuring his or her compliance with the rules regulating physician assistant-surgical assistant practice and failure to comply may constitute grounds for disciplinary action.

(2) Limitations, geographic. No physician assistant-surgical assistant shall be utilized in a place geographically separated from the institution in which the assistant and the supervising physician are authorized to practice.

(3) Responsibility of supervising physician(s). Each physician assistant-surgical assistant shall perform those tasks he or she is authorized to perform only under the supervision and control of the supervising physician(s), but such supervision and control shall not be construed to necessarily require the personal presence of the supervising physician at the place where the services are rendered. It shall be the responsibility of the supervising physician(s) to insure that:

(a) The operating surgeon in each case directly supervises and reviews the work of the physician assistant-surgical assistant. Such supervision and review shall include remaining in the surgical suite until the surgical procedure is complete;

(b) The physician assistant-surgical assistant shall wear a badge identifying him or her as a "physician assistant-surgical assistant" or "P.A.S.A." In all written documents and other communication modalities pertaining to his or her professional activities as a physician assistant-surgical

assistant, the physician assistant-surgical assistant shall clearly denominate his or her profession as a "physician assistant-surgical assistant" or "P.A.S.A.";

(c) The physician assistant-surgical assistant is not presented in any manner which would tend to mislead the public as to his or her title.

~~((4) Responsibility of physician assistant-surgical assistant. The physician assistant-surgical assistant is responsible for performing only those tasks authorized by the supervising physician(s) and within the scope of physician assistant surgical assistant practice described in WAC 246-918-250. The physician assistant-surgical assistant is responsible for ensuring his or her compliance with the rules regulating physician assistant-surgical assistant practice and failure to comply may constitute grounds for disciplinary action.))~~

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

WAC 246-918-310 Acupuncture—Definition. (1) Acupuncture is a traditional system of medical theory, oriental diagnosis and treatment used to promote health and treat organic or functional disorders, by treating specific acupuncture points or meridians. Acupuncture includes the following techniques:

- (a) Use of acupuncture needles to stimulate acupuncture points and meridians.
- (b) Use of electrical, mechanical or magnetic devices to stimulate acupuncture points and meridians.
- (c) Moxibustion.
- (d) Acupressure.
- (e) Cupping.
- (f) Gwa hsa (dermal friction technique).
- (g) Infra-red.
- (h) Sonopuncture.
- (i) Laser puncture.
- (j) Dietary advice.
- (k) Manipulative therapies.
- (l) Point injection therapy (aquapuncture).

These terms are to be understood within the context of the oriental medical art of acupuncture, and as the ~~((board))~~ commission defines them.

AMENDATORY SECTION (Amending Order 131, filed 2/26/91, effective 3/29/91)

WAC 246-918-990 Fees. The following fees shall be charged by the ~~((professional licensing))~~ health professions quality assurance division of the department of health:

Title of Fee	Fee
<u>Physician's assistants, certified physician assistants, physician assistant-surgical assistants, acupuncture physician assistants:</u>	
Application	\$50.00
Renewal	35.00
Duplicate license	15.00

PROPOSED

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 246-917-020	Board meetings.
WAC 246-917-025	Refunds.
WAC 246-917-026	Application withdrawals.
WAC 246-917-030	Approved United States and Canadian medical schools.
WAC 246-917-040	Postgraduate medical training defined.
WAC 246-917-050	Foreign medical graduates.
WAC 246-917-060	AIDS prevention and information education requirements.
WAC 246-917-070	Credentialing of physicians and surgeons.
WAC 246-917-080	Examinations.
WAC 246-917-090	Applications for examination.
WAC 246-917-100	Examination scores.
WAC 246-917-110	FLEX examination standards.
WAC 246-917-120	Examinations accepted for reciprocity or waiver.
WAC 246-917-121	Special purpose examination.
WAC 246-917-125	Temporary permits—Recognized jurisdictions.
WAC 246-917-126	Temporary permits—Issuance and duration.
WAC 246-917-130	License renewal.
WAC 246-917-135	License renewal form.
WAC 246-917-140	Scope.
WAC 246-917-150	General requirements.
WAC 246-917-160	CME requirements during cycle revision.
WAC 246-917-170	Categories of creditable continuing medical education activities.
WAC 246-917-180	Continuing medical education requirement.
WAC 246-917-190	Approval not required.
WAC 246-917-200	Certification of compliance.
WAC 246-917-210	Brief adjudicative proceedings—Denials based on failure to meet education, experience, or examination prerequisites for licensure.
WAC 246-917-220	Adjudicative proceedings.
WAC 246-917-300	Retired active physician license.
WAC 246-917-990	Physician and surgeon fees.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 246-920-020	Prescriptions—Schedule II stimulant drugs.
WAC 246-920-030	Cooperation with investigation.
WAC 246-920-040	Use of drugs or autotransfusion to enhance athletic ability.
WAC 246-920-120	Construction.

WAC 246-920-130	Responsibility for maintaining mailing address on file with the board.
WAC 246-920-140	Appearance and practice before agency—Who may appear.
WAC 246-920-150	Appearance and practice before agency—Solicitation of business unethical.
WAC 246-920-160	Appearance and practice before agency—Standards of ethical conduct.
WAC 246-920-170	Appearance and practice before agency—Appearance by former member of attorney general's staff.
WAC 246-920-180	Appearance and practice before agency—Former employee and board member as witness.
WAC 246-920-190	Computation of time.
WAC 246-920-200	Notice and opportunity for hearing in contested cases.
WAC 246-920-210	Service of process—By whom served.
WAC 246-920-220	Service of process—Upon whom served.
WAC 246-920-230	Service of process—Service upon parties.
WAC 246-920-240	Service of process—Method of service.
WAC 246-920-250	Service of process—When service complete.
WAC 246-920-260	Service of process—Filing with Washington state medical disciplinary board.
WAC 246-920-270	Subpoenas where provided by law—Form.
WAC 246-920-280	Subpoenas where provided by law—Issuance to parties.
WAC 246-920-290	Subpoenas where provided by law—Service.
WAC 246-920-300	Subpoenas where provided by law—Fees.
WAC 246-920-310	Subpoenas where provided by law—Proof of service.
WAC 246-920-320	Subpoenas where provided by law—Quashing.
WAC 246-920-330	Subpoenas where provided by law—Enforcement.
WAC 246-920-340	Subpoenas where provided by law—Geographical scope.
WAC 246-920-350	Depositions and interrogatories in contested cases—Right to take.
WAC 246-920-360	Depositions and interrogatories in contested cases—Scope.
WAC 246-920-370	Depositions and interrogatories in contested cases—Officer before whom taken.
WAC 246-920-380	Depositions and interrogatories in contested cases—Authorization.

- WAC 246-920-390 Depositions and interrogatories in contested cases—Protection of parties and deponents.
- WAC 246-920-400 Depositions and interrogatories in contested cases—Oral examination and cross-examination.
- WAC 246-920-410 Depositions and interrogatories in contested cases—Recordation.
- WAC 246-920-420 Depositions and interrogatories in contested cases—Signing attestation and return.
- WAC 246-920-430 Depositions and interrogatories in contested cases—Use and effect.
- WAC 246-920-440 Depositions and interrogatories in contested cases—Fees of officers and deponents.
- WAC 246-920-450 Depositions upon interrogatories—Submission of interrogatories.
- WAC 246-920-460 Depositions upon interrogatories—Interrogation.
- WAC 246-920-470 Depositions upon interrogatories—Attestation and return.
- WAC 246-920-480 Depositions upon interrogatories—Provisions of deposition rule.
- WAC 246-920-490 Official notice—Matters of law.
- WAC 246-920-500 Official notice—Material facts.
- WAC 246-920-510 Presumptions.
- WAC 246-920-520 Stipulations and admissions of record.
- WAC 246-920-530 Form and content of decisions in contested cases.
- WAC 246-920-540 Definition of issues before hearing.
- WAC 246-920-550 Prehearing conference rule—Authorized.
- WAC 246-920-560 Prehearing conference rule—Record of conference action.
- WAC 246-920-570 Motions.
- WAC 246-920-580 Submission of documentary evidence in advance.
- WAC 246-920-590 Excerpts from documentary evidence.
- WAC 246-920-600 Expert or opinion testimony and testimony based on economic and statistical data—Number and qualifications of witnesses.
- WAC 246-920-610 Continuances.
- WAC 246-920-620 Rules of evidence—Admissibility criteria.
- WAC 246-920-630 Rules of evidence—Tentative admission—Exclusion—Discontinuance—Objections.
- WAC 246-920-640 Petitions for rule making, amendment or repeal—Who may petition.
- WAC 246-920-650 Petitions for rule making, amendment or repeal—Requisites.
- WAC 246-920-660 Petitions for rule making, amendment or repeal—Agency must consider.
- WAC 246-920-670 Petitions for rule making, amendment or repeal—Notice of disposition.
- WAC 246-920-680 Declaratory rulings.
- WAC 246-920-690 Forms.
- WAC 246-920-710 General provisions.
- WAC 246-920-720 Mandatory reporting.
- WAC 246-920-730 Health care institutions.
- WAC 246-920-740 Medical associations or societies.
- WAC 246-920-750 Health care service contractors and disability insurance carriers.
- WAC 246-920-760 Courts.
- WAC 246-920-770 State and federal agencies.
- WAC 246-920-780 Professional standards review organizations.
- WAC 246-920-890 Canvassing and certification.

WSR 95-22-089
PROPOSED RULES
STATE BOARD OF HEALTH
 [Filed November 1, 1995, 10:14 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-05-012.

Title of Rule: Changing state immunization requirements.

Purpose: Adding Hepatitis b as a new vaccination requirement for all children entering school, preschool or child care in Washington state.

Statutory Authority for Adoption: RCW 28A.210.140.

Statute Being Implemented: RCW 28A.210.140.

Summary: WAC 246-100-166 will be amended to add a new state vaccination requirement, Hepatitis b, for all children attending preschool, school and child care in Washington state.

Reasons Supporting Proposal: Three national authorities - the Centers for Disease Control and Prevention (CDC), the American Academy of Pediatricians (AAP), and the American Academy of Family Physicians (AAFP) - have recently issued new immunization recommendations which include Hep b.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Linda Johnson, Immunization Program Manager, Building 1, Airdustrial Park, 664-2678.

Name of Proponent: Dr. Mimi Fields, State Health Officer, and Dr. Paul Stehr-Green, State Epidemiologist, on behalf of the Washington State Department of Health, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Staff recommended to the State Board of

Health that the language pertaining to individual vaccinations and dosages currently contained in WAC 246-100-166 be deleted and replaced with the actual title and date of the new combined immunization schedule issued by the CDC, AAP and AAFP. Both the State Board of Health and the Vaccine Advisory Commission have concurred with this approach.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The process for changing immunization requirements was initiated by Dr. Ward Hinds, then vice-chair of the State Board of Health, in a letter to Dr. Mimi Fields, State Health Officer, requesting the Department of Health to make immunization for Hepatitis b mandatory for all children born after January 1, 1992. As part of the effort to implement one of the board's 1994 priority health goals of reducing the incidence and preventable consequences of infectious diseases, the board felt that by making Hepatitis b mandatory upon school and child care entry, morbidity and mortality associated with the disease could be prevented. Also, the CDC had been recommending the addition of this immunization to those already given to young children for several years. Many health practitioners, but not all, have been offering this additional vaccination as part of wellchild checks for several years. Adding Hepatitis b as a new immunization requirement will provide all children in Washington state protection from this disease, a more consistent approach than is currently practiced.

Proposal Changes the Following Existing Rules: Two changes will result from this rule change: (1) Existing language listing specific vaccinations and dosages in WAC 246-100-166 will be deleted and replaced by the title and date of the new immunization schedule recently released by the CDC, AAP and AAFP as the basis for state immunization requirements for all children entering child care, preschool and school in Washington state; and (2) this new immunization schedule includes Hepatitis b, which will now be required as an additional vaccination requirement as of the 97-98 school year.

No small business economic impact statement has been prepared under chapter 19.85 RCW. After extensive conversations with the department's AAG and several managers within the division, it was determined that there is no impact to small businesses from this rule. Health care practitioners providing this vaccine either receive the vaccine free through the state's purchasing program (in which case they can charge a nominal administration fee to the patient), or can bill for the vaccine through the patient's health plan. Providing the vaccination will require no new staff over and above those already on staff to give shots, nor a new tracking system over and above how immunizations are currently tracked. New forms will be provided to providers by the state.

Section 201, chapter 403, Laws of 1995, applies to this rule adoption. This rule is significant because it changes state immunization requirements, and subjects violators of these requirements to the possibility of being turned away from child care, preschool, or school entry. This rule will add a new immunization to those required by Washington state for all children in child care, preschool and school. The department has conducted the additional analysis required under section 201.

Hearing Location: Rodeway Inn, 3000 South 176th Street, Seattle, WA 98188, on December 13, 1995, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Karen Valenzuela by December 6, 1995, (360) 664-4053.

Submit Written Comments to: Linda Johnson, Immunization Program Manager, FAX (360) 586-3890, by December 6, 1995.

Date of Intended Adoption: December 13, 1995.

October 27, 1995

Sylvia I. Beck
Executive Director

AMENDATORY SECTION (Amending Order 182B, filed 7/22/91, effective 8/22/91)

WAC 246-100-166 Immunization of ~~((day))~~ child care and school children against certain vaccine-preventable diseases. (1) Definitions for purposes of this section:

(a) "Certificate of immunization status (CIS) form" means a form provided by the department labeled DOH 348-013, including data entry spaces for immunization information including:

- (i) Name of child or student,
- (ii) Birth date,
- (iii) ~~((Sex,))~~ Gender,
- (iv) Type of vaccine,
- (v) Date of each dose of vaccine received specifying day, month, and year,
- (vi) Signature of parent, legal guardian, or adult in loco parentis, and
- (vii) Documented exemptions, if applicable and as specified in subsection (5) of this section.

(b) "Chief administrator" means:

- (i) The person with the authority and responsibility for the immediate supervision of the operation of a school, ~~((day))~~ child care center, or
- (ii) A designee of the chief administrator assigned in writing to carry out the requirements of RCW 28A.210.160 through the statutory or corporate board of directors of the school district or school, or
- (iii) Person or persons with the authority and responsibility for the general supervision of the operation of the school district or school.

(c) "Child" means any person regardless of age admitted to any ~~((day))~~ child care center, preschool, kindergarten, or grades one through twelve program of education in:

- (i) Any public school district, or
- (ii) Any private school or private institution subject to approval by the state board of education or described in RCW 28A.305.130 and 28A.195.010 through 28A.195.060, or
- (iii) Any licensed ~~((day))~~ child care facility which regularly provides care for a group of thirteen or more children for periods of less than twenty-four hours subject to licensure by the department of social and health services as described in chapter 74.15 RCW.

(d) "Full immunization" means vaccinated in accordance with schedules and immunizing agents approved by the state board of health in WAC 246-100-166 against:

- (i) Diphtheria,
- (ii) Tetanus,

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- (iii) Pertussis or whooping cough,
- (iv) Measles or rubeola,
- (v) Rubella,
- (vi) Mumps,
- (vii) Poliomyelitis, ~~((and))~~
- (viii) Haemophilus influenzae type b disease, and
- (ix) Hepatitis b, after September 1, 1997.

(e) "Immunizing agents" means any vaccine or other biological licensed and approved by the ~~((bureau of biologies,))~~ United States Food and Drug Administration (FDA), or meeting World Health Organization (WHO) requirements, for immunization of persons against:

- (i) Diphtheria, tetanus, pertussis (DTP, DT, Td);
- (ii) Measles;
- (iii) Mumps;
- (iv) Poliomyelitis, types I, II, and III (TOPV, IPV);
- (v) Rubella; ~~((and))~~
- (vi) Haemophilus influenzae type b vaccine (Hib); and
- (vii) Hepatitis b.

(f) "National immunization guidelines" means the schedule~~((s))~~ for immunization described in~~((t))~~:

- (i) ~~1991 American Academy of Pediatrics Report of the Committee on Infectious Diseases (Red Book); or~~
- (ii) ~~Immunization Practices Advisory Committee (ACIP) on General Recommendations on Immunization, April 7, 1989; and~~

~~(iii) Immunization Practices Advisory Committee (ACIP) on Haemophilus b Conjugate Vaccines for Prevention of Haemophilus Influenzae Type b Disease Among Infants and Children Two Months of Age and Older, January 11, 1991)) the "Recommended Childhood Immunization Schedule: United States—January 1995," approved by the Advisory Committee on Immunization Practices (ACIP), the American Academy of Pediatrics (AAP), and the American Academy of Family Physicians (AAFP).~~

(g) "Parent" means a person who is:

- (i) The mother, father, legal guardian, or any adult in loco parentis of a child seventeen years of age or younger; or

- (ii) A person eighteen years of age or older; or
- (iii) An emancipated minor.

(h) "Transfer student" means a student previously enrolled in grades kindergarten through twelve moving from one school district or system to another at any time during the school year, excluding students transferring within a district or system when the school transfers records within the district.

(2) Full immunization schedule. Each ~~((day))~~ child care center, preschool, and school shall establish and maintain requirements for full immunization of children attending ~~((day))~~ child care and preschool through grade twelve.

(3) For ~~((day))~~ child care and preschool children, full immunization means a child received age-appropriate vaccines as ~~((follows))~~:

Age at Entry	Requirement ((s))
between 2-3 months	1 DTP/DT, 1 OPV/IPV, 1 Hib
between 4-5 months	2 DTP/DT, 2 OPV/IPV, 2 Hib
between 6-14 months	3 DTP/DT, 2 OPV/IPV, 3 Hib ((s))
between 15 months and kindergarten entry	4 DTP/DT, 3 OPV/IPV, 1 Hib ((t)) , 1 MMR ((t))

~~((*) Children who do not meet the requirements for their age group must initiate or continue a schedule of immunization prior to day care or preschool entry and must be notified by the day care/preschool administrator of additional doses of vaccine as those doses come due.~~

~~((**) Children immunized with Hib vaccine from Merck Sharp and Dohme (PedvaxHIB) should receive vaccine at 2 months, 4 months, and 12 months of age.~~

~~((†) These children entering day care or preschool after 15 months of age must have received one dose of Hib vaccine at or after 15 months of age (not required of those receiving three doses of Merck Sharp and Dohme vaccine). Hib vaccine is not required of children 60 months (5 years) and older.~~

~~((††) Children who have had measles, rubella, or mumps disease, respectively, must show proof of past infection with the disease by providing an acceptable measles, rubella, or mumps antibody titer result and appropriate immunization against the remaining disease~~((s))~~ enumerated in the National Immunization Guidelines as defined in subsection (1) of this section.~~

(4) For a child entering kindergarten or first grade (school entry level), full immunization means a child received age-appropriate vaccines as ~~((follows))~~:

(a) A minimum of four doses of either DTP, DT, or Td (not tetanus toxoid alone) with last dose after four years of age consistent with national immunization guidelines defined in subsection (1) of this section; or

(b) Three doses of Td (not tetanus toxoid alone) if the series began at seven years of age or older; and

(c) A minimum of three doses of trivalent oral poliomyelitis vaccine (TOPV) or enhanced trivalent inactivated poliomyelitis vaccine (IPV) with last dose received after four years of age and consistent with national immunization guidelines defined in subsection (1) of this section; and

(d) One dose of live virus measles vaccine at or after one year of age unless a child provides proof of past infection with measles virus (an acceptable measles virus antibody titer result); and

(e) One dose of live virus rubella vaccine at or after one year of age unless a child provides proof of past infection with rubella virus (an acceptable rubella antibody titer result); and

(f) One dose of live virus mumps vaccine administered at or after one year of age unless a child provides proof of past infection with mumps virus (an acceptable mumps virus antibody titer result)) enumerated in the National Immunization Guidelines as defined in subsection (1) of this section.

~~((§))~~ For transfer students and those above kindergarten or first grade, full immunization means a child received age-appropriate vaccines ~~((as follows))~~:

(a) A minimum of three doses of either DTP, DT, or Td, (not tetanus toxoid alone) with the last dose after four years of age consistent with national immunization guidelines defined in subsection (1) of this section; or

(b) Three doses of Td, (not tetanus toxoid alone) if the series began at seven years of age or older; and

(c) A minimum of three doses of trivalent oral poliomyelitis vaccine (TOPV), or enhanced trivalent inactivated poliomyelitis vaccine (IPV) with the last dose received after four years of age and consistent with national immunization guidelines defined in subsection (1) of this section (not required of persons eighteen years of age and older); and

(d) One dose of live virus measles vaccine at or after one year of age unless a child provides proof of past

~~infection with measles virus (an acceptable measles virus antibody titer result); and~~

~~(e) One dose of live virus rubella vaccine at or after one year of age unless a child provides proof of past infection with rubella virus (an acceptable rubella antibody titer result); and~~

~~(6) For transfer students in grades 1 or 2 through 12 enrolling on or after August 1, 1991, one dose of live virus mumps vaccine administered at or after one year of age unless a child provides proof of past infection with mumps virus (an acceptable mumps virus antibody titer result).~~

~~(7) For a child entering sixth grade or reaching age thirteen years, whichever occurs first, full immunization means a child received the following vaccines (in addition to those listed in subsection (5) of this section):~~

~~(a) A second dose of live virus measles vaccine administered at or after one year of age and separated by at least one month between first and second dose, unless a child provides proof of past infection with measles virus (an acceptable measles virus antibody titer result); and~~

~~(b) One dose of live virus mumps vaccine administered at or after one year of age unless a child provides proof of past infection with mumps virus (an acceptable mumps virus antibody titer result).~~

~~(8) A second dose of measles vaccine and one dose of mumps vaccine is recommended, but not required, of currently enrolled students above sixth grade) consistent with the National Immunization Guidelines as defined in subsection (1) of this section (not required of persons eighteen years of age and older).~~

~~((9)) (5) Conditions for ((day)) child care, preschool, and school attendance when a child is not fully immunized:~~

~~(a) When a child lacks full immunization, the ((day)) child care center, preschool, or school shall require satisfactory progress toward full immunization (conditional status) as a condition of school attendance including:~~

~~(i) Documented proof of start or continuance of child's schedule of immunization;~~

~~(ii) Assurance the scheduled immunization is consistent with the national immunization guidelines defined in subsection (1) of this section;~~

~~(iii) Notification of child's parent(s) of when the schedule must be completed; and~~

~~(iv) Exclusion of child from attendance as described in subsection ((13)) (9) of this section if child has not received required immunizations on schedule and if sufficient time has elapsed (one month from date due) for completion of next dose.~~

~~((10)) (6) Schools, preschools, and ((day)) child care centers shall require documented proof related to immunization including:~~

~~(a) Completion of a certificate of immunization status (CIS) form by a parent as documented proof of:~~

~~(i) Full immunization, or~~

~~(ii) Initiation or continuation of a schedule (conditional status), or~~

~~(iii) Exemption.~~

~~(b) Information from a written personal immunization record, as the source of the immunization data entered on the CIS form (substitution of a personal immunization record for a CIS form is prohibited);~~

(c) Acceptance of only the CIS form (no other state or local immunization forms) from new enrollees registering in kindergarten through grade twelve;

(d) In addition to current CIS form, acceptance of previous CIS forms, or locally developed forms approved by the department indicating the month and year of each immunization as the official immunization status for children enrolled prior to September 1, 1979.

~~((11)) (7) Schools, preschools, and ((day)) child care centers shall accept medical exemptions and:~~

(a) Require a signature of a licensed medical doctor (M.D.), doctor of osteopathy (D.O.), doctor of naturopathy (N.D.), physician assistant, or nurse practitioner practicing within the limits of the medical or nurse practice acts to certify medical reasons to defer one or more immunizations on the CIS form;

(b) Admit children and keep on file a CIS form for children with:

(i) Temporary exemption from immunization for medical reasons if the required immunizations are received upon expiration of the exemption, or

(ii) Permanent exemptions.

(c) Include a statement on the CIS form informing the parent that should an outbreak of vaccine preventable disease for which the child is exempted occur, the child may be excluded from school or ((day)) child care for the duration of the outbreak by order of the local health department as described in subsection ((12)) (9) of this section; and

(d) Keep on file a list of children so exempted and transmit the list to the local health department if requested.

~~((12)) (8) Schools, preschools, and ((day)) child care centers shall:~~

(a) Allow a parent to exempt his/her child from the required immunizations for religious, philosophical, or personal objections when the CIS form indicates:

(i) Type or exemption, and

(ii) Signature of parent.

(b) Keep on file a CIS form for each child so enrolled;

(c) Include a statement on the CIS form informing the parent that should an outbreak of vaccine preventable disease for which the child is exempted occur, the child may be excluded from school for the duration of the outbreak by order of the local health department as described in subsection ((13)) (9) of this section; and

(d) Keep on file a list of children so exempted and transmit the list to the local health department if requested.

~~((13)) (9) Schools, preschools, and ((day)) child care centers shall exclude children from school as follows:~~

(a) Exclude any child from school for failure to provide a completed CIS form as defined in subsection (1) of this section before or on the child's first day of attendance consistent with procedures required by the state board of education, Title 180 WAC;

(b) Exclude from attendance any child in a ((day)) child care center for failure to provide a completed CIS form as defined in subsection (1) of this section before or on the child's first day of attendance;

(c) The chief administrator shall retain records on excluded children for at least three years including:

(i) Name,

(ii) Address, and

(iii) Date of exclusion.

(d) A health officer may exclude children from school, preschool, and ~~((day))~~ child care attendance in the event of a child's exposure to a disease according to chapter 246-110 WAC, including children presenting proof of:

- (i) Initiation of a schedule of immunization,
- (ii) Medical exemption,
- (iii) Religious exemption,
- (iv) Philosophical exemption, or
- (v) Personal exemption.

~~((14))~~ (10) Schools, preschools, and ~~((day))~~ child care centers shall maintain records and require:

(a) A completed CIS form retained in the files for every child enrolled;

(b) Return of original CIS form or a legible copy to the parent in the event of the child's withdrawal or transfer from school (withholding a record for any reason, including nonpayment of school, preschool, or ~~((day))~~ child care fees is prohibited)(-);

(c) Access to immunization records by agents of the state or local health department for each child enrolled.

~~((15))~~ (11) Persons or organizations administering immunizations, either public or private, shall:

(a) Furnish each person immunized, or his or her parent, with a written record of immunization containing information required by the state board of health; and

(b) Provide immunizations and records in accordance with chapter 246-100 WAC.

~~((16))~~ (12) Chief administrators of schools, preschools, and ~~((day))~~ child care centers shall forward a written annual report to the department and local health department on the immunization status of children as follows:

(a) For schools: By November 1 of each year on forms provided by the department (except in the event of a late school opening when the report is due thirty days after the first day of school);

(b) For preschools and ~~((day))~~ child care centers: By February 1 of each year on forms provided by the department.

WSR 95-22-090

PROPOSED RULES

PERSONNEL RESOURCES BOARD

[Filed November 1, 1995, 10:35 a.m.]

Original Notice.

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

Title of Rule: Amending WAC 356-14-240 Overtime compensation method, 356-15-050 Holiday compensation, 356-15-070 Split shift provisions and compensation, 356-15-090 Schedule change and compensation, 356-15-110 Callback for work on scheduled days off or holidays, 356-18-116 Leave due to unforeseen family care requirements, 356-30-050 Appointments—Emergency—How made—Status, 356-30-230 Demotion—Voluntary, 356-30-330 Reduction in force—Reasons, regulations—Procedure, 356-46-080 Agencies—Position control, and 356-30-315 Reversion from Washington management service.

Purpose: These rules apply to compensation and classification issues, leave usage, appointments, reduction-in-

force procedures and reversion from Washington management service.

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

Summary: These rule modifications are for housekeeping in nature, clarification, and to correct code reviser filing errors.

Reasons Supporting Proposal: To comply with proper procedures established by the Code Reviser's Office; to clarify current practice and to correct conflicting rules.

Name of Agency Personnel Responsible for Drafting, Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 753-0468; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule modifications that apply to compensation issues, leave usage, appointments and reduction in force are housekeeping changes to correct errors in code reviser filings. These modifications will bring these rules into compliance with proper procedures established by the code reviser's office. The rule modification to WAC 356-46-080 is to clarify current practice. Agencies are no longer required to get the director's approval when transferring a position from one unit to the other. The rule modification to WAC 346-30-315 is to correct a conflict with other existing rules regarding reversion.

Proposal Changes the Following Existing Rules: See above.

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

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

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on December 14, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by December 7, 1995, TDD (360) 753-4107, or (360) 586-0509.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, FAX (360) 586-4694, by December 12, 1995.

Date of Intended Adoption: December 14, 1995.

November 1, 1995

Dennis Karras

Secretary

AMENDATORY SECTION (Amending WSR 87-11-036 (Order 275), filed 5/18/87, effective 7/1/87)

WAC 356-14-240 Overtime compensation method. Overtime for state employees shall be compensated in accord with WAC 356-15-030.

(1) Scheduled, nonscheduled, and law enforcement employees shall be compensated in cash or compensatory time off, both at the rate of time-and-one-half. Cash payment shall be at the overtime rate, while compensatory time shall be credited as 1.5 hours of compensatory time for

each hour of overtime worked. (See WAC 356-14-265 for computing cash value compensatory time.)

Compensatory time off may be used in lieu of cash only when an agency and the employee agree, except as provided for law enforcement positions in WAC 356-15-030 (4)(a). When compensatory time off is utilized, it shall be liquidated in accord with WAC 356-14-260.

~~((2) Time during which an employee is excused from work for holidays, sick leave, vacations or compensatory time shall be considered time worked for payroll purposes. However, time records shall indicate that the employee did not work during these excused absences.~~

~~(3) If assignment pay is earned during overtime hours which are credited as compensatory time, no additional credit or payment shall be made for the assignment pay. When compensatory time is utilized by an employee whose presently scheduled, regular assignment entitles the employee to full-time assignment pay, then the payment for the compensatory time off shall include the assignment pay.~~

~~(4) Advisory note: Cash compensation for overtime is subject to deductions for state retirement and taxes.))~~

(2) Time during which an employee is excused from work for holidays, sick leave, vacations or compensatory time shall be considered time worked for payroll purposes. However, time records shall indicate that the employee did not work during these excused absences.

(3) If assignment pay is earned during overtime hours which are credited as compensatory time, no additional credit or payment shall be made for the assignment pay. When compensatory time is utilized by an employee whose presently scheduled, regular assignment entitles the employee to full-time assignment pay, then the payment for the compensatory time off shall include the assignment pay.

(4) Advisory note: Cash compensation for overtime is subject to deductions for state retirement and taxes.

AMENDATORY SECTION (Amending WSR 86-12-025 (Order 248), filed 5/28/86, effective 7/1/86)

WAC 356-15-050 Holiday compensation. (1) All full-time employees shall be compensated for the days that are designated as holidays, except Sundays, as listed in WAC 356-18-020 and 356-18-030 (2), (3) and (4) at a straight-time rate even though they do not work. In addition:

(a) Scheduled and nonscheduled work period employees shall be compensated for the hours actually worked on a holiday at the overtime rate.

(b) Exception work period employees, while not normally compensated additionally for work performed on a holiday, may be compensated for the hours actually worked on a holiday at a rate not to exceed the overtime rate, when their appointing authority deems it appropriate.

(2) Part-time employees shall be compensated for holidays in accord with WAC 356-18-030(~~(5))~~) (6).

AMENDATORY SECTION (Amending WSR 85-14-008 (Order 224), filed 6/24/85)

WAC 356-15-070 Split shift provisions and compensation. When an employee's assigned workshift is split with a minimum of four intervening hours not worked, the employee shall receive the premium rate set in the shift premium rate designated in WAC 356-15-061 for all hours

worked. The provisions of WAC 356-15-060 (~~((3))~~) (5) through (~~((5))~~) (7) shall apply to employees working split shifts.

AMENDATORY SECTION (Amending WSR 89-16-031 (Order 328), filed 7/25/89, effective 8/25/89)

WAC 356-15-090 Schedule change and compensation. (1) The appointing authority shall schedule the working days and hours of scheduled work period employees. This schedule shall remain in effect for at least seven calendar days, and may be changed only with seven or more calendar days notice. If seven calendar days notice is not given, a new schedule does not exist until the notice period expires. Agencies may notify employees of more than one future schedule change in a single notice.

The seven calendar days notice of changes in working days and/or hours must be given to the affected employees during their scheduled working hours. The day that notification is given shall constitute a day of notice.

(2) If the appointing authority changes the assigned hours or days of scheduled work period employees without giving them at least seven days notice of the change, employees will be paid for all time worked outside the scheduled hours or days at the overtime rate for the duration of the notice period.

(a) When changes in employees' assigned hours or days are made without proper notice, employees may work their scheduled hours or days unless the appointing authority deems that:

(i) The employees are unable to perform satisfactorily as the result of excessive overtime hours; or

(ii) The work which normally would have been performed within the scheduled hours or days cannot be performed.

(b) The state is not obligated to pay for those scheduled hours or days not worked, unless the employee is on an authorized leave of absence with pay.

(c) Overtime pay and shift or schedule change pay shall not be paid for the same incident.

(3) Regardless of whether advance notice is given, an agency is not obligated to pay overtime due to a change in work schedule, when such a change is in response to a request from an employee, provided the employee works no more than forty hours in a workweek.

When the majority of employees in a work unit ask, in writing, for such a change, and the work unit can function properly only if all employees in the unit work the proposed schedule or scheduling plan, the agency is authorized to approve the change for the entire unit as an employee-initiated change. A written request for a schedule change from the exclusive representative shall constitute a request of employees within a certified bargaining unit.

(4) When an agency initiates a scheduled change from one scheduled standard work schedule to another scheduled standard work schedule, there is created a seven-day transition period.

(a) The transition period starts at the beginning of the shift of the previous schedule which would have begun a new five-consecutive-day work cycle.

(Example: An eight-to-five Tuesday through Saturday employee changes to a Sunday-Thursday schedule beginning

on Sunday. The transition period starts at eight a.m. on the last Tuesday of the old schedule, and runs until eight a.m. on the first Tuesday under the new schedule.)

(b) If, during the transition period, the employee must work more than five of the seven workdays, then the work in excess of forty non-overtime hours will be paid at overtime rates.

(c) If, during the transition period, the schedule change causes an employee to begin work on an earlier day of the workweek or at an earlier hour of the workday than was required under the old schedule, the employee will be paid at the overtime rate for the first hours worked in the new schedule which precede the next hours which the employee would have worked under the old schedule.

(5) Contingency scheduling is allowed for employees having the following responsibilities: Highway snow, ice, and avalanche control, grain inspection, horticulture inspection; and in the departments of natural resources or corrections, controlling forest fires, or performing work in a fire camp in support of fire crews, "hoot owl," forest fuels management and aerial applications.

(a) Therefore: For non-forest-fire personnel in scheduled work period positions, the appointing authority shall not be bound by the above scheduled shift change notice requirement if the appointing authority notifies affected employees of the contingency schedule in writing when they enter the position or not less than 30 days prior to implementation.

When conditions mandate the activating of the contingency schedule, the appointing authority shall pay affected employees the overtime rate for all hours worked outside the original schedule at least for the employee's first shift of the contingency schedule and for other overtime hours covered by subsection ~~((6))~~ (7) of this section.

(b) For forest-fire control and fire-camp support personnel in scheduled work period positions, the above schedule change notice requirement shall not apply if the appointing authority notifies affected employees in writing that they are subject to contingency scheduling when they enter the position or not less than 30 days prior to implementation.

When an employee's forest fire contingency schedule requires him or her to change working hours from the previous schedule, the appointing authority shall pay the affected employee the overtime rate for all hours worked outside the previous schedule for the employee's first shift of the new contingency schedule.

When such employees have completed the first eight hours of their assigned contingency shift (10 hours in the case of 10-40 work schedule employees), they shall receive overtime rates for all subsequent work performed until released from duty for a period of five consecutive hours.

(6) In the department of corrections, division of prisons, the agency and the employees may agree that employees sent to forest fire camps in charge of inmate fire fighters for a period of twenty four hours or more will be on "extended duty assignment." Employees on extended duty assignment will be considered to be on continuous duty from the time they commence such duty including travel time to the fire, until they are released from duty including travel time for return to their nonfire duty station.

(a) During the extended duty assignment, all time will be paid as work time, except that the employer may deduct

up to eight hours of nonwork time each day for sleep, plus up to three hours for meals, provided that:

(i) The employee has no responsibility during time deducted for meal periods.

(ii) The time deducted for sleep includes a period of five continuous hours which are not interrupted by a call to work.

(iii) No sleep time shall be deducted if the employer does not furnish adequate sleeping facilities. Adequate sleeping facilities are those which are usual and customary for forest fire camps.

(b) Scheduled work period employees shall be entitled to call back pay to the extent described in WAC 356-15-100 and 356-15-110 for a maximum of one payment, equal to three straight-time hours, at the commencement of an extended duty assignment. No call-back payment shall be made for any work during the hours of an extended duty assignment, or the transition back to the regular work schedule.

(c) The beginning of each work week on extended duty assignment shall be unchanged from the last previous work week on the employee's regular work schedule. All compensable hours of work on extended duty assignment shall be at overtime rates except eight in any work day. All compensable hours on a holiday shall be at overtime rates.

(d) There are no scheduled days off during an extended duty assignment. However, compensable hours on a holiday, and all compensable hours in excess of forty straight time hours in any workweek (including hours worked within the same workweek either before or after the extended duty assignment), shall be paid at overtime rates.

(e) During an extended duty assignment, all hours are duty hours; there is no eligibility for standby pay.

(f) Employees whose regular scheduled work shift entitles them to shift premium for their full shift, or a portion thereof, shall be paid shift premium as follows:

(i) Employees whose regular schedules are all night shifts will continue to receive night shift premium for all paid hours of the extended duty assignment.

(ii) Employees whose regular schedules call for some, but less than four hours of, night shift work each day will continue to receive the same number of hours at shift premium during each workday of the extended duty assignment.

(iii) Employees whose regular schedules call for some, but not all, full night shifts each week will receive shift premium for all paid hours on those same days during the extended duty assignment.

(7) When a scheduled or nonscheduled work period employee experiences a schedule change (within or between agencies) which causes an overlap in workweeks and requires work in excess of forty hours in either the old or the new workweek, the employee must receive overtime compensation at least equal to the amount resulting from the following calculations:

(a)(i) Starting at the beginning of the "old" workweek, count all hours actually worked before the end of that workweek, and calculate the straight-time pay and the overtime pay (based on "regular rate" as defined in WAC 356-05-353).

(ii) Starting at the conclusion of the "new" workweek, count back to include all hours actually worked since the

beginning of that workweek, and calculate the straight-time and overtime (based on "regular rate" as defined in WAC 356-05-353).

(iii) Pay the larger amount calculated under (a)(i) and (ii) of this subsection.

(b) If any other combination of straight-time and time-and-one-half-rate pay required by these rules results in an amount of pay, for either workweek, which is greater than the amount calculated in (a)(iii) of this subsection, then only the larger amount should be paid.

(8) If overtime is incurred as a result of employee movement between state agencies, the overtime will be borne by the receiving agency.

AMENDATORY SECTION (Amending WSR 86-12-025 (Order 248), filed 5/28/86, effective 7/1/86)

WAC 356-15-110 Call-back for work on scheduled days off or holidays. (1) Management may assign employees to work on a day off or holiday. Scheduled and non-scheduled work period employees shall be notified of such assignments at least prior to the employees' normal quitting times on their second work day preceding the day off or holiday (except Sunday when it is within the assigned workshift).

(a) If management does not give such notice, affected employees shall receive a penalty payment of three hours pay at the basic salary in addition to all other compensation due them.

(b) Management may cancel work assigned on a day off or holiday. However, if management does not notify affected employees of such cancellation at least prior to their normal quitting times on their second work day preceding the day off or holiday work assignment, affected employees shall receive a penalty payment of three hours pay at the basic salary.

(2) These provisions shall apply to employees in paid leave status.

(3) These provisions shall not apply to an employee assigned work on a day off or holiday while in standby status or on a contingency schedule as provided in WAC 356-15-090(~~(3)~~) (5).

AMENDATORY SECTION (Amending WSR 92-03-101 (Order 401), filed 1/17/92, effective 3/1/92)

WAC 356-18-116 Leave due to unforeseen family care requirements. (1) Absence due to an employee's inability to report for or continue scheduled work due to unforeseen family care requirements shall be authorized in any of the leave categories listed below at the employee's desire. No advance approval shall be required; however, the employee shall notify the agency at the beginning of the absence.

(a) Compensatory or exchange time.

(b) Vacation leave.

(c) Accrued sick leave (~~(4)~~) in accordance with WAC 356-18-060(~~(8)~~) (9)(4).

(d) Leave without pay.

The provisions of this subsection shall only apply to care of the spouse, or to the employee's/spouse's son, daughter, stepchild, grandchild, foster child, child in the

custody of and residing in the home of the employee, parent or grandparent.

(2) Absence due to an employee's inability to report for or continue scheduled work may be authorized in any of the leave categories listed above due to unforeseen care requirements of family members of the employee or the employee's spouse. For purposes of this subsection, "family" shall be limited to:

(a) Brother, sister, niece, nephew, aunt, uncle, first cousin.

(b) Persons who reside in the same home who have reciprocal and natural and/or moral duties to and do provide support for one another.

AMENDATORY SECTION (Amending WSR 88-21-028 (Order 309), filed 10/11/88)

WAC 356-30-050 Appointments—Emergency—How made—Status. (1) When an emergency occurs requiring the immediate services of a person or persons, the appointing authority may appoint a person without following the normal procedures governing appointment. The appointment shall be based on the availability and fitness of the applicant, as well as consideration of the agency's affirmative action program.

(2) An emergency appointment of an individual shall not exceed thirty calendar days.

(3) Service in an emergency appointment shall not constitute a part of the employee's probationary service.

(4) The director of personnel shall monitor emergency appointments made pursuant to this section and may revoke delegated authority where abuse (~~(if-its))~~ is found.

AMENDATORY SECTION (Amending WSR 87-24-024 (Order 283), filed 11/24/87, effective 1/1/88)

WAC 356-30-230 Demotion—Voluntary. (1) Permanent employees, or employees separated within the last year by reduction in force, may accept a voluntary demotion to a class for which they qualify, as determined by the director of personnel or designee provided such positions are offered in order of seniority first to employees on the agency and service-wide reduction in force registers and to employees within the layoff unit who have been notified in writing that they are scheduled for reduction in force. The employee will not serve a trial service period unless referred from the promotional or voluntary demotion register to a class not previously held.

(2) Voluntary demotions to a class in which the employee has not held permanent status may require examination as determined by the director of personnel or designee.

(3) A proposed demotion shall be approved by the director of personnel or designee prior to the effective date of the action.

(4) Permanent employees may compete promotionally for classes (~~(off-for))~~ or positions in other series which by definition are demotions.

AMENDATORY SECTION (Amending WSR 92-20-026 and 92-22-042 (Orders 411 and 411A), filed 9/28/92 and 10/27/92, effective 11/1/92 and 11/27/92)

WAC 356-30-330 Reduction in force—Reasons, regulations—Procedure. (1) Employees may be separated in accordance with the statutes and the agencies' approved reduction in force procedures after at least fifteen calendar days' notice in writing, without prejudice, because of lack of funds or curtailment of work, or good faith reorganization for efficiency purposes, ineligibility to continue in a position which has been reallocated, or when there are fewer positions than there are employees entitled to such positions either by statute or within other provisions of merit system rules.

(2) When employees have statutory and merit system rule rights to return to the classified service, such employees first shall be returned to the classification selected. If such return causes the total number of employees (~~to exceed~~ ~~exceeds~~) to exceed the number of positions to be filled in the classification, the least senior person in the position shall have the reduction in force rights prescribed in this section.

(3) The agencies shall develop a reduction in force procedure that is consistent with the following:

(a) For purposes of reduction in force (WAC 356-30-330), seniority shall be determined by the definition in WAC 356-05-390. Ties in seniority will be broken by first measuring the employees' last continuous time within their current classification; if the tie still exists, by measuring the employees' last continuous time in their current agency; and if the tie still exists, by lot.

(b) Clearly defined layoff units, either geographically or by administrative units or both, so as to limit the disruption of an agency's total operation; but not to unduly restrict the options available to employees with greater seniority. The definition of layoff units may be a series of progressively larger units within an agency when a valid option in lieu of separation cannot be offered to respective employees within a lesser-sized unit. Employment projects, established under the provisions of WAC 356-30-145, Project employment, are distinct layoff units, separate and exclusive of any other defined layoff unit or employment project. Seasonal career layoff units, established under the provisions of WAC 356-30-130, Seasonal career employment, are distinct layoff units, separate and exclusive of any other defined layoff unit.

(c) Options in lieu of separation by reduction in force shall be offered by an agency only when such options are in accordance with the agency's reduction in force procedure which has been approved by the director of personnel.

(d) Agency reduction in force procedures shall specify the rights and obligations for employees to accept or reject options offered in lieu of separation due to reduction in force.

(e) "Bumping" by employees with greater seniority will be limited to:

- (i) The same layoff unit; and
- (ii) Classification in which the "bumping" employee previously held permanent status; and
- (iii) Position at the current salary range of the employee doing the bumping, or lower; and
- (iv) Employee with the least seniority within the same category of full-time or part-time employment; and

(v) Competition at one progressively lower classification at a time.

(f) An employee may not exercise a bumping option in lieu of separation due to a reduction in force if there is within the agency a vacant position which satisfies all of the criteria set forth below.

The position is one which:

- (i) The agency intends to fill;
- (ii) Is in the current classification of the employee being offered the option, or in a classification within which the employee being offered the option previously held permanent status;
- (iii) Is at a salary range no lower than the range that would have otherwise been a bumping option;
- (iv) Is located within a reasonable commuting distance of the employee's permanent work location; and
- (v) Is on the same or similar workshift as the one which the employee currently holds.

(g) When an employee has previously held permanent status in more than one classification at the same salary range and is eligible to bump, then the employee shall be offered the option to bump into the position occupied by the employee with the least seniority.

(h) The right to actually "bump" shall be exercised only after the employee to be "bumped" has received at least fifteen calendar days' notice of the scheduled action.

(i) Options of full-time positions will be offered first to full-time employees before part-time positions are offered. For the purpose of these offers, employees who previously accepted part-time positions due to a reduction in force action or to lessen the impact of a reduction in force shall be considered full-time employees.

(j) Seniority for part-time employees will be computed on a basic payroll hour basis within the same provision and restrictions of the general definition of seniority. When part-time employees become full-time employees, their payroll hours will be integrated on a comparable time basis as full-time employees.

(k) Permanent employees who have been scheduled for reduction in force shall have the right to take a transfer or a voluntary demotion to a vacancy that is to be filled in their own layoff unit for which they qualify, as determined by the director of personnel. This right is to be exercised according to the seniority of those desiring the same vacancy.

(l) Options of other than permanent positions as named in (m) of this subsection are to be made if no permanent position to be filled is available within a reasonable commuting distance.

(m) The reduction in force procedure shall contain the statement that, "No permanent employee shall be separated from state service through reduction in force without being offered within fifteen calendar days prior to what would be the permanent employee's effective separation those positions at the same or lesser salary range within the layoff unit for which he/she qualifies, currently being held by emergency, temporary, probationary, or intermittent employees."

(n) The salary of an employee who has accepted a lower position will be reduced to the top of the range of the lower class unless the previous salary is within the range of the new class, in which case it will remain unchanged.

(4) The agency shall submit the procedure to the director of personnel for approval.

(5) Vacancies will not be filled either by local list procedures or on a temporary, intermittent, or seasonal basis without contacting the department of personnel in an effort to fill the positions by qualified employees who have been or are scheduled for separation due to reduction in force.

(6) When a majority of the positions in a layoff unit other than in project employment is to be eliminated because of a lack of funds and/or work, permanent employees in such positions shall be offered, according to their seniority, those positions in classes in which they have held permanent status which are currently being held by emergency, temporary, or probationary employees; provided they have not rejected offers of vacant positions made by certifications from the registers. Such options shall be offered in accordance with the following requirements:

(a) Positions in the employee's own agency and within a reasonable commuting distance shall be offered first; second, in the classified service within a reasonable commuting distance; third, anywhere within the employee's own agency; and fourth, throughout the classified service.

(b) A permanent employee's right to fill a position may be exercised only within fifteen calendar days prior to the effective date of separation.

(c) Offers will be made in accordance with a procedure established by the director of personnel.

(7) In order to exercise an option to a position which may require selective criteria, the following applies. The option may be exercised only by an employee who possesses the required specialized qualifications when:

(a) The criteria were approved when the position was established, reallocated or last filled; or

(b) The specialized qualifications were previously required for a classification that was later merged with other classifications that did not require them; or

(c) When, at a subsequent time, it was determined that the position requires the performance of specialized duties that would warrant future selective certification.

(d) In the case of (c) of this subsection, the selective criteria shall not be applied for the purposes of determining reduction in force options until six months after the notification of the new duties has been made to the department of personnel.

(e) In the case of (a), (b) and (c) of this subsection, the director of personnel or designee must have determined that the specialized qualifications are still essential for the successful job performance and the qualifications could not be learned within a reasonable length of time.

(8) Options to positions which are covered by WAC 356-26-140 may be exercised only by employees who, at the time they are notified they are scheduled for reduction in force:

(a) Are exempt from a background inquiry by WAC 356-26-140(4); or

(b) Authorize a background inquiry as provided for in WAC 356-26-140 and are cleared for the option as a result of the inquiry.

AMENDATORY SECTION (Amending Order 36, filed 7/1/71, effective 8/1/71)

WAC 356-46-080 Agencies—Position control. Each agency shall maintain a system of position identification and control indicating location, work shift, duties and organizational unit of each position as described on that position's classification questionnaire. ~~((A position may not be transferred from one officially designated unit to another without the prior approval of the director and reevaluation, if appropriate.))~~

AMENDATORY SECTION (Amending WSR 94-04-011, filed 1/21/94, effective 3/1/94)

WAC 356-30-315 Reversion from Washington management service. Permanent Washington general service employees who are appointed to a Washington management service position and who do not successfully complete the review period will retain the following rights.

(1) Within the first six months of any review period, an employee may voluntarily revert to the position, if vacant and funded, held prior to the employee's first Washington management service appointment or to a similar funded vacant position at the same salary range. If no funded vacancies are available, the employee may request to be placed on the reversion registers for the Washington general service class in which the employee held status prior to the first Washington management service appointment.

(2) Reversion of employees appointed from the Washington general service will be carried out as provided in WAC 356-30-320.

(a) A permanent employee who is appointed from the Washington general service to a Washington management service position within the same agency, will retain reversion rights to the class in which the employee held permanent status prior to the appointment.

(b) A permanent employee who is appointed from the Washington general service to a Washington management service position in another agency and is reverted retains the right to ~~((return to))~~ a funded vacant position in the ~~((class and))~~ hiring agency ~~((in))~~ for which the employee ~~((held permanent status))~~ is qualified, and that is comparable to the employee's position and salary prior to the appointment to the Washington management service. If no funded vacant position is available, the employee is separated and may request to be placed on the reversion register as provided in WAC 356-26-030 (3) and ~~((5))~~ (6) and 356-30-320.

(3) Nothing in this reversion section shall preclude agencies and the reverted employee from reaching mutual agreement on placement of a reverted employee within the Washington management service or within the Washington general service if permitted by these rules.

(4) Employees may not appeal reversion or separation from a Washington management service review period.

WSR 95-22-091
PROPOSED RULES
PERSONNEL RESOURCES BOARD
 [Filed November 1, 1995, 10:36 a.m.]

Original Notice.

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

Title of Rule: Amending WAC 251-17-010 Examination—Requirement—Responsibilities, 251-17-170 Examination—Eligibility—Right of appeal and 251-22-270 Shared leave use; and repealing WAC 251-19-105 Accommodation due to disability.

Purpose: WAC 251-17-010 and 251-17-170 describes the examination process. WAC 251-19-105 describes the procedure for accommodation due to disability. WAC 251-22-270 describes shared leave use.

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

Summary: The modifications to WAC 251-17-010, 251-17-170, and 251-22-270 are housekeeping in nature. The repeal of WAC 251-19-105 is necessary to avoid conflict with the Americans with Disability Act of 1991.

Reasons Supporting Proposal: Many elements of WAC 251-19-105 are in conflict with the requirements of the Americans with Disability Act of 1991.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 753-0468; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The modifications to WAC 251-17-010 and 251-17-170 are housekeeping changes needed for clarification and renumbering of subsections. The repeal of WAC 251-19-105 is necessary because many elements of the required policy are in conflict with the requirements of the Americans with Disability Act of 1991. Institutions are required by the Governor's Executive Order to develop a policy and have it approved by the Governor's Affirmative Action Policy Committee. This rule is repetitive of requirements from other jurisdictions. The modification to WAC 251-22-270 is housekeeping in nature to remove a citation of the above rule we are proposing to repeal.

Proposal Changes the Following Existing Rules: See above.

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

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

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on December 14, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by December 7, 1995, TDD (360) 753-4107, or (360) 586-0509.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, FAX (360) 586-4694, by December 12, 1995.

Date of Intended Adoption: December 14, 1995.

November 1, 1995

Dennis Karras

Secretary

AMENDATORY SECTION (Amending WSR 95-19-099, filed 9/20/95, effective 11/1/95)

WAC 251-17-010 Examination—Requirement—Responsibilities. (1) Appointment to positions in the classified service shall be made according to merit and suitability ascertained for each class by an appropriate examination.

(2) All job elements included in examinations developed or modified subsequent to January 1, 1986, shall be justified by documented job analysis.

(3) Personnel officers shall assist in conducting and/or conduct job analyses at their institutions.

(4) Job analysis methods shall meet professional standards and be approved by the director before they are used to develop examinations.

(5) System examinations shall be developed by the director with the assistance of the personnel officers and made available for the use of all institutions. The director shall periodically distribute an approved system job element examination list showing all current system examinations.

(6) Personnel officers shall use only the current versions of the examinations shown on the approved system job element examination list. However, personnel officers may develop modifications to system examinations and/or institutional examinations to meet requirements which are unique to their institutions. Before they are used, institutional examinations and modifications to system examinations shall be approved by the director unless approval has been delegated to the personnel officer under WAC 251-04-060(4).

~~((7) Before they are used, institutional examinations and modifications to system examinations shall be approved by the director unless approval has been delegated to the personnel officer under WAC 251-04-060(4).))~~

~~((8))~~ (7) The personnel officer is responsible for determining when to open eligible lists and conduct examinations.

AMENDATORY SECTION (Amending WSR 93-01-158, filed 12/23/92, effective 2/1/93)

WAC 251-17-170 Examination—Eligibility—Right of appeal. (1) A person shall have the right to appeal the following to the director:

- (a) Rejection of his/her application; or
- (b) The results of the institutional review; or
- (c) The conduct of the examination process and/or his/her examination results; or
- (d) Failure to restore his/her name to an eligible list following the institutional review process per WAC 251-18-200(4); or
- (e) Removal of his/her name from an eligible list for reasons other than those specified in WAC 251-18-200(2).

(2) A person shall **not** have the right to appeal the decisions of employing officials regarding consideration and/or hiring of correctly certified candidates.

(3) Such appeal must be in writing and filed in the office of the director within thirty calendar days after either service of the results of the institutional review or the effective date of the action appealed. The director shall investigate the case and issue a determination.

(4) When the appellant is a classified employee, within thirty calendar days of the date of service of the determination to the appellant and the institution, either party may file written exceptions with the board detailing the specific items of the determination to which exception is taken. A hearing on the exceptions will be scheduled before the board which may limit argument to the exceptions or may rehear the case in its entirety.

(5) When the appellant is not a classified employee, the director's determination shall be final and binding.

(6) Any employee or employee representative may appeal an alleged failure to follow the provisions of WAC 251-17-010 (1) through ~~((8))~~ (6) in accordance with WAC 251-12-075.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 251-19-105 Accommodation due to disability.

AMENDATORY SECTION (Amending WSR 89-22-019, filed 10/24/89, effective 12/1/89)

WAC 251-22-270 Shared leave use. (1) The agency/institution head shall determine the amount of leave, if any, which an employee may receive under these rules. However, an employee shall not receive more than two hundred sixty-one days of shared leave.

(2) The agency/institution head shall require the employee to submit, prior to approval or disapproval, a medical certificate from a licensed physician or health care practitioner verifying the employee's required absence, the description of the medical problem, and expected date of return-to-work status.

(3) The agency/institution head should consider other methods of accommodating the employee's needs such as modified duty, modified hours, flex-time or special assignments in lieu of shared leave usage per WAC 251-10-070, 251-10-080, 251-10-090, 251-17-090, 251-18-180, 251-19-100, ~~((251-19-105;))~~ and 251-24-030.

(4) Leave transferred under these rules may be transferred from employees of one agency/institution to an employee of the same agency/institution or, with the approval of the heads of both agencies/institutions, to an employee of another state agency/institution.

(5) Annual leave transferred under these rules shall be used solely for the purpose stated in WAC 251-22-250.

(6) The receiving employee shall be paid his/her regular rate of pay; therefore, the value of one hour of shared leave may cover more or less than one hour of the recipient's salary.

**WSR 95-22-092
PROPOSED RULES
PERSONNEL RESOURCES BOARD**

[Filed November 1, 1995, 10:37 a.m.]

Original Notice.

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

Title of Rule: Amending WAC 356-05-415 Temporary employment, 356-30-065 Temporary appointments—From outside state service, 356-30-067 Temporary appointments from within classified service and 356-18-112 Shared leave; and repealing WAC 356-30-025 Nonpermanent appointments—Duration.

Purpose: These rules govern temporary employment/appointments and shared leave.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.150.

Summary: All temporary appointments require a mandatory three-month break when an employee has been in a temporary appointment for nine months or 1560 nonovertime hours.

Reasons Supporting Proposal: The proponent is proposing the removal of the mandatory three-month break that is required when an employee has been in a temporary appointment for nine months or 1560 nonovertime hours.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 753-0468; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Craig Zora, private.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Currently employees appointed on a temporary basis who have completed nine months or 1560 hours in the same agency are required to have a mandatory three-month break. These modifications would remove the mandatory three-month break and allow agencies to utilize temporary employees on a long-term basis without permanent status.

Proposal Changes the Following Existing Rules: See above.

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

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

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on December 14, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by December 7, 1995, TDD (360) 753-4107, or (360) 586-0509.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, FAX (360) 586-4694, by December 12, 1995.

Date of Intended Adoption: December 14, 1995.

November 1, 1995

Dennis Karras
Secretary

PROPOSED

AMENDATORY SECTION (Amending WSR 88-18-096 (Order 308), filed 9/7/88, effective 11/1/88)

WAC 356-05-415 Temporary employment. Single or multiple periods of nonpermanent employment during the absence of a permanent employee or during a workload peak when there is a need to fill a position ~~((for not more than nine months or 1560 nonovertime hours))~~ on a temporary basis or while recruitment is being conducted to establish a complete register.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 356-30-025 Nonpermanent appointments—
Duration.

AMENDATORY SECTION (Amending WSR 88-18-096 (Order 308), filed 9/7/88, effective 11/1/88)

WAC 356-30-065 Temporary appointments—From outside state service. (1) Temporary appointments may be made to classified positions during the absence of a permanent employee or during a workload peak ~~((when there is a need to fill a position for not more than nine months or 1560 nonovertime hours))~~ or while recruitment is being conducted to establish a complete register.

(2) Temporary appointments may be made at a lower level than the allocation of the position being filled provided the class falls within the same or a related class series.

(3) Temporary appointments shall be approved by the director of personnel, or designee. ~~((Single or multiple temporary appointments shall last no more than nine months or 1560 nonovertime hours within a twelve month period. Time spent in emergency appointments will be counted in the 1560 hours.))~~

~~((4) No temporary appointment of an employee who has worked for the agency for nine months or 1560 nonovertime hours within the last twelve months may be made without a three month break in service. Consecutive nonpermanent appointments of the same person in the same agency which would cause the employee to work more than 1560 nonovertime hours in a twelve month period can only be made with the approval of the director of personnel. Extensions of temporary appointments of persons from outside classified service may be granted when a permanent employee's leave extends beyond nine months or 1560 nonovertime hours or as otherwise approved by the director of personnel. Such extensions must be approved by the director of personnel.))~~

~~((5))~~ (4) Temporary appointees must meet the minimum qualifications of the class to which they are appointed unless the director of personnel determines that program needs demand otherwise. Established registers, certification, and referral services are available and may be used when making temporary appointments. An employee given a temporary appointment following certification from the register to fill a position in the absence of a permanent employee may enter a probationary period when the permanent employee does not return to the position and the agency needs to fill the position permanently. The director must

approve the change in status before it occurs. Time served in a temporary appointment will not be counted as part of the probationary period.

~~((6))~~ (5) Compensation of temporary employees shall be consistent with the rules unless exempted by RCW 41.06.070 and WAC 356-06-020.

~~((7))~~ (6) Merit system rules governing all forms of leave will apply to temporary employees unless exempted by RCW 41.06.070 and WAC 356-06-020.

~~((8))~~ (7) An employee's temporary appointment may be ended by stipulating a termination date in the appointment letter or by giving one full working day's notice prior to the effective date. The employee receiving such notice shall not have the right of appeal or hearing.

~~((9))~~ (8) The appointing authority shall advise the temporary employee of the temporary status of the appointment. Temporary employees not appointed from within the classified service have no appeal rights.

~~((10))~~ (9) The director of personnel shall monitor temporary appointments made pursuant to this section and may revoke delegated authority where abuse is found.

AMENDATORY SECTION (Amending WSR 91-20-029 (Order 383), filed 9/23/91, effective 11/1/91)

WAC 356-30-067 Temporary appointments from within classified service. (1) Temporary appointments may be made with the approval of the director of personnel or designee to classified positions during the absence of a permanent employee or during a workload peak ~~((when there is a need to fill a position for not more than nine months or 1560 nonovertime hours))~~ or while recruitment is being conducted to establish a complete register.

(2) Temporary appointments may be made at a lower level than the allocation of the position being filled provided the class falls within the same or a related class series.

(3) All temporary appointments to supervisory or managerial positions must be made from within state service unless the director determines that such action is not practicable.

(4) Established registers, certification, and referral services are available and may be used when making temporary appointments. An employee certified from the register to fill a position in the absence of a permanent employee may enter a probationary or trial service period and subsequently gain permanent status when the permanent employee does not return to the position and the agency needs to fill the position permanently. The director of personnel must approve the change in status before it occurs. Time served in a temporary appointment will not be counted as part of the probationary or trial service period.

(5) Temporary appointees must meet the minimum qualifications of the class to which they are appointed unless the director of personnel determines that program needs demand otherwise. Upon termination of such temporary appointment, permanent or probationary employees shall have the right to resume a permanent position within their permanent agency at their former status except as provided in (6) below. The employee's salary upon return will be determined as if the employee had remained in the permanent position.

(6) An employee who accepts a temporary appointment to a higher class in the same series in the same work unit shall continue the probationary or trial service period for the lower class.

~~((7)) Temporary appointments made from within classified service will normally last no more than nine months or 1560 nonovertime hours for single or multiple appointments. An extension may be approved by the director when a temporary appointment is made to replace a permanent employee who has been granted a leave of absence, when temporarily filling a supervisory or managerial position when there is reorganization pending, or as otherwise approved by the director. Temporary appointments may extend to thirty days after the date the permanent employee returns or the position is filled permanently. Time spent in emergency appointments will be counted in the 1560 hours.)~~

~~((8))~~ (7) Compensation for temporary appointees shall be made in accordance with the rules governing promotions, demotions, or transfers.

~~((9))~~ (8) The director of personnel shall monitor temporary appointments made pursuant to this section and may revoke delegated authority where abuse is found.

AMENDATORY SECTION (Amending WSR 91-07-055 (Order 371), filed 3/19/91, effective 5/1/91)

WAC 356-18-112 Shared leave. (1) The purpose of the state leave sharing program is to permit state employees to donate vacation leave to a fellow state employee who is suffering from or has a relative or household member suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition which has caused or is likely to cause the employee to take leave without pay or terminate his or her employment. An employee is eligible to request participation in the shared leave program when the employee is able to use accrued vacation leave. For purposes of the Washington state leave sharing program, the following definitions apply:

(a) "Employee" means any employee who is entitled to accrue sick leave or vacation leave and for whom accurate leave records are maintained.

(b) "Employee's relative" normally shall be limited to the employee's spouse, child, stepchild, grandchild, grandparent, or parent.

(c) "Household members" is defined as persons who reside in the same home who have reciprocal duties to and do provide financial support for one another. This term shall include foster children and legal wards even if they do not live in the household. The term does not include persons sharing the same general house, when the living style is primarily that of a dormitory or commune.

(d) "Severe" or "extraordinary" condition is defined as serious or extreme and/or life threatening.

(2) An employee may be eligible to receive shared leave under the following conditions:

(a) The employee's agency head determines that the employee meets the criteria described in this section.

(b) The employee is not eligible for time loss compensation under chapter 51.32 RCW. If the time loss claim is approved at a later time, all leave received shall be returned

to the donors, and the employee will return any and all overpayments to the agency.

(c) The employee has abided by agency policies regarding the use of sick leave.

(d) Donated vacation leave is transferable between employees in different state agencies with the agreement of both agency heads.

(3) An employee may donate vacation leave to another employee only under the following conditions:

(a)(i) The receiving employee has exhausted, or will exhaust, his or her vacation leave, and sick leave due to an illness, injury, impairment, or physical or mental condition, which is of an extraordinary or severe nature, and involves the employee, the employee's relative or household member; and

(ii) The condition has caused, or is likely to cause, the employee to go on leave without pay or terminate state employment; and

(iii) The agency head permits the leave to be shared with an eligible employee.

(b) The donating employee may donate any amount of vacation leave provided the donation does not cause the employee's vacation leave balance to fall below eighty hours.

(c) Employees may not donate excess vacation leave that the donor would not be able to take due to an approaching anniversary date.

(4) The agency head shall determine the amount of donated leave an employee may receive and may only authorize an employee to use up to a maximum of two hundred sixty one days of shared leave during total state employment, except that a nonpermanent employee who is eligible to use accrued vacation leave may not use shared leave beyond the earlier date of:

(a) The termination date specified in the nonpermanent employee's appointment letter, or

(b) ~~((Nine months or))~~ 1560 nonovertime hours from date of the nonpermanent appointment ~~((to the nonpermanent position; unless extended by the director per WAC 356-30-065(4), 356-30-067(6), and 356-30-140(6).))~~

(5) The agency head shall require the employee to submit, prior to approval or disapproval, a medical certificate from a licensed physician or health care practitioner verifying the severe or extraordinary nature and expected duration of the condition.

(6) Any donated leave may only be used by the recipient for the purposes specified in this section.

(7) The receiving employee shall be paid his or her regular rate of pay; therefore, one hour of shared leave may cover more or less than one hour of the recipient's salary. The calculation of the recipient's leave value shall be in accordance with office of financial management policies, regulations, and procedures. The dollar value of the leave is converted from the donor to the recipient. The leave received will be coded as shared leave and be maintained separately from all other leave balances.

(8) All forms of paid leave available for use by the recipient must be used prior to using shared leave.

(9) Any shared leave not used by the recipient during each incident/occurrence as determined by the agency director shall be returned to the donor(s). The shared leave remaining will be divided among the donors on a prorated

basis based on the original donated value and returned at its original donor value and reinstated to each donor's vacation leave balance.

(10) All donated leave must be given voluntarily. No employee shall be coerced, threatened, intimidated, or financially induced into donating vacation leave for purposes of this program.

(11) Agencies shall maintain records which contain sufficient information to provide for legislative review.

WSR 95-22-093
PROPOSED RULES
DEPARTMENT OF REVENUE

[Filed November 1, 1995, 10:38 a.m.]

Original Notice.

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

Title of Rule: Amending WAC 458-30-262 Agricultural land valuation—Interest rate—Property tax component.

Purpose: To provide county assessors with the rate of interest and property tax component to be used in valuing farm and agricultural land classified under chapter 84.34 RCW during assessment year 1996.

Statutory Authority for Adoption: RCW 84.08.010, 84.08.070, 84.34.360.

Statute Being Implemented: RCW 84.34.065.

Summary: The amendments to this rule update the interest rate and the property tax component used in valuing farm and agricultural land classified under chapter 84.34 RCW.

Reasons Supporting Proposal: RCW 84.34.065 requires the department to annually determine a rate of interest and property tax component and to publish a rule containing these determinations by January 1st each year.

Name of Agency Personnel Responsible for Drafting: Kim M. Qually, 711 Capitol Way South, #303, Olympia, WA, (360) 664-0086; Implementation and Enforcement: William Rice, 6004 Capitol Boulevard, Tumwater, WA, (360) 753-5503.

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: WAC 458-30-262 provides county assessors with information that will be used in assessment year 1996 to value land classified as farm and agricultural land under chapter 84.34 RCW. The rate of interest and property tax component contained in this rule are used to determine the earning and productive capacity of classified farm and agricultural land. This rule must be updated annually to reflect the changes in the interest rate and property tax component used by the county assessors to determine the value of classified farm and agricultural land during the upcoming assessment year.

Proposal Changes the Following Existing Rules: This proposed rule amends the current version of WAC 458-30-262. The amendments to this rule relate to assessment year 1996 and change the interest rate and the property tax

component. These figures will be used to value classified farm and agricultural land during assessment year 1996.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The changes to this rule are made to conform to mandates of the legislature and the department is given no discretionary latitude. The department is not aware of any new or additional administrative responsibilities placed on a business as a result of this rule.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The amendatory section proposed is not a significant legislative rule as defined in section 201. This proposal sets or adjusts fees or rates pursuant to legislative standards and is excluded from compliance with section 201.

Hearing Location: General Administration Building, Revenue Conference Room 402, 210 11th and Columbia Street, Olympia, WA, on December 5, 1995, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Sandra Yuen by November 24, 1995, TDD 1-800-451-7985, or (360) 753-3217.

Submit Written Comments to: Kim M. Qually, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, FAX (360) 664-0693, by December 5, 1995.

Date of Intended Adoption: December 19, 1995.

November 1, 1995
Russell W. Brubaker
Assistant Director
Legislation and Policy Division

AMENDATORY SECTION (Amending WSR 95-09-041, filed 4/14/95, effective 5/15/95)

WAC 458-30-262 Agricultural land valuation—Interest rate—Property tax component. For assessment year ~~((1995))~~ 1996, the interest rate and the property tax component that are to be used to value classified farm and agricultural lands are as follows:

- (1) The interest rate is ~~((9.53))~~ 9.31 percent; and
- (2) The property tax component for each county is:

<u>((COUNTY</u>	<u>PERCENT</u>	<u>COUNTY</u>	<u>PERCENT</u>
Adams	1.45	Lewis	1.36
Asotin	1.67	Lincoln	1.59
Benton	1.40	Mason	1.44
Chelan	1.50	Okanogan	1.57
Clallam	1.22	Pacific	1.39
Clark	1.34	Pend Oreille	1.45
Columbia	1.58	Pierce	1.62
Cowlitz	1.23	San Juan	0.85
Douglas	1.46	Skagit	1.15
Ferry	1.13	Skamania	1.02
Franklin	1.66	Snohomish	1.32
Garfield	1.55	Spokane	1.57
Grant	1.53	Stevens	1.22
Grays Harbor	1.48	Thurston	1.51
Island	0.88	Wahkiakum	1.24
Jefferson	1.25	Walla Walla	1.57
King	1.26	Whatecom	1.30
Kitsap	1.32	Whitman	1.56
Kittitas	1.23	Yakima	1.39
Klickitat	1.24))		

<u>COUNTY</u>	<u>PERCENT</u>	<u>COUNTY</u>	<u>PERCENT</u>
Adams	1.48	Lewis	1.33
Asotin	1.70	Lincoln	1.54
Benton	1.45	Mason	1.34

PROPOSED

<u>Chelan</u>	<u>1.42</u>	<u>Okanogan</u>	<u>1.43</u>
<u>Clallam</u>	<u>1.25</u>	<u>Pacific</u>	<u>1.35</u>
<u>Clark</u>	<u>1.38</u>	<u>Pend Oreille</u>	<u>1.34</u>
<u>Columbia</u>	<u>1.50</u>	<u>Pierce</u>	<u>1.63</u>
<u>Cowlitz</u>	<u>1.19</u>	<u>San Juan</u>	<u>0.84</u>
<u>Douglas</u>	<u>1.35</u>	<u>Skagit</u>	<u>1.26</u>
<u>Ferry</u>	<u>1.23</u>	<u>Skamania</u>	<u>1.09</u>
<u>Franklin</u>	<u>1.57</u>	<u>Snohomish</u>	<u>1.28</u>
<u>Garfield</u>	<u>1.39</u>	<u>Spokane</u>	<u>1.55</u>
<u>Grant</u>	<u>1.50</u>	<u>Stevens</u>	<u>1.16</u>
<u>Grays Harbor</u>	<u>1.49</u>	<u>Thurston</u>	<u>1.38</u>
<u>Island</u>	<u>0.93</u>	<u>Wahkiakum</u>	<u>1.17</u>
<u>Jefferson</u>	<u>1.26</u>	<u>Walla Walla</u>	<u>1.49</u>
<u>King</u>	<u>1.30</u>	<u>Whatcom</u>	<u>1.28</u>
<u>Kitsap</u>	<u>1.19</u>	<u>Whitman</u>	<u>1.66</u>
<u>Kittitas</u>	<u>1.22</u>	<u>Yakima</u>	<u>1.53</u>
<u>Klickitat</u>	<u>1.14</u>		

WSR 95-22-094
PROPOSED RULES
DEPARTMENT OF REVENUE
 [Filed November 1, 1995, 10:39 a.m.]

Original Notice.

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

Title of Rule: Amending WAC 458-30-590 Rates of inflation.

Purpose: To provide a rate of inflation that is used by county officials to calculate interest in certain circumstances.

Statutory Authority for Adoption: RCW 84.34.360.

Statute Being Implemented: RCW 84.34.310.

Summary: Special benefit assessments that relate to farm and agricultural and timber land classified under chapter 84.34 RCW may be deferred by the land owner. If the land owner has chosen to defer these assessments and the classified land is subsequently removed or withdrawn from classification under chapter 84.34 RCW, the deferred special benefit assessments become due and payable. This rule provides the rate of inflation that is used to calculate interest and the total amount of deferred benefit assessments due.

Reasons Supporting Proposal: RCW 84.34.310(6) authorizes the department to determine the rate of inflation and to publish this rate prior to January 1st each year.

Name of Agency Personnel Responsible for Drafting: Kim M. Qually, 711 Capitol Way South, #303, Olympia, WA, (360) 664-0086; Implementation and Enforcement: William Rice, 6004 Capitol Boulevard, Tumwater, WA, (360) 753-5503.

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 amendatory rule is necessary to update the rate of inflation to include 1995. The rate of inflation is used when land classified as farm and agricultural or timber land under chapter 84.34 RCW is removed or withdrawn from classification and special benefit assessments relating to this land have been deferred by the land owner. This rate is added to the amount of assessments deferred to calculate the total amount due.

Proposal Changes the Following Existing Rules: This proposed rule amends the current version of WAC 458-30-

590. In the proposed rule we added the rate of inflation for 1995.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The changes to this rule are made to conform to mandates of the legislature and the department is given no discretionary latitude. The department is not aware of any new or additional administrative responsibilities placed on a business as a result of this rule.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The amendatory section proposed is not a significant legislative rule as defined in section 201. This proposal sets or adjusts fees or rates pursuant to legislative standards and is excluded from compliance with section 201.

Hearing Location: General Administration Building, Revenue Conference Room 402, 210 11th and Columbia Street, Olympia, WA, on December 5, 1995, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Sandra Yuen by November 24, 1995, TDD 1-800-451-7985, or (360) 753-3217.

Submit Written Comments to: Kim M. Qually, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, FAX (360) 664-0693, by December 5, 1995.

Date of Intended Adoption: December 19, 1995.

November 1, 1995
 Russell W. Brubaker
 Assistant Director
 Legislation and Policy Division

AMENDATORY SECTION (Amending WSR 95-06-043, filed 2/24/95, effective 3/27/95)

WAC 458-30-590 Rates of inflation. (1) Introduction. This section sets forth the rates of inflation discussed in WAC 458-30-550.

(2) **Rates of inflation.** The rates of inflation to be used for calculating the interest as required by WAC 458-30-550 are as follows:

(YEAR PERCENT YEAR PERCENT YEAR PERCENT			
1976 5.6 1982 6.2 1988 4.1			
1977 6.5 1983 3.2 1989 4.8			
1978 7.6 1984 4.3 1990 5.4			
1979 11.3 1985 3.5 1991 4.2			
1980 13.5 1986 1.9 1992 3.3			
1981 10.3 1987 3.7 1993 2.7			
			1994 2.2)

<u>YEAR</u>	<u>PERCENT</u>	<u>YEAR</u>	<u>PERCENT</u>
<u>1976</u>	<u>5.6</u>	<u>1977</u>	<u>6.5</u>
<u>1978</u>	<u>7.6</u>	<u>1979</u>	<u>11.3</u>
<u>1980</u>	<u>13.5</u>	<u>1981</u>	<u>10.3</u>
<u>1982</u>	<u>6.2</u>	<u>1983</u>	<u>3.2</u>
<u>1984</u>	<u>4.3</u>	<u>1985</u>	<u>3.5</u>
<u>1986</u>	<u>1.9</u>	<u>1987</u>	<u>3.7</u>
<u>1988</u>	<u>4.1</u>	<u>1989</u>	<u>4.8</u>
<u>1990</u>	<u>5.4</u>	<u>1991</u>	<u>4.2</u>
<u>1992</u>	<u>3.3</u>	<u>1993</u>	<u>2.7</u>
<u>1994</u>	<u>2.2</u>	<u>1995</u>	<u>2.3</u>

PROPOSED

WSR 95-22-095
PROPOSED RULES
DEPARTMENT OF REVENUE
 [Filed November 1, 1995, 10:40 a.m.]

Original Notice.

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

Title of Rule: Amending WAC 458-18-220 Refunds—Rate of interest.

Purpose: To update rule so it reflects the rate of interest for auction year 1995 that will be included when property taxes are refunded.

Statutory Authority for Adoption: RCW 84.08.010, 84.08.070.

Statute Being Implemented: RCW 84.60.100.

Summary: The rates of interest set forth in this rule are used when property taxes are refunded. The rates of interest are itemized according to the year in which the property taxes are paid or when the claim for refund is filed.

Reasons Supporting Proposal: RCW 84.69.100 requires interest to be included when property taxes are refunded. This statute also requires the department to adopt the rate of interest by rule.

Name of Agency Personnel Responsible for Drafting: Kim M. Qually, 711 Capitol Way South, #303, Olympia, WA, (360) 664-0086; Implementation and Enforcement: William Rice, 6004 Capitol Boulevard, Tumwater, WA, (360) 753-5503.

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: RCW 84.60.100 calls for interest to be paid when property taxes are refunded. WAC 458-18-220 sets forth the rate of interest on a yearly basis and will be used by county officials to calculate the total amount of property tax and interest to be refunded to the taxpayer.

Proposal Changes the Following Existing Rules: This proposed rule amends the current version of WAC 458-18-220. The amendments to this rule specify the rate of interest to be paid when taxes are paid or a claim for refund is filed in 1996.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The changes to this rule are made to conform to mandates of the legislature and the department is given no discretionary latitude. The department is not aware of any new or additional administrative responsibilities placed on a business as a result of this rule.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The amendatory section proposed is not a significant legislative rule as defined in section 201. This proposal concerns a rule the content of which is explicitly and specifically dictated by statute.

Hearing Location: General Administration Building, Revenue Conference Room 402, 210 11th and Columbia Street, Olympia, WA, on December 5, 1995, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Sandra Yuen by November 24, 1995, TDD 1-800-451-7985, or (360) 753-3217.

Submit Written Comments to: Kim M. Qually, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, FAX (360) 664-0693, by December 5, 1995.

Date of Intended Adoption: December 19, 1995.

November 1, 1995.

Russell W. Brubaker

Assistant Director

Legislation and Policy Division

AMENDATORY SECTION (Amending WSR 95-06-044, filed 2/24/95, effective 3/27/95)

WAC 458-18-220 Refunds—Rate of interest. The following rates of interest shall apply on refunds of taxes made pursuant to RCW 84.69.010 through 84.69.090 in accordance with RCW 84.69.100. The following rates shall also apply to judgments entered in favor of the plaintiff pursuant to RCW 84.68.030. The interest rate is derived from the equivalent coupon issue yield of the average bill rate for twenty-six week treasury bills as determined at the first bill market auction conducted after June 30th of the calendar year preceding the date the taxes were paid or the claim for refund is filed, whichever is later. The rate thus determined shall be applied to the amount of the judgment or the amount of the refund, until paid:

Year tax paid (chapter 84.68 RCW); Year tax paid or claim filed (whichever is later) (chapter 84.69 RCW)	Auction Year	Rate
1985	1984	11.27%
1986	1985	7.36%
1987	1986	6.11%
1988	1987	5.95%
1989	1988	7.04%
1990	1989	8.05%
1991	1990	8.01%
1992	1991	5.98%
1993	1992	3.42%
1994	1993	3.19%
1995	1994	4.92%
<u>1996</u>	<u>1995</u>	<u>5.71%</u>

WSR 95-22-096
PROPOSED RULES
DEPARTMENT OF REVENUE
 [Filed November 1, 1995, 10:41 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-19-087.

Title of Rule: WAC 458-40-610 Timber excise tax—Definitions and 458-40-650 Timber excise tax—Timber quality codes defined.

Purpose: WAC 458-40-610 and 458-40-650 are proposed to be amended to add definitions and quality codes for "poles" and "piles." The addition of these two new "species" should make the stumpage value tables more accurate.

PROPOSED

Statutory Authority for Adoption: RCW 82.32.330 and 84.33.096.

Statute Being Implemented: RCW 84.33.091.

Summary: These two rules are proposed to be amended to include a "species" for piles and poles that should make the stumpage value tables used in calculating the timber excise tax more accurate.

Reasons Supporting Proposal: The amendments to WAC 458-40-610 and 458-40-650 should make the stumpage value tables used in calculating the timber excise tax more accurate.

Name of Agency Personnel Responsible for Drafting: James A. Winterstein, 711 Capitol Way South, #303, Olympia, WA, (360) 586-4283; Implementation and Enforcement: Gary O'Neil, 2735 Harrison N.W., Building 4, Olympia, WA, (360) 753-2871.

Name of Proponent: Department of Revenue, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 458-40-610 adds definitions for "piles" and "poles." Timber harvested as piles or poles is very valuable and separating these two "species" from other timber for purposes of valuation should enable the reporting of timber values and the payment of timber excise tax to be done on a more accurate basis. WAC 458-40-650 adds quality codes for the piles and poles species.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The Department of Revenue has reviewed administrative provisions contained in these rules in order to determine the economic impact on small businesses. The proposed amendments to these rules will have minor or negligible economic impact.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. These rules are interpretive rules as defined in subsection (5)(c). They are not "significant legislative rules."

Hearing Location: Spokane Community College, Building 6, The Lair, Littlefoot Room A&B, 1810 North Greene Street, Spokane, WA, on December 5, 1995, at 1:30 p.m.; and at the Department of Revenue Conference Room, Target Place Building No. 4, 2735 Harrison Avenue N.W., Olympia, WA, on December 7, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Sandra Yuen by November 28, 1995, TDD 1-800-451-7985, or (360) 753-3217.

Submit Written Comments to: James A. Winterstein, Counsel, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, FAX (360) 664-0693, by December 7, 1995.

Date of Intended Adoption: December 29, 1995.

November 1, 1995
Russell W. Brubaker
Assistant Director
Legislation and Policy Division

AMENDATORY SECTION (Amending WSR 95-18-026, filed 8/25/95, effective 8/25/95)

WAC 458-40-610 Timber excise tax—Definitions. Unless the context clearly requires otherwise, the definitions in this section apply to WAC 458-40-600 through 458-40-690.

(1) Codominant trees. Trees whose crowns form the general level of the crown cover and receive full light from above, but comparatively little light from the sides.

(2) Competitive sales. The offering for sale of timber which is advertised to the general public for sale at public auction under terms wherein all qualified potential buyers have an equal opportunity to bid on the sale, and the sale is awarded to the highest qualified bidder. The term "competitive sales" includes making available to the general public permits for the removal of forest products.

(3) Department. The department of revenue of the state of Washington.

(4) Dominant trees. Trees whose crowns are higher than the general level of the canopy and which receive full light from the sides as well as from above.

(5) Harvest unit. An area of timber harvest having the same forest excise tax permit number, stumpage value area, hauling distance zone, harvest adjustments, and harvester. It may include more than one section: *Provided*, A harvest unit may not overlap a county boundary.

(6) Hauling distance zone. An area with specified boundaries as shown on the state-wide stumpage value area and hauling distance zone maps contained in WAC 458-40-640, having similar accessibility to timber markets.

(7) Log grade. Those grades listed in the "Official Log Scaling and Grading Rules" handbook developed and authored by the Northwest Log Rules Advisory Group (Advisory Group). "Utility grade" means logs that do not meet the minimum requirements of peeler or sawmill grades as defined in the handbook published by the Advisory Group but are suitable for the production of firm useable chips to an amount of not less than fifty percent of the gross scale; and meeting the following minimum requirements:

Minimum gross diameter—two inches.

Minimum gross length—twelve feet.

Minimum volume—ten board feet net scale.

Minimum recovery requirements—one hundred percent of adjusted gross scale in firm useable chips.

(8) Lump sum sale. Also known as a cash sale or an installment sale, it is a sale of timber wherein the total sale price is dependent upon an estimate of the total volume of timber in the sale rather than the actual volume harvested.

(9) MBF. One thousand board feet measured in Scribner Decimal C Log Scale Rule.

(10) Noncompetitive sales. Sales of timber in which the purchaser has a preferential right to purchase the timber or a right of first refusal.

(11) Other consideration. Value given in lieu of cash as payment for stumpage, such as improvements to the land that are of a permanent nature. It may include, but is not limited to, the construction of permanent roads and the installation of permanent bridges.

(12) Permanent road. A road built as part of the harvesting operation which is intended to have a useful life subsequent to the completion of the harvest.

(13) Private timber. All timber harvested from privately owned lands, including timber on reclassified reforestation land under chapters 84.28 and 84.33 RCW.

(14) Public timber. Timber harvested from federal, state, county, municipal, or other government owned lands.

(15) Remote island. An area of land which is totally surrounded by water at normal high tide and which has no bridge or causeway connecting it to the mainland.

(16) Sale price. The amount paid for timber in cash or other consideration.

(17) Scale sale. A sale of timber in which the sale price is the product of the actual volume harvested and the unit price at the time of harvest.

(18) Species. A grouping of timber based on biological or physical characteristics. In addition to the designations of species or subclassifications defined in Agriculture Handbook No. 451 Checklist of United States Trees (native and naturalized) found in the state of Washington, the following shall be considered separate species for the purpose of harvest classification used in the stumpage value tables:

(a) Other conifer. All conifers not separately designated in the stumpage value tables. See WAC 458-40-660.

(b) Other hardwood. All hardwoods not separately designated.

(c) Special forest products. The following are considered to be separate species of special forest products: Christmas trees (various species), posts (various species), western redcedar flatsawn and shingle blocks, western redcedar shake blocks and boards.

(d) Chipwood. All timber processed to produce chips or chip products delivered to a designated chipwood destination that has been approved in accordance with the provisions of WAC 458-40-670 or otherwise reportable in accordance with the provisions of WAC 458-40-670 (4) or (5).

(e) Small logs. All conifer logs harvested in stumpage value areas 6 or 7 generally measuring seven inches or less in scaling diameter, delivered to and purchased by weight measure at designated small log destinations that have been approved in accordance with the provisions of WAC 458-40-670(6). Log diameter and length is determined by merchandizer scanner with length not to exceed twenty feet.

(f) Sawlog. For purposes of timber harvest in stumpage value areas 6 and 7, a sawlog is a log having a net scale of not less than 33 1/3% of gross scale, nor less than ten board feet and meeting the following minimum characteristics: Gross scaling diameter of five inches and a gross scaling length of eight feet.

(g) Piles. All logs sold for use or processing as piles that meet the specifications described in the most recently published edition of the Standard Specification for Round Timber Piles (Designation: D 25) of the American Society for Testing and Materials.

(h) Poles. All logs sold for use or processing as poles that meet the specifications described in the most recently published edition of the National Standard for Wood Poles—Specifications and Dimensions (ANSI 05.1) of the American National Standards Institute.

(19) Stumpage. Standing or fallen trees, live or dead, having commercial value which have not been severed from the stump.

(20) Stumpage value area (SVA). An area with specified boundaries which contains timber having similar growing, harvesting and marketing conditions.

(21) Thinning. Timber removed from a harvest unit meeting all the following conditions:

(a) Located in stumpage value areas 1, 2, 3, 4, 5, and 10;

(b) The total volume removed is less than forty percent of the total merchantable volume of the harvest unit prior to harvest;

(c) Leave a minimum of one hundred undamaged, evenly spaced, dominant or codominant trees per acre of a commercial species or combination thereof.

(22) Timber. Forest trees, standing or down, on privately or publicly owned land, and except as provided in RCW 84.33.170, includes Christmas trees.

AMENDATORY SECTION (Amending WSR 95-14-084, filed 6/30/95, effective 7/31/95)

WAC 458-40-650 Timber excise tax—Timber quality codes defined. The timber quality code numbers for each species of timber shown in the stumpage value tables contained in this chapter are defined as follows:

**TABLE 1—Timber Quality Code Table
Stumpage Value Areas 1, 2, 3, 4, 5, and 10**

Species	Quality Code Number	Log grade specifications ¹
Douglas-fir	1	Over 50% No. 2 Sawmill and better log grade, and 15% and over Special Mill, No. 1 Sawmill, and better log grade.
Douglas-fir	2	Over 50% No. 2 Sawmill and better log grade, and less than 15% Special Mill, No. 1 Sawmill, and better log grade.
Douglas-fir	3	25-50% inclusive No. 2 Sawmill and better log grade.
Douglas-fir	4	Less than 25% No. 2 Sawmill and better log grade.
Western Redcedar and Alaska-Cedar	1	Over 30% No. 2 Sawmill and better log grade, and 15% and over Special Mill, No. 1 Sawmill, Peeler and better log grade.
Western Redcedar and Alaska-Cedar	2	Over 30% No. 2 Sawmill and better log grade, and less than 15% Special Mill, No. 1 Sawmill, Peeler Land better log grade.
Western Redcedar and Alaska-Cedar	3	5-30% inclusive No. 2 Sawmill and better log grade.
Western Redcedar and Alaska-Cedar	4	Less than 5% No. 2 Sawmill and better log grade.
Western Hemlock, True Firs, Other Conifer, and Spruce	1	Over 50% No. 2 Sawmill and better log grade, and 5% and over Special Mill, No. 1 Sawmill and better log grade.
Western Hemlock, True Firs, Other Conifer, and Spruce	2	Over 50% No. 2 Sawmill and better log grade, and less than 5% Special Mill, No. 1 Sawmill and better log grade.
Western Hemlock, True Firs, Other Conifer, and Spruce	3	25-50% inclusive No. 2 Sawmill and better log grade.

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Western Hemlock, True Firs, Other Conifer, and Spruce	4	Less than 25% No. 2 Sawmill and better log grade.
Ponderosa Pine	1	Less than 10 logs 16 feet long per thousand board feet Scribner scale.
Ponderosa Pine	2	10 or more logs 16 feet long per thousand board feet Scribner scale.
Lodgepole Pine	1	All log grades.
Red Alder and other hardwoods	1	Over 50% No. 3 Sawmill and better log grades.
Red Alder and other hardwoods	2	10-50% inclusive No. 3 Sawmill and better other hardwoods log grades.
Red Alder and other hardwoods	3	Less than 10% No. 3 Sawmill and better log grades.
Black Cottonwood	1	35% and over Peeler log grade.
Black Cottonwood	2	Less than 35% Peeler log grade and 15% and greater No.1 Sawmill and better log grade.
Black Cottonwood	3	Less than 15% No. 1 Sawmill and better log grade.
Chipwood	1	All logs that comply with the definition of chipwood in WAC 458-40-610 (18)(d).
<u>Piles</u>	<u>1</u>	<u>All logs that comply with the definition of piles in WAC 458-40-610 (18)(g).</u>
<u>Poles</u>	<u>1</u>	<u>All logs that comply with the definition of poles in WAC 458-40-610 (18)(h).</u>

¹ For detailed descriptions and definitions of approved log scaling, grading rules, and procedures see WAC 458-40-680.

**TABLE 2—Timber Quality Code Table
Stumpage Value Areas 6 and 7**

Species	Quality Code Number	Log grade specifications ¹
Ponderosa Pine	1	Less than 10 logs 16 feet long per thousand board feet Scribner scale.
Ponderosa Pine	2	10 or more logs 16 feet long per thousand board feet Scribner scale.
All conifers other than Ponderosa Pine	1	All log sizes.
Hardwoods	1	Sawlogs only.
Small logs	1	All conifer logs that comply with the definition of small logs in WAC 458-40-610 (18)(e).
Chipwood	1	All logs that comply with the definition of chipwood in WAC 458-40-610 (18)(d).
<u>Piles</u>	<u>1</u>	<u>All logs that comply with the definition of piles in WAC 458-40-610 (18)(g).</u>
<u>Poles</u>	<u>1</u>	<u>All logs that comply with the definition of poles in WAC 458-40-610 (18)(h).</u>

WSR 95-22-097
PROPOSED RULES
DEPARTMENT OF REVENUE
[Filed November 1, 1995, 10:42 a.m.]

Original Notice.

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

Title of Rule: WAC 458-40-540 Property tax, forest land—Forest land values—1996, 458-40-634 Timber excise tax—Taxable stumpage value—Small harvester option, and 458-40-680 Timber excise tax—Volume harvested—Approved scaling and grading methods defined.

Purpose: WAC 458-40-540 readjusts forest land values in accordance with the statutory formula; the land values are used by county assessors for property tax purposes in 1996. WAC 458-40-634 is amended to comply with 1995 legislation amending the definition of "small harvester" from one who harvests not more than one million board feet, to one who harvests not more than two million board feet of timber per year. WAC 458-40-680 deletes a definition of "utility grades" that is now contained in WAC 458-40-610.

Statutory Authority for Adoption: RCW 82.32.330 and 84.33.096.

Statute Being Implemented: RCW 84.33.120 and 84.33.073.

Summary: These three rules are proposed to be amended to comply with existing statutory law, to comply with a new statutory change, and to clear up an existing rule that continued a redundancy, respectively.

Reasons Supporting Proposal: The amendments to WAC 458-40-540, 458-40-634, and 458-40-680 are necessary to bring the rules current with statutory law and to make the rules more clear by removing a redundant definition.

Name of Agency Personnel Responsible for Drafting: James A. Winterstein, 711 Capitol Way South, #303, Olympia, WA, (360) 586-4283; Implementation and Enforcement: Gary O'Neil, 2735 Harrison N.W., Building 4, Olympia, WA, (360) 753-2871.

Name of Proponent: Department of Revenue, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 458-40-540 adjusts the forest land values in accordance with the statutory formula found in RCW 84.33.120. These land values are used by the county assessors in assessing property tax for 1996. WAC 458-40-634 deletes a reference to "reclassified forest land" to comply with the repeal of this classification in 1994, and amends the rule to change one million board feet to two million in compliance with a 1995 legislative change. WAC 458-40-680 deletes a definition of "utility grades" that was added to the definitions contained in WAC 458-40-610 as of August 1995, and therefore is now redundant as part of the rule in WAC 458-40-680.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The Department of Revenue has reviewed administrative provisions contained in these rules in order to determine the economic impact on

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small businesses. The proposed amendments to these rules will have minor or negligible economic impact.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. These rules do not come under the provisions of section 201. They are excepted under subsection (5)(b)(iv), (v), and (vi).

Hearing Location: Spokane Community College, Building 6, The Lair, Littlefoot Room A&B, 1810 North Greene Street, Spokane, WA, on December 5, 1995, at 1:30 p.m.; and at the Department of Revenue Conference Room, Target Place Building No. 4, 2735 Harrison Avenue N.W., Olympia, WA, on December 7, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Sandra Yuen by November 28, 1995, TDD 1-800-451-7985, or (360) 753-3217.

Submit Written Comments to: James A. Winterstein, Counsel, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, FAX (360) 664-0693, by December 7, 1995.

Date of Intended Adoption: December 29, 1995.

November 1, 1995
 Russell W. Brubaker
 Assistant Director
 Legislation and Policy Division

AMENDATORY SECTION (Amending WSR 95-02-039, filed 12/30/94, effective 1/1/95)

WAC 458-40-540 (~~Property tax, forest land~~) **Forest land values—((1995)) 1996.** The ~~((true and fair))~~ forest land values, per acre, for each grade of forest land for the ~~((1995))~~ 1996 assessment year are determined to be as follows:

((1995)) WASHINGTON FOREST LAND VALUES		
LAND GRADE	OPERABILITY CLASS	VALUE PER ACRE
1	1	\$201
	2	196
	3	186
	4	135
2	1	170
	2	163
	3	156
	4	113
3	1	132
	2	129
	3	127
	4	97
4	1	100
	2	98
	3	97
	4	74
5	1	73
	2	68
	3	67
	4	44

6	1	37
	2	34
	3	34
	4	32
7	1	18
	2	18
	3	17
	4	17
8		1

LAND GRADE	OPERABILITY CLASS	1996 VALUES ROUNDED
1	1	\$220
	2	215
	3	204
	4	148
2	1	186
	2	179
	3	171
	4	124
3	1	145
	2	141
	3	139
	4	106
4	1	110
	2	107
	3	106
	4	81
5	1	80
	2	74
	3	73
	4	48
6	1	41
	2	37
	3	37
	4	35
7	1	20
	2	20
	3	19
	4	19
8		1

AMENDATORY SECTION (Amending WSR 93-14-090, filed 7/1/93, effective 8/1/93)

WAC 458-40-634 Timber excise tax—Taxable stumpage value—Small harvester option. A small harvester is a harvester who harvests timber from privately ~~((owned,))~~ or publicly owned ~~((, or reclassified))~~ forest land

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in an amount not exceeding ~~((five hundred thousand board feet in a calendar quarter and not exceeding one))~~ two million board feet in a calendar year. Small harvesters may elect to calculate the excise tax in the manner provided by RCW 84.33.073 and 84.33.074. The taxable stumpage value shall be determined by one of the following methods as appropriate:

(1) Sale of logs. Timber which has been severed from the stump, bucked into various lengths and sold in the form of logs shall have a taxable stumpage value equal to the actual gross receipts for the logs, less any costs associated with harvesting and marketing the timber. Harvesting and marketing costs shall include only those costs directly and exclusively associated with harvesting the timber from the land and delivering it to the buyer, and may include the costs of slash disposal required to abate extreme fire hazard. Harvesting and marketing costs shall not include the costs of reforestation, permanent road construction, or any other costs not directly and exclusively associated with the harvesting and marketing of the timber. The actual harvesting and marketing costs must be used in all instances where documented records are available. When the taxpayer is unable to provide documented proof of such costs, the deduction for harvesting and marketing costs shall be thirty-five percent of the gross receipts from the sale of the logs.

(2) Sale of stumpage. Timber which is sold as stumpage and harvested within twelve months of the date of sale shall have a taxable stumpage value equal to the actual gross receipts for the stumpage for the most recent sale prior to harvest. If a person purchases stumpage and harvests the timber more than twelve months after purchase of the stumpage, the taxable value shall be computed as in subsection (1) of this section.

AMENDATORY SECTION (Amending WSR 95-14-084, filed 6/30/95, effective 7/31/95)

WAC 458-40-680 Timber excise tax—Volume harvested—Approved scaling and grading methods. (1) Acceptable log scaling and grading rules—Stumpage value areas 1, 2, 3, 4, 5, and 10: The acceptable log scaling and grading rule shall be the Scribner Decimal C log rule as described in the most current edition of the "Official Log Scaling and Grading Rules" handbook developed and authored by the Northwest Log Rules Advisory Group. These are the official rules for the following log scaling and grading bureaus: Columbia River, Grays Harbor, Northern California, Puget Sound, Southern Oregon, and Yamhill.

(2) Acceptable log scaling rule—Stumpage value areas 6 and 7: The acceptable log scaling rule shall be the Scribner Decimal C log rule described in the most current edition of the "National Forest Log Scaling Handbook" (FSH 2409.11) as published by the United States Forest Service. Provided, the maximum scaling length is twenty feet and maximum trim allowance shall be six inches for logs eight to twenty feet in length; and provided, further, that lodgepole pine harvested in stumpage value areas 6, 7, or 10 shall be scaled using a one inch taper allowance per log segment.

(3) ~~((Utility grade defined: For all stumpage value areas, utility grade is defined as logs that do not meet the minimum requirements of peeler or sawmill grades as defined in the handbook published by the Northwest Log~~

~~Rules Advisory Group, but are suitable for the production of firm useable chips to an amount of not less than fifty percent of the gross scale; and meeting the following minimum requirements:~~

~~Minimum gross diameter—two inches.~~

~~Minimum gross length—twelve feet.~~

~~Minimum volume—ten board feet net scale.~~

~~Minimum recovery requirements—one hundred percent of adjusted gross scale in firm useable chips.~~

(4)) Special services scaling: Special services scaling as described in the Northwest Log Rules Advisory Group handbook shall not be used for tax reporting purposes without prior written approval of the department; and all measurements and grades must be converted to standard Scribner Decimal C log rules as they are described in the handbook.

**WSR 95-22-098
PROPOSED RULES
DEPARTMENT OF REVENUE**
[Filed November 1, 1995, 10:43 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-19-087.

Title of Rule: WAC 458-40-660 Timber excise tax—Stumpage value tables.

Purpose: WAC 458-40-660 contains the proposed stumpage values for the first half of 1996. These values are used to calculate the timber excise tax.

Statutory Authority for Adoption: RCW 82.32.330 and 84.33.096.

Statute Being Implemented: RCW 84.33.091.

Summary: The stumpage value tables are also amended to comply with the statutory requirement of semi-annual revision.

Reasons Supporting Proposal: The stumpage values (WAC 458-40-660) are required to be published twice annually.

Name of Agency Personnel Responsible for Drafting: James A. Winterstein, 711 Capitol Way South, #303, Olympia, WA, (360) 586-4283; Implementation and Enforcement: Gary O'Neil, 2735 Harrison N.W., Building 4, Olympia, WA, (360) 753-2871.

Name of Proponent: Department of Revenue, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The amendment of WAC 458-40-660 simply complies with RCW 84.33.091 that requires the department to publish stumpage values on a semi-annual basis. The tables now also contain values for poles and piles.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The Department of Revenue has reviewed administrative provisions contained in these rules in order to determine the economic impact on

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small businesses. The proposed amendments to these rules will have minor or negligible economic impact.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This is a significant legislative rule pursuant to subsection (5)(a)(i) of section 201, chapter 403, Laws of 1995.

Hearing Location: Spokane Community College, Building 6, The Lair, Littlefoot Room A&B, 1810 North Greene Street, Spokane, WA, on December 5, 1995, at 1:30 p.m.; and at the Department of Revenue Conference Room, Target Place Building No. 4, 2735 Harrison Avenue N.W., Olympia, WA, on December 7, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Sandra Yuen by November 28, 1995, TDD 1-800-451-7985, or (360) 753-3217.

Submit Written Comments to: James A. Winterstein, Counsel, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, FAX (360) 664-0693, by December 7, 1995.

Date of Intended Adoption: December 29, 1995.

November 1, 1995

Russell W. Brubaker

Assistant Director

Legislation and Policy Division

AMENDATORY SECTION (Amending WSR 95-18-027, filed 8/25/95, effective 9/25/95)

WAC 458-40-660 Timber excise tax—Stumpage value tables—Stumpage value adjustments. (1) **Introduction.** This section sets forth the stumpage value tables and the stumpage value adjustments that are used to calculate the amount of timber excise tax owed by a timber harvester.

(2) **Stumpage value tables.** The following stumpage value tables are hereby adopted for use in reporting the taxable value of stumpage harvested during the period ((July)) January 1 through ((December 31, 1995)) June 30, 1996:

**((TABLE 1—Stumpage Value Table
Stumpage Value Area 1
July 1 through December 31, 1995**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale[†]

Species Name	Species Code	Timber Quality Code Number	Hauling Distance—Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$855	\$848	\$841	\$834	\$827
		2	727	720	713	706	699
		3	675	668	661	654	647
		4	473	466	459	452	445
Western Redcedar ²	RC	1	1204	1197	1190	1183	1176
		2	1204	1197	1190	1183	1176
		3	1117	1110	1103	1096	1089
		4	292	285	278	271	264
Western Hemlock ²	WH	1	570	563	556	549	542
		2	444	437	430	423	416
		3	427	420	413	406	399
		4	395	388	381	374	367
Other Conifer	OC	1	570	563	556	549	542
		2	444	437	430	423	416
		3	427	420	413	406	399
		4	395	388	381	374	367

Red Alder	RA	1	107	100	93	86	79
		2	82	75	68	61	54
		3	62	55	48	41	34
Black Cottonwood	BC	1	81	74	67	60	53
		2	66	59	52	45	38
		3	62	55	48	41	34
Other Hardwood	OH	1	80	73	66	59	52
		2	80	73	66	59	52
		3	62	55	48	41	34
Chipwood ⁴	CHW	1	18	17	16	15	14
RC Shake Blocks	RCS	1	310	303	296	289	282
RC Shingle Blocks	RCF	1	118	111	104	97	90
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

[†] Log scale conversions—Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Alaska Cedar.

³ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁴ Stumpage value per ton.

⁵ Stumpage value per 8 lineal feet or portion thereof.

⁶ Stumpage value per lineal foot.

**TABLE 2—Stumpage Value Table
Stumpage Value Area 2
July 1 through December 31, 1995**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale[†]

Species Name	Species Code	Timber Quality Code Number	Hauling Distance—Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$1,052	\$1,045	\$1,038	\$1,031	\$1,024
		2	753	746	739	732	725
		3	667	660	653	646	639
		4	479	472	465	458	451
Western Redcedar ²	RC	1	1204	1197	1190	1183	1176
		2	1204	1197	1190	1183	1176
		3	920	913	906	899	892
		4	277	270	263	256	249
Western Hemlock ²	WH	1	478	471	464	457	450
		2	478	471	464	457	450
		3	465	458	451	444	437
		4	399	392	385	378	371
Other Conifer	OC	1	478	471	464	457	450
		2	478	471	464	457	450
		3	465	458	451	444	437
		4	399	392	385	378	371
Red Alder	RA	1	107	100	93	86	79
		2	82	75	68	61	54
		3	62	55	48	41	34
Black Cottonwood	BC	1	81	74	67	60	53
		2	66	59	52	45	38
		3	62	55	48	41	34
Other Hardwood	OH	1	80	73	66	59	52
		2	80	73	66	59	52
		3	62	55	48	41	34
Chipwood ⁴	CHW	1	18	17	16	15	14
RC Shake Blocks	RCS	1	310	303	296	289	282
RC Shingle Blocks	RCF	1	118	111	104	97	90
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45

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DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

- ¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458 40 684 and 458 40 686.
- ² Includes Alaska Cedar.
- ³ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
- ⁴ Stumpage value per ton.
- ⁵ Stumpage value per 8 lineal foot or portion thereof.
- ⁶ Stumpage value per lineal foot.

**TABLE 3—Stumpage Value Table
Stumpage Value Area 3
July 1 through December 31, 1995**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$865	\$858	\$851	\$844	\$837
		2	696	689	682	675	668
		3	651	644	637	630	623
		4	379	372	365	358	351
Western Redcedar ²	RC	1	1204	1197	1190	1183	1176
		2	1204	1197	1190	1183	1176
		3	764	757	750	743	736
		4	329	322	315	308	301
Western Hemlock ³	WH	1	506	499	492	485	478
		2	465	458	451	444	437
		3	456	449	442	435	428
		4	372	365	358	351	344
Other Conifer	OC	1	506	499	492	485	478
		2	465	458	451	444	437
		3	456	449	442	435	428
		4	372	365	358	351	344
Red Alder	RA	1	107	100	93	86	79
		2	82	75	68	61	54
		3	62	55	48	41	34
Black Cottonwood	BC	1	81	74	67	60	53
		2	66	59	52	45	38
		3	62	55	48	41	34
Other Hardwood	OH	1	80	73	66	59	52
		2	80	73	66	59	52
		3	62	55	48	41	34
Chipwood ⁴	CHW	1	18	17	16	15	14
RC Shake Blocks	RCS	1	310	303	296	289	282
RC Shingle Blocks	RCF	1	118	111	104	97	90
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

- ¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458 40 684 and 458 40 686.
- ² Includes Alaska Cedar.
- ³ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
- ⁴ Stumpage value per ton.
- ⁵ Stumpage value per 8 lineal foot or portion thereof.
- ⁶ Stumpage value per lineal foot.

**TABLE 4—Stumpage Value Table
Stumpage Value Area 4
July 1 through December 31, 1995**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir ²	DF	1	\$841	\$834	\$827	\$820	\$813
		2	728	721	714	707	700
		3	667	660	653	646	639
		4	462	455	448	441	434
Lodgepole Pine	LP	1	321	314	307	300	293
Ponderosa Pine	PP	1	567	560	553	546	539
		2	442	435	428	421	414
Western Redcedar ²	RC	1	1204	1197	1190	1183	1176
		2	1204	1197	1190	1183	1176
		3	911	904	897	890	883
		4	289	282	275	268	261
Western Hemlock ⁴	WH	1	466	459	452	445	438
		2	443	436	429	422	415
		3	400	393	386	379	372
		4	310	303	296	289	282
Other Conifer	OC	1	466	459	452	445	438
		2	443	436	429	422	415
		3	400	393	386	379	372
		4	310	303	296	289	282
Red Alder	RA	1	107	100	93	86	79
		2	82	75	68	61	54
		3	62	55	48	41	34
Black Cottonwood	BC	1	81	74	67	60	53
		2	66	59	52	45	38
		3	62	55	48	41	34
Other Hardwood	OH	1	80	73	66	59	52
		2	80	73	66	59	52
		3	62	55	48	41	34
Chipwood ⁵	CHW	1	18	17	16	15	14
RC Shake Blocks	RCS	1	310	303	296	289	282
RC Shingle Blocks	RCF	1	118	111	104	97	90
RC & Other Posts ⁶	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁷	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁷	TFX	1	0.50	0.50	0.50	0.50	0.50

- ¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458 40 684 and 458 40 686.
- ² Includes Western Larch.
- ³ Includes Alaska Cedar.
- ⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
- ⁵ Stumpage value per ton.
- ⁶ Stumpage value per 8 lineal foot or portion thereof.
- ⁷ Stumpage value per lineal foot.

PROPOSED

**TABLE 5—Stumpage Value Table
Stumpage Value Area 5
July 1 through December 31, 1995**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir ²	DF	1	\$810	\$812	\$805	\$798	\$791
		2	743	736	729	722	715
		3	617	610	603	596	589
		4	531	524	517	510	503
Lodgepole Pine	LP	1	321	314	307	300	293
Ponderosa Pine	PP	1	567	560	553	546	539
		2	442	435	428	421	414
Western Redcedar ³	RC	1	1204	1197	1190	1183	1176
		2	1204	1197	1190	1183	1176
		3	898	891	884	877	870
		4	269	262	255	248	241
Western Hemlock ⁴	WH	1	496	489	482	475	468
		2	439	432	425	418	411
		3	380	373	366	359	352
		4	362	355	348	341	334
Other Conifer	OC	1	496	489	482	475	468
		2	439	432	425	418	411
		3	380	373	366	359	352
		4	362	355	348	341	334
Red Alder	RA	1	107	100	93	86	79
		2	82	75	68	61	54
		3	62	55	48	41	34
Black Cottonwood	BC	1	81	74	67	60	53
		2	66	59	52	45	38
		3	62	55	48	41	34
Other Hardwood	OH	1	80	73	66	59	52
		2	80	73	66	59	52
		3	62	55	48	41	34
Chipwood ⁵	CHW	1	18	17	16	15	14
RC Shake Blocks	RCS	1	310	303	296	289	282
RC Shingle Blocks	RCF	1	118	111	104	97	90
RC & Other Posts ⁶	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁷	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁷	TFX	1	0.50	0.50	0.50	0.50	0.50

**TABLE 6—Stumpage Value Table
Stumpage Value Area 6
July 1 through December 31, 1995**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir ²	DF	1	\$446	\$439	\$432	\$425	\$418
Engelmann Spruce	ES	1	383	376	369	362	355
Lodgepole Pine	LP	1	321	314	307	300	293
Ponderosa Pine	PP	1	567	560	553	546	539
		2	442	435	428	421	414
Western Redcedar ³	RC	1	472	465	458	451	444
True Fir ⁴	WH	1	364	357	350	343	336
Western White Pine	WP	1	498	491	484	477	470
Hardwoods	OH	1	50	43	36	29	22
Small Logs ⁵	SML	1	34	33	32	31	30
Chipwood ⁵	CHW	1	14	13	12	11	10
RC Shake & Shingle Blocks	RCF	1	92	85	78	71	64
LP & Other Posts ⁶	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁷	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁸	DFX	1	0.25	0.25	0.25	0.25	0.25

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska Cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁵ Stumpage value per ton.

⁶ Stumpage value per 8 lineal feet or portion thereof.

⁷ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

⁸ Stumpage value per lineal foot.

**TABLE 7—Stumpage Value Table
Stumpage Value Area 7
July 1 through December 31, 1995**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir ²	DF	1	\$364	\$357	\$350	\$343	\$336
Engelmann Spruce	ES	1	318	311	304	297	290
Lodgepole Pine	LP	1	266	259	252	245	238
Ponderosa Pine	PP	1	439	432	425	418	411
		2	342	335	328	321	314
Western Redcedar ³	RC	1	324	317	310	303	296
True Fir ⁴	WH	1	270	263	256	249	242
Western White Pine	WP	1	439	432	425	418	411
Hardwoods	OH	1	50	43	36	29	22

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska Cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁵ Stumpage value per ton.

⁶ Stumpage value per 8 lineal feet or portion thereof.

⁷ Stumpage value per lineal foot.

PROPOSED

Small Logs ⁵	SML	1	20	19	18	17	16
Chipwood ⁵	CHW	1	11	10	9	8	7
RC Shake & Shingle Blocks	RCF	1	92	85	78	71	64
LP & Other Posts ⁶	LPP	1	0.25	0.25	0.25	0.25	0.25
Pine Christmas Trees ⁷	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁸	DFX	1	0.25	0.25	0.25	0.25	0.25

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska Cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁵ Stumpage value per ton.

⁶ Stumpage value per 8 lineal feet or portion thereof.

⁷ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

⁸ Stumpage value per lineal foot.

**TABLE 8—Stumpage Value Table
Stumpage Value Area 10
July 1 through December 31, 1995**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir ²	DF	1	\$827	\$820	\$813	\$806	\$799
		2	714	707	700	693	686
		3	653	646	639	632	625
		4	448	441	434	427	420
Lodgepole Pine	LP	1	321	314	307	300	293
Ponderosa Pine	PP	1	567	560	553	546	539
		2	442	435	428	421	414
Western Redcedar ³	RC	1	1190	1183	1176	1169	1162
		2	1190	1183	1176	1169	1162
		3	897	890	883	876	869
		4	275	268	261	254	247
Western Hemlock ⁴	WH	1	452	445	438	431	424
		2	429	422	415	408	401
		3	386	379	372	365	358
		4	296	289	282	275	268
Other Conifer	OC	1	452	445	438	431	424
		2	429	422	415	408	401
		3	386	379	372	365	358
		4	296	289	282	275	268
Red Alder	RA	1	93	86	79	72	65
		2	68	61	54	47	40
		3	48	41	34	27	20
Black Cottonwood	BC	1	67	60	53	46	39
		2	53	45	38	31	24
		3	48	41	34	27	20
Other Hardwood	OH	1	66	59	52	45	38
		2	66	59	52	45	38
		3	48	41	34	27	20
Chipwood ⁵	CHW	1	18	17	16	15	14
RC Shake Blocks	RCS	1	310	303	296	289	282
RC Shingle Blocks	RCF	1	118	111	104	97	90
RC & Other Posts ⁶	RCP	1	0.45	0.45	0.45	0.45	0.45

DF Christmas Trees ⁷	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁸	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska Cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁵ Stumpage value per ton.

⁶ Stumpage value per 8 lineal feet or portion thereof.

⁷ Stumpage value per lineal foot.

**TABLE 1—Stumpage Value Table
Stumpage Value Area 1
January 1 through June 30, 1996**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$853	\$846	\$839	\$832	\$825
		2	678	671	664	657	650
		3	600	593	586	579	572
		4	373	366	359	352	345
Western Redcedar ²	RC	1	1104	1097	1090	1083	1076
		2	912	905	898	891	884
		3	912	905	898	891	884
		4	405	398	391	384	377
Western Hemlock ³	WH	1	594	587	580	573	566
		2	463	456	449	442	435
		3	421	414	407	400	393
		4	386	379	372	365	358
Other Conifer	OC	1	594	587	580	573	566
		2	463	456	449	442	435
		3	421	414	407	400	393
		4	386	379	372	365	358
Red Alder	RA	1	167	160	153	146	139
		2	167	160	153	146	139
		3	141	134	127	120	113
Black Cottonwood	BC	1	157	150	143	136	129
		2	157	150	143	136	129
		3	113	106	99	92	85
Other Hardwood	OH	1	171	164	157	150	143
		2	171	164	157	150	143
		3	161	154	147	140	133
Douglas-fir Poles and Piles	DFL	1	1056	1049	1042	1035	1028
Western Redcedar Poles and Piles	RCL	1	1283	1276	1269	1262	1255
Chipwood ⁴	CHW	1	27	26	25	24	23
RC Shake Blocks	RCS	1	310	303	296	289	282
RC Shingle Blocks	RCF	1	118	111	104	97	90
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁴ Stumpage value per ton.

⁵ Stumpage value per 8 lineal feet or portion thereof.

PROPOSED

⁶ Stumpage value per lineal foot.

TABLE 2—Stumpage Value Table
Stumpage Value Area 2
 January 1 through June 30, 1996

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$759	\$752	\$745	\$738	\$731
		2	719	712	705	698	691
		3	665	658	651	644	637
		4	374	367	360	353	346
Western Redcedar ²	RC	1	1104	1097	1090	1083	1076
		2	912	905	898	891	884
		3	912	905	898	891	884
		4	405	398	391	384	377
Western Hemlock ³	WH	1	535	528	521	514	507
		2	502	495	488	481	474
		3	478	471	464	457	450
		4	401	394	387	380	373
Other Conifer	OC	1	535	528	521	514	507
		2	502	495	488	481	474
		3	478	471	464	457	450
		4	401	394	387	380	373
Red Alder	RA	1	167	160	153	146	139
		2	167	160	153	146	139
		3	141	134	127	120	113
Black Cottonwood	BC	1	157	150	143	136	129
		2	157	150	143	136	129
		3	113	106	99	92	85
Other Hardwood	OH	1	171	164	157	150	143
		2	171	164	157	150	143
		3	161	154	147	140	133
Douglas-fir Poles and Piles	DFL	1	946	939	932	925	918
Western Redcedar Poles and Piles	RCL	1	1090	1083	1076	1069	1062
Chipwood ⁴	CHW	1	27	26	25	24	23
RC Shake Blocks	RCS	1	310	303	296	289	282
RC Shingle Blocks	RCF	1	118	111	104	97	90
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Alaska-Cedar.

³ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁴ Stumpage value per ton.

⁵ Stumpage value per 8 lineal feet or portion thereof.

⁶ Stumpage value per lineal foot.

TABLE 3—Stumpage Value Table
Stumpage Value Area 3
 January 1 through June 30, 1996

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$782	\$775	\$768	\$761	\$754
		2	663	656	649	642	635
		3	646	639	632	625	618
		4	389	382	375	368	361
Western Redcedar ²	RC	1	1104	1097	1090	1083	1076
		2	912	905	898	891	884
		3	912	905	898	891	884
		4	405	398	391	384	377
Western Hemlock ³	WH	1	530	523	516	509	502
		2	483	476	469	462	455
		3	454	447	440	433	426
		4	375	368	361	354	347
Other Conifer	OC	1	530	523	516	509	502
		2	483	476	469	462	455
		3	454	447	440	433	426
		4	375	368	361	354	347
Red Alder	RA	1	167	160	153	146	139
		2	167	160	153	146	139
		3	141	134	127	120	113
Black Cottonwood	BC	1	157	150	143	136	129
		2	157	150	143	136	129
		3	113	106	99	92	85
Other Hardwood	OH	1	171	164	157	150	143
		2	171	164	157	150	143
		3	161	154	147	140	133
Douglas-fir Poles and Piles	DFL	1	993	986	979	972	965
Western Redcedar Poles and Piles	RCL	1	1175	1168	1161	1154	1147
Chipwood ⁴	CHW	1	27	26	25	24	23
RC Shake Blocks	RCS	1	310	303	296	289	282
RC Shingle Blocks	RCF	1	118	111	104	97	90
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Alaska-Cedar.

³ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁴ Stumpage value per ton.

⁵ Stumpage value per 8 lineal feet or portion thereof.

⁶ Stumpage value per lineal foot.

PROPOSED

TABLE 4—Stumpage Value Table
Stumpage Value Area 4
 January 1 through June 30, 1996

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$746	\$739	\$732	\$725	\$718
		2	697	690	683	676	669
		3	616	609	602	595	588
		4	380	373	366	359	352
Lodgepole Pine	LP	1	302	295	288	281	274
Ponderosa Pine	PP	1	570	563	556	549	542
		2	425	418	411	404	397
Western Redcedar ³	RC	1	1104	1097	1090	1083	1076
		2	912	905	898	891	884
		3	912	905	898	891	884
		4	405	398	391	384	377
Western Hemlock ⁴	WH	1	543	536	529	522	515
		2	475	468	461	454	447
		3	444	437	430	423	416
		4	362	355	348	341	334
Other Conifer	OC	1	543	536	529	522	515
		2	475	468	461	454	447
		3	444	437	430	423	416
		4	362	355	348	341	334
Red Alder	RA	1	167	160	153	146	139
		2	167	160	153	146	139
		3	141	134	127	120	113
Black Cottonwood	BC	1	157	150	143	136	129
		2	157	150	143	136	129
		3	113	106	99	92	85
Other Hardwood	OH	1	171	164	157	150	143
		2	171	164	157	150	143
		3	161	154	147	140	133
Douglas-fir Poles and Piles	DFL	1	1163	1156	1149	1142	1135
Western Redcedar Poles and Piles	RCL	1	1440	1433	1426	1419	1412
Chipwood ⁵	CHW	1	27	26	25	24	23
RC Shake Blocks	RCS	1	310	303	296	289	282
RC Shingle Blocks	RCF	1	118	111	104	97	90
RC & Other Posts ⁶	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁷	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁷	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska-Cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁵ Stumpage value per ton.

⁶ Stumpage value per 8 lineal feet or portion thereof.

⁷ Stumpage value per lineal foot.

TABLE 5—Stumpage Value Table
Stumpage Value Area 5
 January 1 through June 30, 1996

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$764	\$757	\$750	\$743	\$736
		2	690	683	676	669	662
		3	619	612	605	598	591
		4	390	383	376	369	362
Lodgepole Pine	LP	1	302	295	288	281	274
Ponderosa Pine	PP	1	570	563	556	549	542
		2	425	418	411	404	397
Western Redcedar ³	RC	1	1104	1097	1090	1083	1076
		2	912	905	898	891	884
		3	912	905	898	891	884
		4	405	398	391	384	377
Western Hemlock ⁴	WH	1	529	522	515	508	501
		2	448	441	434	427	420
		3	422	415	408	401	394
		4	371	364	357	350	343
Other Conifer	OC	1	529	522	515	508	501
		2	448	441	434	427	420
		3	422	415	408	401	394
		4	371	364	357	350	343
Red Alder	RA	1	167	160	153	146	139
		2	167	160	153	146	139
		3	141	134	127	120	113
Black Cottonwood	BC	1	157	150	143	136	129
		2	157	150	143	136	129
		3	113	106	99	92	85
Other Hardwood	OH	1	171	164	157	150	143
		2	171	164	157	150	143
		3	161	154	147	140	133
Douglas-fir Poles and Piles	DFL	1	1063	1056	1049	1042	1035
Western Redcedar Poles and Piles	RCL	1	1196	1189	1182	1175	1168
Chipwood ⁵	CHW	1	27	26	25	24	23
RC Shake Blocks	RCS	1	310	303	296	289	282
RC Shingle Blocks	RCF	1	118	111	104	97	90
RC & Other Posts ⁶	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁷	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁷	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska-Cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁵ Stumpage value per ton.

⁶ Stumpage value per 8 lineal feet or portion thereof.

⁷ Stumpage value per lineal foot.

PROPOSED

TABLE 6—Stumpage Value Table
Stumpage Value Area 6
 January 1 through June 30, 1996

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$440	\$433	\$426	\$419	\$412
Engelmann Spruce	ES	1	376	369	362	355	348
Lodgepole Pine	LP	1	302	295	288	281	274
Ponderosa Pine	PP	1 2	570 425	563 418	556 411	549 404	542 397
Western Redcedar ³	RC	1	461	454	447	440	433
True Firs ⁴	WH	1	354	347	340	333	326
Western White Pine	WP	1	497	490	483	476	469
Hardwoods	OH	1	50	43	36	29	22
Western Redcedar Poles and Piles	RCL	1	1217	1210	1203	1196	1189
Small Logs ⁵	SML	1	32	31	30	29	28
Chipwood ⁵	CHW	1	15	14	13	12	11
RC Shake & Shingle Blocks	RCF	1	92	85	78	71	64
LP & Other Posts ⁶	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁷	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁸	DFX	1	0.25	0.25	0.25	0.25	0.25

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.
³ Includes Alaska-Cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁵ Stumpage value per ton.
⁶ Stumpage value per 8 lineal feet or portion thereof.
⁷ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁸ Stumpage value per lineal foot.

TABLE 7—Stumpage Value Table
Stumpage Value Area 7
 January 1 through June 30, 1996

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$306	\$299	\$292	\$285	\$278
Engelmann Spruce	ES	1	234	227	220	213	206
Lodgepole Pine	LP	1	164	157	150	143	136
Ponderosa Pine	PP	1 2	514 316	507 309	500 302	493 295	486 288
Western Redcedar ³	RC	1	347	340	333	326	319
True Firs ⁴	WH	1	243	236	229	222	215
Western White Pine	WP	1	409	402	395	388	381

Proposed

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Hardwoods	OH	1	50	43	36	29	22
Western Redcedar Poles and Piles	RCL	1	966	959	952	945	938
Small Logs ⁵	SML	1	20	19	18	17	16
Chipwood ⁵	CHW	1	11	10	9	8	7
RC Shake & Shingle Blocks	RCF	1	92	85	78	71	64
LP & Other Posts ⁶	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁷	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁸	DFX	1	0.25	0.25	0.25	0.25	0.25

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.
³ Includes Alaska-Cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁵ Stumpage value per ton.
⁶ Stumpage value per 8 lineal feet or portion thereof.
⁷ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁸ Stumpage value per lineal foot.

TABLE 8—Stumpage Value Table
Stumpage Value Area 10
 January 1 through June 30, 1996

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1 2 3 4	\$732 683 602 366	\$725 676 595 359	\$718 669 588 352	\$711 662 581 345	\$704 655 574 338
Lodgepole Pine	LP	1	302	295	288	281	274
Ponderosa Pine	PP	1 2	570 425	563 418	556 411	549 404	542 397
Western Redcedar ³	RC	1 2 3 4	1090 898 898 391	1083 891 891 384	1076 884 884 377	1069 877 877 370	1062 870 870 363
Western Hemlock ⁴	WH	1 2 3 4	529 461 430 348	522 454 423 341	515 447 416 334	508 440 409 327	501 433 402 320
Other Conifer	OC	1 2 3 4	529 461 430 348	522 454 423 341	515 447 416 334	508 440 409 327	501 433 402 320
Red Alder	RA	1 2 3	153 153 127	146 146 120	139 139 113	132 132 106	125 125 99
Black Cottonwood	BC	1 2 3	143 143 99	136 136 92	129 129 85	122 122 78	115 115 71
Other Hardwood	OH	1 2 3	157 157 147	150 150 140	143 143 133	136 136 126	129 129 119
Douglas-fir Poles and Piles	DFL	1	1149	1142	1135	1128	1121

PROPOSED

Western Redcedar Poles and Piles	RCL	1	1426	1419	1412	1405	1398
Chipwood ⁵	CHW	1	27	26	25	24	23
RC Shake Blocks	RCS	1	310	303	296	289	282
RC Shingle Blocks	RCF	1	118	111	104	97	90
RC & Other Posts ⁶	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁷	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁸	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska-Cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁵ Stumpage value per ton.

⁶ Stumpage value per 8 lineal feet or portion thereof.

⁷ Stumpage value per lineal foot.

(3) **Harvest value adjustments.** Harvest value adjustments relating to the various logging and harvest conditions shall be allowed against the stumpage values as set forth in subsection (2) of this section for the designated stumpage value areas. See WAC 458-40-670 for more information about these adjustments.

The following harvest adjustment tables are hereby adopted for use during the period of ~~((July))~~ January 1 through ((December 31, 1995)) June 30, 1996:

**TABLE 9—Harvest Adjustment Table
Stumpage Value Areas 1, 2, 3, 4, 5, and 10
((July 1 through December 31, 1995))
January 1 through June 30, 1996**

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of more than 40 thousand board feet per acre.	\$0.00
Class 2	Harvest of 20 thousand board feet to 40 thousand board feet per acre.	- \$4.00
Class 3	Harvest of 10 thousand board feet to but not including 20 thousand board feet per acre.	- \$7.00
Class 4	Harvest of 5 thousand board feet to but not including 10 thousand board feet per acre.	- \$9.00
Class 5	Harvest of less than 5 thousand board feet per acre.	- \$10.00
II. Logging conditions		
Class 1	Most of the harvest unit has less than 30% slope. No significant outcrops or swamp barriers.	\$ 0.00
Class 2	Most of the harvest unit has slopes between 30% and 60%. Some rock outcrops or swamp barriers.	- \$17.00
Class 3	Most of the harvest unit has rough, broken ground with slopes over 60%. Numerous rock outcrops and bluffs.	- \$25.00
Class 4	For logs that are yarded from stump to landing by helicopter. This does not include special forest products.	- \$145.00

Note: A Class 2 adjustment may be used for slopes less than 30% when cable logging is required by a duly promulgated forest practice regulation. Written documentation of this requirement must be provided by the taxpayer to the department.

III. Remote island adjustment:

For timber harvested from a remote island - \$50.00

IV. Thinning (see WAC 458-40-610(21))

Class 1 Average log volume of 50 board feet or more. - \$25.00

Class 2 Average log volume of less than 50 board feet. - \$125.00

**TABLE 10—Harvest Adjustment Table
Stumpage Value Areas 6 and 7
((July 1 through December 31, 1995))
January 1 through June 30, 1996**

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of more than 8 thousand board feet per acre.	\$0.00
Class 2	Harvest of 3 thousand board feet to 8 thousand board feet per acre.	- \$7.00
Class 3	Harvest of less than 3 thousand board feet per acre.	- \$10.00
II. Logging conditions		
Class 1	Most of the harvest unit has less than 30% slope. No significant rock outcrops or swamp barriers.	\$0.00
Class 2	Most of the harvest unit has slopes between 30% and 60%. Some rock outcrops or swamp barriers.	- \$20.00
Class 3	Most of the harvest unit has rough, broken ground with slopes over 60%. Numerous rock outcrops and bluffs.	- \$30.00
Class 4	For logs that are yarded from stump to landing by helicopter. This does not include special forest products.	- \$145.00

Note: A Class 2 adjustment may be used for slopes less than 30% when cable logging is required by a duly promulgated forest practice regulation. Written documentation of this requirement must be provided by the taxpayer to the department.

III. Remote island adjustment:

For timber harvested from a remote island - \$50.00

TABLE 11—Domestic Market Adjustment

Public Timber

Harvest of timber not sold by a competitive bidding process that is prohibited under the authority of state or federal law from foreign export may be eligible for the domestic market adjustment. The adjustment may be applied only to those species of timber that must be processed domestically. According to type of sale, the adjustment may be applied to the following species:

Federal Timber Sales: All species except Alaska Yellow Cedar. (Stat. Ref. - 36 CFR 223.10)

PROPOSED

State, and Other Nonfederal, Public Timber Sales:
Western Red Cedar only. (Stat. Ref. - 50 USC
appendix 2406.1)

Private Timber

Harvest of private timber that is legally restricted from foreign export, under the authority of The Forest Resources Conservation and Shortage Relief Act (Public Law 101-382), (16 U.S.C. Sec. 620 et seq.); the Export Administration Act of 1979 (50 U.S.C. App. 2406(i)); a Cooperative Sustained Yield Unit Agreement made pursuant to the Act of March 29, 1944, (16 U.S.C. Sec. 583-583i); or Washington Administrative Code (WAC 240-15-015(2)) is also eligible for the Domestic Market Adjustment.

The adjustment amounts shall be as follows:

Class 1:	SVA's 1 through 6, and 10	\$0.00 per MBF
Class 2:	SVA 7	\$0.00 per MBF

Note: The adjustment will not be allowed on special forest products.

WSR 95-22-104
PROPOSED RULES
PUBLIC DISCLOSURE COMMISSION

[Filed November 1, 1995, 10:52 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-18-085 [95-18-089].

Title of Rule: Amending WAC 390-17-400 Time limit to solicit or accept contributions (moratorium on contributions during the legislative session freeze period).

Purpose: WAC 390-17-400 was first adopted to implement RCW 42.17.710 in July of 1993. Since that time, additional issues have arisen concerning the application of this statute to contributions to political parties and caucus political committees, in particular. The proposed amendment reflects the Public Disclosure Commission's interpretation of the statute's application to these recipients.

Statutory Authority for Adoption: RCW 42.17.370(1).

Statute Being Implemented: RCW 42.17.710.

Summary: RCW 42.17.710 prohibits, during the legislative session and the thirty days before and after session and also during any special session, a state official or a person employed by or acting on behalf of a state official from soliciting or accepting contributions to a public office fund, a candidate or a candidate's authorized committee or to retire a campaign debt. Further, based on a statutory change made by chapter 397, Laws of 1995, state officials running for local office may no longer solicit or accept contributions during the legislative session freeze period.

In January of 1995, the commission issued an interpretation of RCW 42.17.710 stating that the session freeze prohibition also applies to contributions solicited or accepted by caucus political committees.

The proposed amendment clarifies that the prohibition:

- (1) Applies to contributions to caucus political committees;
- (2) applies to contributions to bona fide political party committees if the contributions are earmarked or otherwise designated for state officials who are candidates for state or local office; (3) applies to contributions to state officials

seeking either state or local office; (4) does not apply to an official's personal contributions to his or her own campaign; (5) does not apply to an official's solicitation or acceptance of a contribution to a charitable organization; and (6) does not apply to a caucus committee's solicitation or acceptance of a contribution from a caucus member's personal or surplus funds.

Reasons Supporting Proposal: The proposed amendment gives clear guidance both to state officials, caucus political committees, political parties and potential contributors. The commission is convinced that voters who supported Initiative 134 in November of 1992 understood that state officials and anyone acting on behalf of state officials — including caucus political committees that use their funds to support or oppose candidates — would not be able to raise campaign funds during the legislative session freeze period, during the time they would be considering and voting on issues affecting the entire state.

Name of Agency Personnel Responsible for Drafting and Implementation: Vicki Rippie, Public Disclosure Commission, Olympia, 586-4838; and Enforcement: Susan Harris, Public Disclosure Commission, Olympia, 753-1981.

Name of Proponent: Public Disclosure Commission.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule implements the language and intent of RCW 42.17.710 by clarifying that this statute prohibits the solicitation and acceptance of contributions during the session freeze period by state officials and anyone acting on behalf of state officials, including legislative caucus political committees.

To allow caucus committees to fund raise during the freeze period would mean that while contributions to state officials could not occur because they potentially could unduly influence officials during their deliberations on legislation, contributions to caucus committees have no potential influence even though these committees are directed by state officials, give contributions to candidates for state office and have existed for the purpose of obtaining or maintaining a majority of members in the house of representatives or state senate. In addition, since individuals may give unlimited amounts to caucus political committees, the amounts individuals could contribute to caucus committees during the freeze period are far in excess of what they could give directly to a public official.

Proposal Changes the Following Existing Rules: The changes clarify how RCW 42.17.710 impacts caucus political committees and political parties during the legislative session, the thirty days before and after session and during any special session of the legislature.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Amendment only affects state officials and persons employed by or acting on behalf of state officials.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Public Disclosure Commission is not specified in section 201, chapter 403, Laws of 1995, as being subject to this section nor has it been brought under the section as otherwise provided in the chapter law.

Hearing Location: Senate Hearing Room 2, Cherberg Building, Capitol Campus, Olympia, Washington, on December 5, 1995.

Submit Written Comments to: Vicki Rippie, Assistant Director, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, by November 30, 1995.

Date of Intended Adoption: December 5, 1995.

November 1, 1995

Melissa Warheit
Executive Director

AMENDATORY SECTION (Amending WSR 93-16-064, filed 7/30/93)

WAC 390-17-400 Time limit ((for state officials)) to solicit or accept contributions. For purposes of complying with RCW 42.17.710:

(1) ~~((A successful candidate for state office does not have to comply with RCW 42.17.710 until sworn into office.))~~ "Campaign debt," as used in RCW 42.17.710, means any debt incurred by a candidate seeking election to a non-federal public office, including campaigns for state, county, city, town, school district, special district or other state political subdivision elective office.

(2) ~~((An unsuccessful incumbent state official must comply with RCW 42.17.710 until his or her term expires.))~~ "Legislative caucus" means the caucus of members of a major political party in the state house of representatives or in the state senate.

(3) "Legislative session freeze period" ~~((as used in this rule,))~~ means the period of time in RCW 42.17.710 within which ~~((a state official cannot accept or solicit))~~ contributions shall not be solicited or accepted by a state official or a person employed by or acting on behalf of a state official.

(a) The freeze period begins at 12:01 a.m. on the thirtieth day before the start of the regular legislative session and ends at 11:59 p.m. on the thirtieth day following adjournment of the regular legislative session.

(b) If a special session is held immediately following the end of the regular legislative session, this period ends on the day the special session adjourns or at 11:59 p.m. on the thirtieth day following adjournment of the regular legislative session, whichever is later.

(c) If a special session is held other than within 30 days before or after a regular legislative session, the freeze period begins at 12:01 a.m. on the first day of the special session and ends at 11:59 p.m. on the final day of the special session.

(4) ~~((A state official may solicit or accept contributions during the freeze period to assist his or her campaign for a nonstate office.))~~ A successful candidate for state office who does not already hold a state office is not required to comply with RCW 42.17.710 until sworn into office.

(5) ~~((A state official may accept gifts valued at over \$50 during the freeze period so long as the gift is not (a) to be used to defray nonreimbursed public office related expenses, (b) as a contribution to a candidate or authorized committee, or (c) used to retire a campaign debt.))~~ An unsuccessful incumbent state official must comply with RCW 42.17.710 until his or her term expires.

(6) A state official may solicit or accept contributions during the legislative session freeze period to assist his or her campaign for a federal office.

(7) A state official is not prohibited from accepting gifts and other items permitted under chapter 42.52 RCW during the legislative session freeze period so long as the gift or other item is not (a) used to defray non-reimbursed public office related expenses, (b) a contribution to a candidate or authorized committee, or (c) used to retire a campaign debt.

(8) During the legislative session freeze period, no person shall solicit or accept contributions on behalf of or for the benefit of a state official for the purpose of retiring a campaign debt of the state official or raising funds for a state official's future election to a non-federal public office.

(9) During the legislative session freeze period, a bona fide political party shall not solicit or accept contributions on behalf of or for the benefit of a state official for the purpose of retiring a campaign debt of the state official or raising funds for a state official's future election to a non-federal public office. However, a bona fide political party may solicit or accept contributions for its own fundraising purposes.

(10) During the legislative session freeze period, a state official may sponsor, speak at or attend a fundraising event held by or on behalf of a bona fide political party as long as no contributions raised in conjunction with the event are earmarked or otherwise designated for one or more candidates for non-federal office.

(11) During the legislative session freeze period, no person shall solicit or accept contributions to a caucus political committee or any other political committee financed, controlled or operated by the legislative caucus as a whole or the officers of the caucus political committee, unless the purpose of the other political committee is to support or oppose a ballot measure.

(12) RCW 42.17.710 does not apply to the solicitation or acceptance of a contribution from a member of a legislative caucus using his or her personal funds as defined in WAC 390-17-305 or surplus funds as defined in RCW 42.17.020(41) by a caucus political committee or any other political committee financed, controlled or operated by the legislative caucus as a whole or by the officers of the caucus political committee.

(13) RCW 42.17.710 does not apply to a candidate's acceptance or use of his or her personal funds as defined in WAC 390-17-305 or his or her surplus funds as defined in RCW 42.17.020(41).

(14) During the legislative session freeze period, a state official is not prohibited from soliciting or accepting contributions on behalf of a nonprofit charitable organization.

WSR 95-22-106
PROPOSED RULES
DEPARTMENT OF
FINANCIAL INSTITUTIONS
[Filed November 1, 1995, 10:57 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-18-060.

PROPOSED

Title of Rule: Rules regarding check cashers and check sellers and the issuance of small loan endorsements.

Purpose: To revise and simplify existing rules and to enact provisions governing the issuance of small loan endorsements so they can make small loans. The existing rules will also be recodified into chapter 208-630 WAC.

Statutory Authority for Adoption: RCW 43.320.040 and 31.45.200.

Statute Being Implemented: SSB 5279, chapter 18, Laws of 1995.

Summary: These amendments simplify the rules regulating check cashers and check sellers. They also implement 1995 statutory changes that allow licensees with small loan endorsements to make small loans.

Name of Agency Personnel Responsible for Drafting: Victoria W. Sheldon, 300 General Administration Building, Olympia, (360) 902-8775; **Implementation and Enforcement:** Ed Burgert, 300 General Administration Building, (360) 902-8727.

Name of Proponent: Department of Financial Institutions, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: SSB 5279 granted authority for licensed check cashers or sellers with a small loan endorsement to make small loans (of up to five hundred dollars for a period of thirty-one days or less) to consumers. The new and amended rules establish application procedures and procedures for the issuance of small loan endorsements, examination requirements, fee schedules, bonding requirements, criteria for bond substitutes, loan documentation and disclosure requirements and powers and restrictions. A definition section is added to clarify existing and new sections of the rules. The rules allow check cashers and sellers to obtain small loan endorsements to fulfill the credit needs of a segment of consumers while ensuring protection of those consumers. The clarification of these rules will assist all parties in interpretation and compliance.

Proposal Changes the Following Existing Rules: The amendments simplify existing rules by shortening sentences, eliminating technical jargon wherever possible and defining terms. They also change sections so they only cover one subject, and headings are added to sections and subsections to make it easier to find things. They modify provisions of existing rules to accommodate the issuance of small loan endorsements. The new sections implement the legislative changes which allow check cashers and sellers to make small loans, adding provisions regarding the application, record-keeping requirements and alternatives to a surety bond for licensees with small loan endorsements. The existing rules will be recodified into chapter 208-630 WAC with other Department of Financial Institutions rules.

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

Small Business Economic Impact Statement

Proposed amendments and new sections to chapters 50-30 WAC and Title 208 WAC, the regulations governing check cashers and check sellers.

Background: The Department of Financial Institutions is proposing changes to the rules regarding the licensing of check cashers and check sellers, chapter 50-30 WAC.

The department involved both regulated entities and their advocates extensively in the process of developing the proposed amendments. Three informal meetings were held with licensees and their advocates starting in July 1995, to discuss drafts and redrafts of the proposed rule changes. As a result, significant changes were made in this final proposed amendment that make it easier for licensees to understand and comply with the rules.

The department sent out a questionnaire to all licensees (twenty-five companies, representing sixty licenses), asking them to quantify any additional costs resulting from the amendments to the rules or the new rules. We received five responses. The licensees indicated that entry into the new business area (making small loans) would cost money, including capital costs, etc. No licensee quantified any costs related solely to the rules.

Summary of Amendments: In 1995 the legislature enacted SSB 5279, which became chapter 18, Laws of 1995. The bill gives licensed check cashers and check sellers the ability to obtain a small loan endorsement to their licenses allowing them to make small loans for up to thirty-one days.

The amendments simplify the language in the current rules and add provisions regarding the issuance of small loan endorsements. They establish definitions so applicants and licensees will know how the department interprets certain words in the statute. They also clarify rules by limiting each rule to one subject and by using headings and subheadings to identify the subject of the rule or subsection. The frequency of examinations by state examiners is reduced from every eighteen months to every twenty-four months.

The major amendments deal with small loan endorsements. They establish requirements for submitting applications, bonding requirements and provisions for alternatives to a surety bond. Since the authority for check cashers and check sellers to make small loans is new, the rules establish the powers and limitations of licensees with small loan endorsements and the standards for the note, the loan file and deposit requirements.

Additional Professional Services Needed: The amendments will allow licensees to spend less on professional fees. The simplification of the language means licensees will need fewer attorney hours to read and understand them. When the rules are enacted, the department will hold education sessions to brief licensees on the changes and answer any questions. All applicants for licenses or endorsements will receive a packet with the new rules and an explanation of what they must do to comply with the regulations, and a telephone number to call for assistance.

Costs of Compliance: The new and amended rules do not impose any additional reporting requirements on the licensee. The only additional record-keeping requirements are imposed on licensees with small loan endorsements, and those rules do not require that licensees keep any records other than those they would keep in the normal course of business. There are no additional reporting requirements on licensees with small loan endorsements. Licensees with small loan endorsements will be required to obtain a surety bond, but that requirement is imposed by statute, and the rules merely implement the statute. An audit of a small loan

endorsee will take longer, and therefore cost more, however the profits to the endorsee from making small loans will far exceed any additional costs.

Comparison of Cost - Small versus Large Employers: Most businesses with check casher or check seller licenses or licensees with a small loan endorsement are small businesses with less than ten employees. The rules do not impose requirements to do anything other than a prudent business person would normally do in the course of business. Therefore there will be no differential in cost for small businesses.

Financial Benefits to Licensees: The rules implement a new program authorized by the legislature. Licensees who participate in this new program by obtaining a small loan endorsement to a check casher or check seller license will see substantial monetary benefit.

The department has worked to ensure that there will be no disproportionate costs on small businesses. The rules should help avoid increases in the cost of licensing because the department will need to spend fewer hours interpreting the rules for licensees. Since funds expended by the department to manage a program ultimately are passed through to licensees, this will lessen the fiscal impact on licensees.

Hearing Location: The public hearing will commence at 10:30 a.m. on Monday, December 11, 1995, in Room 300, General Administration Building, 21 [210] 11th Avenue S.W., Olympia, WA.

Submit Written Comments to: Written comments may be submitted on or before that date to Ed Burgert, Program Manager, P.O. Box 41200, Olympia, WA 98504-1200.

Date of Intended Adoption: December 15, 1996 [1995].

A copy of the statement may be obtained by writing to Victoria W. Sheldon, P.O. Box 41200, Olympia, WA 98504-1200, phone (360) 902-9775, or FAX (360) 664-2258.

Section 201, chapter 403, Laws of 1995, applies to this rule adoption.

Hearing Location: Room 300, General Administration Building, Olympia, Washington, on Monday, December 11, 1995, at 10:30 a.m.

Assistance for Persons with Disabilities: Contact Victoria W. Sheldon by December 1, 1995, TDD (360) 664-8126, or (360) 902-8775.

Submit Written Comments to: Ed Burgert, P.O. Box 41200, Olympia, WA, FAX (360) 664-2258, by December 1, 1995.

Date of Intended Adoption: December 15, 1995.

November 1, 1995

John L. Bley

Director

NEW SECTION

WAC 50-30-005 Definitions. "Act" means chapter 31.45 RCW.

"Affiliate" means any person who directly or indirectly through one or more intermediaries, controls, or is controlled by, or is in common control with another person.

"Board director" means a director of a corporation or a person occupying a similar status and performing a similar

function with respect to an organization, whether incorporated or unincorporated.

"Check casher" means an individual, partnership, unincorporated association, or corporation that, for compensation, engages, in whole or in part, in the business of cashing checks, drafts, money orders, or other commercial paper serving the same purpose.

"Check seller" means an individual, partnership, unincorporated association, or corporation that, for compensation, engages, in whole or in part, in the business of selling checks, drafts, money orders, or other commercial paper serving the same purpose.

"Director" means the director of the department of financial institutions.

"Department" means the department of financial institutions.

"Financial institution" means a bank, savings bank or savings and loan association.

"License" means a license issued by the director to engage in the business of check cashing or check selling under the provision of chapter 31.45 RCW.

"Licensee" means a check casher or seller licensed by the director to engage in business in accordance with chapter 31.45 RCW. For purposes of the enforcement powers, including the power to issue cease and desist orders under RCW 31.45.110, "licensee" also means a check casher or seller who fails to obtain the license required by chapter 31.45 RCW.

"Monetary instrument" means a check, draft, money order or other commercial paper serving the same purpose.

"Person" means a natural person, corporation, company, partnership, or association.

"Principal" means any person who controls, directly or indirectly through one or more intermediaries, alone or in concert with others, a ten percent or greater interest in a partnership, company, association or corporation, and the owner of a sole proprietorship.

"RCW" means the *Revised Code of Washington*.

"Records" means books, accounts, papers, records and files, no matter in what format they are kept, which are used in conducting business under chapter 31.45 RCW.

"Small loan" means a loan of up to five hundred dollars for a period of thirty-one days or less.

"State" means the state of Washington.

"Substitute security" means bonds, notes, debentures, or other obligations of the United States or any agency or instrumentality thereof or guaranteed by the United States or of the state of Washington or of a municipality, county, school district, or instrumentality of the state of Washington or guaranteed by the state.

AMENDATORY SECTION (Amending WSR 92-02-105, filed 1/2/92, effective 2/2/92)

WAC 50-30-010 Application ((~~investigation and supervision~~)) deposit fee. (((+))) At the time an application for a license is filed, an applicant ((at the time of filing an application for a license under this act)) shall pay to the ((supervisor a reasonable sum determined by the supervisor as)) director a deposit fee for investigating the application. The deposit fee is not refundable if ((an)) the application is denied or withdrawn. The ((investigation)) deposit fee

~~((shall be))~~ is applied to the actual cost of ~~((investigation of))~~ investigating the application ~~((and))~~. If the deposit fee is not sufficient to cover ~~((said))~~ the cost, the applicant will be assessed and responsible for any additional cost ~~((incurred))~~.

~~((2))~~ ~~The supervisor at least every eighteen months shall conduct an examination of the business and examine the books, accounts, records, and files used therein, of any licensee, of any agent, and of any person who the supervisor has reason to believe is engaging in the business of cashing or selling checks. The licensee so examined shall pay to the supervisor the actual cost of examining and supervising each licensed place of business at the examination hourly rate prescribed. The supervisor may accept an audit report prepared by an independent certified public accountant or an examination prepared by another state in lieu of, in whole or in part, an examination performed by the supervisor.~~

NEW SECTION

WAC 50-30-015 Examinations. (1) The director or his or her designee shall examine the business and records of any licensee or licensee's agent at least every twenty-four months. Every licensee so examined shall pay to the director the actual cost of examining and supervising each licensed place of business at the examination hourly rate established in WAC 50-30-020(2). The director may accept an audit report prepared by an independent certified public accountant or an examination prepared by another state in lieu of, in whole or in part, an examination performed by the director.

(2) The director may examine the business and records of any agent or person who the director has reason to believe is engaging in business which requires a licensee under chapter 31.45 RCW.

AMENDATORY SECTION (Amending WSR 92-02-105, filed 1/2/92, effective 2/2/92)

~~WAC 50-30-020 Schedule of fees ((for check cashers and sellers)) paid by licensees and applicants.~~ (1) ~~The ((supervisor))~~ director shall collect the following fees:

(a) ~~((Hourly charges))~~ A fee of ninety dollars per employee hour expended for services plus actual expenses for review of application and investigation for:

- (i) New license application.
- (ii) Additional locations.
- (iii) Change of control.
- (iv) Relocation of office.
- (v) Voluntary or involuntary liquidation of licensee.
- (vi) ~~((Other.))~~ Small loan endorsement application.

(b) ~~((The hourly fee for services shall be ninety dollars per employee hour expended.))~~ The ((supervisor)) director may require a lump sum payment in advance to cover the anticipated cost of review and investigation of the activities described in (a) of this subsection. ((In no event shall)) If the lump sum payment required under this section exceeds the actual amounts derived in (a) of this subsection, the amount in excess shall be refunded.

(2) The ~~((hourly))~~ fee for ~~((periodic))~~ examinations described in WAC 50-30-010 (2) and (3) shall be ninety dollars per employee hour expended.

NEW SECTION

WAC 50-30-025 Application for small loan endorsement to a check casher or check seller license. Each applicant for a small loan endorsement to a license must apply to the director by filing the following:

(1) An application in the form prescribed by the director including at least the following information:

(a) The legal name, residence, and business address of the applicant, and if the applicant is a partnership, corporation, or association, the name and address of every member, partner, officer, principal and board director;

(b) The trade name or name under which the applicant will do business under the act, the street and mailing address of each location in which the applicant will engage in business under the act;

(c) The location at which the applicant's records will be kept; and

(d) Financial statements and any other pertinent information the director may require with respect to the applicant and its board directors, officers, trustees, members, principals or employees, including information regarding any civil litigation against the applicant or any substantial investor in the applicant (a person or shareholder with an interest of ten percent or more);

(2) A surety bond and related power of attorney, or other security acceptable to the director in an amount equal to the penal sum of the required bond as set forth in WAC 50-30-030 (2)(b). In lieu of the bond, the applicant may demonstrate to the director net worth in excess of three times the amount of the penal sum of the required bond in accordance with RCW 31.45.030 (5)(b) and (e) and WAC 50-30-030;

(3) A current financial statement as of the most recent quarter end prepared in accordance with generally accepted accounting principles which includes a statement of assets and liabilities and a profit and loss statement;

(4) Information on the applicant's or any affiliate's current or previous small loan or related type business in this state or any other state, including but not limited to name, address, city, state, licensing authority, and whether any enforcement action is pending or has been taken against the applicant in any state;

(5) A copy of the applicant's proposed procedures for resolving borrowers' complaints; and

(6) An application fee.

AMENDATORY SECTION (Amending WSR 93-16-032, filed 7/27/93, effective 8/27/93)

WAC 50-30-030 Surety bond ~~((for applicants engaging in the business of selling checks, drafts, money orders, or other commercial paper serving the same purpose)).~~ (1) ~~((a))~~ RCW 31.45.030 (5)(a) requires

Requirement for bond. A licensee engaged in ~~((the))~~ business ~~((of selling checks, drafts, money orders, or other commercial paper serving the same purpose to))~~ under chapter 31.45 RCW must obtain a bond running to the state at the beginning of each calendar year and file it with the ((supervisor a bond running to the state of Washington, which)) director. The bond shall be issued by a surety insurer which meets the requirements of chapter 48.28 RCW,

PROPOSED

and be in a format acceptable to the ~~((supervisor. This surety bond shall))~~ director.

(a) Conditions on bond. The bond shall be continuous and conditioned upon the licensee faithfully abiding by chapter 31.45 RCW and all rules in this chapter. It shall also be conditioned upon the licensee paying all persons who purchase ~~((checks, drafts, or money orders))~~ monetary instruments from the licensee the face value of any ~~((check, draft, or money order which is))~~ monetary instrument dishonored by the drawee ~~((bank, savings bank, or savings and loan association))~~ financial institution due to insufficient funds or by reason of the account having been closed. The ~~((bond))~~ surety shall only be liable for the face value of the dishonored ~~((check, draft, or money order))~~ monetary instrument, and shall not be liable for any interest or consequential damages. For a licensee with a small loan endorsement, the bond shall run to the benefit of the state and any person or persons who suffer loss due to the licensee's violation of chapter 31.45 RCW or this chapter.

(b) Cancellation of bond. The bond ~~((shall be continuous and))~~ may be canceled by the surety ~~((upon the surety))~~ by giving written notice to the ~~((supervisor))~~ director and licensee of its intent to cancel the bond. The cancellation is effective thirty days after the notice is received by the ~~((supervisor))~~ director.

(c) Liability of surety. Whether or not the bond is renewed, continued, reinstated, reissued, or otherwise extended, replaced, or modified, including increases or decreases in the penal sum, it shall be considered one continuous obligation, and the surety ~~((upon the bond))~~ shall not be liable in an aggregate or cumulative amount exceeding the penal sum set forth on the face of the bond. In no event shall the penal sum, or any portion thereof, at two or more points in time be added together in determining the surety's liability. The ~~((bond))~~ surety shall not be liable for any liability of the licensee for tortious acts, whether or not such liability is imposed by statute or common law, or is imposed by contract. The bond shall not be a substitute or supplement to any liability or other insurance required by law or by ~~((the))~~ contract. If the surety desires to make payment without awaiting court action against it, the penal sum of the bond shall be reduced to the extent of any payment made by the surety in good faith under the bond.

(d) Claiming against the bond—Jurisdiction and venue. Any person who is a purchaser of a ~~((check, draft, or money order))~~ monetary instrument from the licensee having a claim against the licensee for the dishonor of any ~~((check, draft, or money order))~~ monetary instrument by the drawee ~~((bank, savings bank, or savings and loan association))~~ financial institution due to insufficient funds or by reason of the account having been closed, or any person who obtained a small loan from the licensee and was damaged by the licensee's violation of chapter 31.45 RCW or this chapter, may bring suit upon such bond or deposit in the superior court of the county in which the ~~((check, draft, or money order))~~ monetary instrument was purchased, or in the superior court of a county in which the licensee maintains a place of business. Jurisdiction shall be exclusively in the superior court. Any ~~((such))~~ action must be brought not later than one year after the dishonor of the ~~((check, draft, or money order))~~ monetary instrument on which the claim is based. ~~((In the event said))~~ If the claims against a bond or

deposit exceed the amount of the bond or deposit, each claimant shall only be entitled to a pro rata amount, based on the amount of the claim as it is valid against the bond, or deposit, without regard to the date of filing of any claim or action.

~~((b))~~ **(e) Notification of claims against bond.** The licensee must notify the department of any claim against the bond within ten days after receiving notice of a claim.

(2) Amount of bond.

(a) Check sellers. The penal sum of the surety bond ~~((that shall be filed by each licensee))~~ for a person with a check seller license shall not be less than the amount established in the following table:

Highest Monthly Liability*	Required Bond	Plus Percentage of Excess Over
Up to \$50,000	Highest Monthly Liability	Highest Monthly Liability
\$50,001 to \$100,000	\$50,000	.5 above \$50,000
\$100,000 plus	\$75,000	.25 above \$100,000

The maximum fidelity coverage required shall be three million dollars.

* The monthly liability is the total sum of checks for a given month. The "Highest Monthly Liability" shall be determined by multiplying the highest monthly liability of checks from the preceding calendar year ~~((multiplied))~~ by seventy-five percent.

~~((2))~~ In lieu of such surety bond, the applicant may deposit with such banks, savings banks, savings and loan associations, or trust companies in this state as such applicant may designate and the supervisor may approve, bonds, notes, debentures, or other obligations of the United States or any agency or instrumentality thereof or guaranteed by the United States or of the state of Washington or of a municipality, county, school district, or instrumentality of the state of Washington or guaranteed by the state to an aggregate amount, based on principal amount or market value, whichever is lower, of not less than the amount of the required fidelity bond or portion thereof. The securities shall be deposited as aforesaid and held to secure the same obligations as would the fidelity bond, but the depositor shall be entitled to receive all interest and dividends thereon, shall have the right, with the approval of the supervisor, to substitute other qualified securities for those deposited, and shall be required so to do on written order of the supervisor made for good cause shown.

~~((3))~~ In lieu of such surety bond, the applicant may deposit with the supervisor an irrevocable letter of credit drawn in favor of the supervisor for an amount equal to or greater than the required bond. The irrevocable letter of credit must be issued by a bank, savings bank, or savings and loan association in this state as such applicant may designate and the supervisor may approve.)

(b) Small loan endorsement. The required penal sum of the bond for a small loan endorsement shall be calculated according to the following table. This amount is in addition to the bond amount required for holders of a license to do business as a check seller. The licensee may combine the penal sums of the bonding requirements and file one bond.

Number of Branch Offices	Penal Sum of the Bond
1	\$10,000
2	\$11,000

Plus an additional one thousand dollars for each licensed branch office beyond two branches.

PROPOSED

NEW SECTION

WAC 50-30-035 Alternatives to the surety bond. (1) **Type of alternative allowed.** In lieu of the surety bond required in WAC 50-30-030, an applicant or licensee may substitute one of the following alternatives with the approval of the director. Any alternative to the surety bond shall secure the same obligations as would the surety bond. The amount of alternative substituted under (a), (b) and (c) of this subsection must be equal to or greater than the amount of the required surety bond.

(a) **Securities.** Substitute security assigned to the director. The value of the substitute security shall be based on the principal amount or market value, whichever is lower. The applicant or licensee must deposit the substitute security with a financial institution in this state approved by the director. The depositor is entitled to receive all interest and dividends on the substitute security, has the right, with the approval of the director, to substitute other qualified securities for those deposited, and shall be required to do so on written order of the director made for good cause shown.

(b) **Irrevocable letter of credit.** An irrevocable letter of credit issued in favor of the director. The irrevocable letter of credit must be issued by a financial institution in the state approved by the director and deposited with the director. An irrevocable letter of credit may only be substituted if it provides the same protection to consumers as would a surety bond.

(c) **Time deposit.** An assignment in favor of the director of a certificate of deposit. The certificate of deposit must be issued by a financial institution in the state. The depositor is entitled to receive all interest and dividends on the certificate of deposit.

(d) **Demonstration of net worth.** A licensee or applicant for a small loan endorsement may demonstrate net worth in excess of three times the amount of the required bond. The licensee shall notify the director within ten business days of any date upon which its net worth decreases below the required amount. A licensee that fails to maintain the required level of net worth and continues to operate under a small loan endorsement will be required to maintain a surety bond for five years after the date of noncompliance. During this five-year period, the director will not accept a demonstration of net worth in lieu of a surety bond.

(i) **Reports required.** A licensee that maintains net worth in lieu of a surety bond shall submit to the director within forty-five days after the close of each quarter year-to-date financial statements prepared in accordance with generally accepted accounting principles. The financial statements must include at a minimum a statement of assets and liabilities and a profit and loss statement. The director may continue to require other documents, agreements or information necessary to properly evaluate and ensure that the licensee remains in compliance with this section.

(ii) **Bad debts and judgments.** A licensee that maintains net worth in lieu of a surety bond may not consider bad debts and certain judgments as assets. The director may approve exceptions in writing. The licensee must charge off its books any debt upon which any payment is six months or more past due. The licensee may not count as an asset any judgment more than two years old which has not been paid.

Time consumed by an appeal from a judgment is not counted in the two-year limit.

(2) **Noncompliance.** A licensee that does not comply with this section must obtain and file with the director a surety bond in the required amount in WAC 50-30-030 by the date specified by the director.

AMENDATORY SECTION (Amending WSR 92-02-105, filed 1/2/92, effective 2/2/92)

WAC 50-30-040 Access to criminal history information. (1) The ~~((supervisor))~~ director may review any criminal history record information ~~((relating to an applicant that is))~~ maintained by any federal, state, or local law enforcement agency ~~((of))~~ relating to:

(a) An applicant for a license under ~~((this article))~~ chapter 31.45 RCW; or

(b) A principal of an applicant for a license under ~~((this article))~~ chapter 31.45 RCW.

(2) The ~~((supervisor))~~ director may ~~((refuse to grant a license or may))~~ deny, suspend or revoke a license if the applicant, licensee, or principal of the applicant or licensee ~~((s))~~ fails to provide a complete set of fingerprints and a recent photograph on request.

(3) All criminal history record information received by the ~~((supervisor))~~ director is confidential information and is for exclusive use of the ~~((supervisor))~~ director and the division of ~~((banking))~~ consumer services. Except on court order or as provided by subsection (4) of this section, or otherwise restricted by law, the information may not be released or otherwise disclosed to any other person or agency.

(4) The ~~((supervisor))~~ director may not provide a person being investigated under this section with a copy of the person's criminal history record obtained pursuant to subsection (1) of this section. This subsection does not prevent the ~~((supervisor))~~ director from disclosing to the person the dates and places of arrests, offenses, and dispositions contained in the criminal history records.

AMENDATORY SECTION (Amending WSR 92-02-105, filed 1/2/92, effective 2/2/92)

WAC 50-30-050 Issuance of license or small loan endorsement. If the ~~((supervisor))~~ director determines that all licensing criteria of ~~((section 4, chapter 355, Laws of 1991 has))~~ chapter 31.45 RCW have been met and the appropriate fees paid, the ~~((supervisor))~~ director shall issue a nontransferable license for the applicant to engage in the business of cashing and/or selling checks or a small loan endorsement to a license. The license shall remain in effect for a period of five years from the date of its issuance unless earlier surrendered, suspended, or revoked. The small loan endorsement will expire at the same time as the license unless earlier surrendered, suspended or revoked.

AMENDATORY SECTION (Amending WSR 92-02-105, filed 1/2/92, effective 2/2/92)

WAC 50-30-060 Disclosure of significant developments. A licensee shall ~~((be required to))~~ notify the ~~((supervisor))~~ director in writing within thirty days of the occurrence of any of the following significant developments:

(1) Licensee filing for bankruptcy or reorganization.
 (2) Notification of the institution of license revocation procedures in any state against the licensee.

(3) The filing of a criminal indictment any way related to check cashing and/or selling activities of licensee, key officer, board director, or principal, including, but not limited to, the handling and/or reporting of moneys received and/or instruments sold.

(4) A licensee, key officer, board director, or principal being convicted of a crime.

(5) A change of control. In the case of a corporation, control is defined as a change of ownership by a person or group acting in concert to acquire ten percent of the stock, or the ability of a person or group acting in concert to elect a majority of the board directors or otherwise effect a change in policy of the corporation. The ~~((supervisor))~~ director may require such information as deemed necessary to determine whether a new application is required. In the case of entities other than corporations, change in control shall mean any change in principals of the organization either active or passive. Change of control investigation fees shall be billed to the persons or group at the rate billed for applications.

NEW SECTION

WAC 50-30-065 The note. Each small loan made under a small loan endorsement pursuant to chapter 31.45 RCW shall be evidenced by a written note which shall state at least the following:

- (1) The date of the loan;
- (2) The principal amount of the loan which is defined as the face amount of the debt instrument on which interest is owed;
- (3) The manner in which it is to be repaid;
- (4) The maturity date of the debt; and
- (5) The rate of interest and the method of calculating interest.

NEW SECTION

WAC 50-30-068 Contents of disclosure statement to borrower. (1) The licensee shall deliver to the borrower at the time a small loan is made a statement which meets the requirements of all applicable laws, including the federal Truth in Lending Act.

(2) Sufficient information must be maintained in the licensee's files to show compliance with the consumer disclosure requirements of state and federal law.

AMENDATORY SECTION (Amending WSR 92-02-105, filed 1/2/92, effective 2/2/92)

WAC 50-30-070 Accounting and financial records ~~((to be maintained by the licensee)). ((Cashers of checks and/or sellers of checks, drafts, money orders, or other commercial paper serving the same purpose shall be required to))~~ Licensees shall maintain as a minimum the following ~~((books and))~~ records for at least two years.

(1) A daily record of checks cashed shall be maintained as a record of all check cashing transactions occurring each day. Such daily record shall be limited to the following provided a sufficient audit trail is available through records obtainable from the licensee's bank of account.

- (a) Amount of the check cashed;
- (b) Amount of fee charged for cashing the check;
- (c) Amount of cash deducted from the transaction for the sales of other services or products.

(2) A daily cash reconciliation shall be maintained summarizing each day's activity and reconciling cash on hand at the opening of business to cash on hand at the close of business. Such reconciliation shall separately reflect cash received from the sale of checks, redemption of returned items, bank cash withdrawals, cash disbursed in cashing of checks, and bank cash deposits.

(3) Records required under subsections (1) and (2) of this section may be maintained in combined form, hand or machine posted, or automated.

(4) A general ledger containing records of all assets, liabilities, capital, income, and expenses shall be maintained. The general ledger shall be posted from the daily record of checks cashed or other record of original entry, at least monthly, and shall be maintained in such manner as to facilitate the preparation of an accurate trial balance of accounts in accordance with generally accepted accounting practices. A consolidated general ledger reflecting activity at two or more locations by the same licensee may be maintained provided books of original entry are separately maintained for each location.

~~(5) ((All checks, drafts, and money orders drawn on a financial institution domiciled in the United States and cashed by a licensee shall be sent for deposit to the licensee's account at a depository financial institution located in Washington state or sent for collection not later than close of business on the third business day after the day on which the check was accepted for cash.~~

~~((6))~~ Every licensee shall maintain current personnel files for its employees.

(6) For licensees with small loan endorsements, each loan file shall contain at least a copy of the note and a copy of any disclosure statement.

NEW SECTION

WAC 50-30-075 Monetary instruments—Deposit requirements. (1) **Check cashers.** All monetary instruments drawn on a financial institution domiciled in the United States and cashed by a licensee shall be sent for deposit to the licensee's account at a depository financial institution located in Washington state or sent for collection not later than close of business on the third business day after the day on which the monetary instrument was accepted for cash. If the monetary instrument was accepted as part of a small loan transaction under chapter 31.45 RCW, this subsection does not apply.

(2) **Licensees with small loan endorsements.** A licensee with a small loan endorsement may not deposit a monetary instrument accepted in the course of making a small loan under the act prior to the date on the monetary instrument, unless otherwise agreed to in writing by the borrower.

PROPOSED

AMENDATORY SECTION (Amending WSR 92-02-105, filed 1/2/92, effective 2/2/92)

WAC 50-30-080 Licensees are required to comply with federal and state laws including but not limited to the following. (1) Each licensee shall comply with section 103.29 of the Code of Federal Regulations and maintain detailed records to satisfy currency transaction reporting requirements of the United States Treasury Department.

(2) Each licensee must comply with chapter 63.29 RCW, the Uniform Unclaimed Property Act.

(3) Each licensee with a small loan endorsement must comply with the federal Truth in Lending Act.

NEW SECTION

WAC 50-30-085 Licensee with small loan endorsement—Powers—Restrictions. (1) A licensee with a small loan endorsement may:

(a) Agree with the borrower for the payment of fees for a credit report received from a recognized credit reporting company when such fees are actually paid by the licensee to an unaffiliated third party for such services or purposes;

(b) Charge or collect a fee equal to or less than twenty-five dollars for a check returned unpaid by the bank drawn upon. Only one fee may be collected with respect to a particular check even if it has been redeposited and returned more than once.

(2) A licensee with a small loan endorsement is subject to the following restrictions:

(a) No loan made under this act shall be repaid by proceeds of another loan made under chapter 31.45 RCW by the same lender or affiliate. The proceeds from any loan made under this act shall not be applied to any other loan from the same lender or affiliate;

(b) A licensee shall not make any loan under authority granted by chapter 31.45 RCW under any name or at any place of business other than that named on the license and small loan endorsement;

(c) A licensee may not hold a check or checks in an aggregate face amount of more than five hundred dollars plus allowable fees from any one borrower at any one time;

(d) A licensee may not hold a check for more than thirty-one days unless requested to do so by the borrower. The licensee may not charge additional fees for holding the check; and

(e) A licensee may not charge an additional fee to cash a monetary instrument issued as part of a small loan made under chapter 31.45 RCW.

AMENDATORY SECTION (Amending WSR 92-02-105, filed 1/2/92, effective 2/2/92)

WAC 50-30-090 Audit report by licensee—Financial statements. (1) Each licensee shall submit annually a financial statement on a form prescribed by the ~~((supervisor))~~ director. Financial statements may be prepared by outside accountants or by the licensee's own accountants. ~~((Said))~~ The statements are due ((one hundred five days after the calendar year end)) by April 15, or if the licensee has established a fiscal year, ~~((then))~~ one hundred five days after the fiscal year end.

(2) A licensee engaged in the business of selling ~~((checks, drafts, money orders, or other commercial paper serving the same purpose))~~ monetary instruments, whose license has been surrendered or revoked shall submit to the ~~((supervisor))~~ director, at its own expense, on or before one hundred five days after the effective date of such surrender or revocation, a closing audit report containing audited financial statements as of such effective date ~~((for))~~. This closing audit report shall cover the twelve months ending with such effective date or for such other period as the ~~((supervisor))~~ director may specify. If the report, certificate, or opinion of the independent accountant is in any way qualified, the ~~((supervisor))~~ director may require the licensee to take such action as appropriate to permit an independent accountant to remove such qualification from the report, certificate, or opinion. Such report shall include relevant information specified by the ~~((supervisor))~~ director.

(3) The reports and financial statements referred to in subsections (1) and (2) of this section shall include at least a balance sheet and a statement of income together with such other relevant information as the ~~((supervisor))~~ director may require, ~~((and shall be))~~ prepared in accordance with general accepted accounting principles ~~((and))~~. The reports and financial statements referred to in subsection (2) of this section shall be accompanied by a report, certificate, or opinion of an independent certified public accountant or independent public accountant. The audits shall be conducted in accordance with generally accepted auditing standards.

(4) For good cause and upon written request, the ~~((supervisor))~~ director may extend the time for compliance with this section.

(5) A licensee shall, when requested by the ~~((supervisor))~~ director, for good cause, submit its unaudited financial statement, prepared in accordance with generally accepted accounting principles and consisting of at least a balance sheet and statement of income as of the date and for the period specified by the ~~((supervisor))~~ director.

(6) The ~~((supervisor))~~ director may reject any financial statement, report, certificate, or opinion filed pursuant to this section by notifying the licensee or other person required to make such filing of its rejection and the cause thereof. Within thirty days after the receipt of such notice, the licensee or other person shall correct such deficiency. The ~~((supervisor))~~ director shall retain a copy of all filings so rejected.

NEW SECTION

WAC 50-30-095 Knowledge of the law and regulations. Each licensee shall ensure that any employee or person who engages in business on behalf of the licensee under authority granted by chapter 31.45 RCW shall have a sufficient understanding of the statutes and rules applicable to its business to assure compliance with such statutes and rules.

AMENDATORY SECTION (Amending WSR 92-02-105, filed 1/2/92, effective 2/2/92)

WAC 50-30-100 Trust accounts—Limitations and prohibitions. (1) ~~((The))~~ At least monthly a licensee in the business of selling checks shall ~~((periodically at least monthly))~~ withdraw from the trust account an amount equal

to fees earned for the corresponding period from the sale of ~~((checks, drafts, money orders, or other commercial paper serving the same purpose))~~ monetary instruments. The remaining balance of the trust account must be sufficient to cover all ~~((checks, drafts, money orders, and other commercial paper serving the same purpose))~~ monetary instruments that remain outstanding and drawn against the trust account.

(2) A licensee is prohibited from allowing the bank of account to charge back checks or drafts deposited to the trust account and subsequently dishonored against said trust account.

(3) Withdrawals from the trust account by a licensee, whose license has been suspended, terminated, or not renewed, will not be allowed, without the ~~((supervisor's))~~ director's consent, until a closing audit report has been received according to WAC 50-30-090(2).

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 50-30-110 Transitional rule.

WSR 95-22-107
PROPOSED RULES
DEPARTMENT OF
FINANCIAL INSTITUTIONS
 [Filed November 1, 1995, 11:00 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-18-060 [95-13-090].

Title of Rule: Rules regarding the regulation of consumer loan companies.

Purpose: To revise and simplify existing rules, to change the frequency of fee assessments from semi-annual to annual, and to change the frequency of examinations from every eighteen months to every twenty-four months. The existing rules will also be recodified into chapter 208-620 WAC.

Statutory Authority for Adoption: RCW 43.320.040, 31.04.045, [31.04].105, [31.04].115, [31.04].145, [31.04].155, and [31.04].165.

Statute Being Implemented: Chapter 31.04 RCW and chapter 9, Laws of 1995.

Summary: These amendments simplify the rules regulating consumer loan companies. They also implement 1995 statutory changes that allows the director of [to] determine by rule how often licensees will be examined.

Name of Agency Personnel Responsible for Drafting: Victoria W. Sheldon, 300 General Administration Building, Olympia, (360) 902-8775; Implementation and Enforcement: Ed Burgert, 300 General Administration Building, (360) 902-8727.

Name of Proponent: Department of Financial Institutions, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The new and amended rules provide clarification of terms by creating a definitions section, establishing applica-

tion procedures and information required on applications, clarifying the bonding requirement and defining alternatives to a surety bond, establishing requirements for licensing of out-of-state licensees, eliminating conflicts with federal statutes, establishing an examination cycle, establishing fees and the assessment rate, and removing the appraisal requirement in determining the loan to value ratio. The primary purpose is to clarify the rules to assist all parties in interpretation and compliance. In addition, SSB 1188 require that the examination cycle be established and that the appraisal requirement be removed.

Proposal Changes the Following Existing Rules: The amendments simplify existing rules by shortening sentences, eliminating technical jargon wherever possible and defining terms. They also change sections so they only cover one subject, and headings are added to sections and subsections to make it easier to find things. They modify provisions of existing rules to accommodate changes made in the 1995 legislative session. The existing rules will also be recodified into chapter 208-620 WAC with the Department of Financial Institutions rules.

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

Small Business Economic Impact Statement

Proposed amendments and new sections to chapters 50-20 and Title 208 WAC, the regulations governing consumer loan companies.

Background: The Department of Financial Institutions is proposing changes to the rules regarding the licensing of consumer loan companies, chapter 50-20 WAC.

The department has involved both regulated entities and their advocates extensively in the process of developing these proposed amendments. Starting in June 1995, three informal meetings were held with licensees and their advocates to discuss drafts and redrafts of the proposed rule changes. As a result, significant changes were made in this final proposed amendment that make it easier for licensees to understand and comply with the rules.

The department sent out a questionnaire to all licensees (fifty-four companies, holding 281 licenses), asking them to quantify any additional costs resulting from the amendments to the rules or the new rules. We received twelve responses. No licensee quantified any costs related solely to the rules.

Summary of Amendments: Prior to the formation of Department of Financial Institutions, the supervisor of the Banking Division of the Department of General Administration was charged with regulating consumer loan companies. When the Department of Financial Institutions was formed, the regulation of consumer loan companies was moved from the Division of Banks to the Division of Consumer Services. These amendments to the regulations reflect these changes.

The amendments simplify the language in the current rules. The amendments establish definitions so applicants and licensees will know how the department interprets certain words in the statute. They also clarify rules by limiting each rule to one subject and by using headings and subheadings to identify the subject of the rule or subsection. Some filings with the department are eliminated. In some areas in which federal rules also apply, the department has eliminated its rules and has adopted the federal standard.

PROPOSED

The rules establish requirements for submitting applications and the bonding requirements and provisions for alternatives to a surety bond. Since we are seeing more out-of-state operations, there are new provisions to accommodate those operations.

The most significant change is in the schedule of fees. Under the existing rule, a licensee must look to two places outside the consumer loan company rules to determine what fees the department will charge. The amendment moves all provisions regarding fees into the chapter covering consumer loan companies. It establishes specific fees for specific services. It also changes the cycle of payment from every six months to once a year. This change should result in licensees spending less time every year in determining the amount to pay the department. The amount of assessment paid annually remains the same.

Additional Professional Services Needed: The general amendments will allow licensees to spend less on professional fees. The simplification of the language means licensees will need fewer attorney hours to read and understand them. In addition, reducing the frequency of fee payments to the department should lessen the number of accountant hours used by the licensees.

When the new rules are enacted, the department will hold education sessions to brief current licensees on the changes and answer any questions. Applicants for licenses or endorsements will receive a packet with the new rules and an explanation of what they must do to comply with the regulations and a telephone number to call for assistance.

Costs of Compliance: The new and amended rules do not impose any additional reporting requirements on the licensee, and some are eliminated. The rules do not require that licensees keep any records other than those they would keep in the normal course of business.

The department has worked to ensure that there will be no disproportionate costs on small businesses. The rules should help avoid increases in the cost of licensing because the department will need to spend fewer hours interpreting the rules for licensees. Since funds expended by the department to manage a program ultimately are passed through to licensees, this will lessen the fiscal impact on licensees.

Comparison of Cost - Small Versus Large Employers: The majority of the companies licensed are not small businesses. The rules do not impose requirements to do anything more than a prudent business person would normally do in the course of business. Therefore there will be no differential in cost for small businesses.

Hearing Location: The public hearing will commence at 9:00 a.m. on Monday, December 11, 1995, in Room 300, General Administration Building, 210 11th Avenue S.W., Olympia, WA.

Submit Written Comments To: Written comments may be submitted on or before that date to Ed Burgert, Program Manager, P.O. Box 41200, Olympia, WA 98504-1200.

Date of Intended Adoption: December 15, 1996 [1995].

A copy of the statement may be obtained by writing to Victoria W. Sheldon, P.O. Box 41200, Olympia, WA 98504-1200, phone (360) 902-9775, or FAX (360) 664-2258.

Section 201, chapter 403, Laws of 1995, applies to this rule adoption.

Hearing Location: Room 300, General Administration Building, Olympia, Washington, on Monday, December 11, 1995, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Victoria W. Sheldon by December 1, 1995, TDD (360) 664-8126, or (360) 902-8775.

Submit Written Comments to: Ed Burgert, P.O. Box 41200, Olympia, WA, FAX (360) 664-2258, by December 1, 1995.

Date of Intended Adoption: December 15, 1995.

November 1, 1995

John L. Bley
Director

AMENDATORY SECTION (Amending WSR 91-22-035, filed 10/30/91, effective 1/1/92)

WAC 50-20-100 (~~(Books and)~~) **Records.** (1) The (~~(books, accounts,)~~) records (~~(and files)~~) required to be maintained by RCW 31.04.145 may be maintained by means of electronic display equipment if such equipment is made available to the (~~(supervisor of banking)~~) director or his or her representatives for purposes of examination at the licensee's place of business.

(2) (~~All real estate loans above ten thousand dollars shall be supported by either an appraisal prepared by a qualified independent professional third party appraiser or by the most recent property tax assessment prepared by the county assessor.~~)

(3) ~~No~~) A licensee shall (~~(take any)~~) not deliver the proceeds of a loan until the blanks on the loan forms or instruments (~~(in which blanks)~~) are (~~(not)~~) filled in completely (~~(before the proceeds of the loan are delivered)~~).

(4) ~~Whenever a loan or forbearance is made by mail by a licensee outside Washington state to a person then residing in this state, the licensee shall license such out of state office pursuant to RCW 31.04.055 and 31.04.075.~~

(5) ~~A licensee may service loans made pursuant to chapter 208, Laws of 1991, at locations outside the state of Washington provided that the licensee shall consent to the supervisor's examination of such loans at that out of state location. All costs which are reasonable and necessary for the examination of the location shall be paid by the licensee.)~~

AMENDATORY SECTION (Amending WSR 91-22-035, filed 10/30/91, effective 1/1/92)

WAC 50-20-110 **The note.** (~~(1) Specimen forms of the written instrument or note evidencing any loan under this act shall be filed with the supervisor of banking.~~)

(2) ~~The~~) Any written instrument or note evidencing a loan under the act shall state the following:

(1) The number and date of the loan (~~(except for)~~). If the loan is a mail loan (s and) or live check (s, to which a number shall be affixed) the licensee shall affix a number after the documents have been returned to the licensed location.

(2) The principal amount of the loan or the total (~~(amount to be repaid or)~~) amount of credit line.

(3) The manner in which it is to be repaid.

~~((d)) Adequate description of any security. Under no circumstance shall a licensee intentionally take a security interest in collateral prohibited under federal law.~~

~~(e)) (4) For closed-end loans, the maturity date.~~

~~((f)) (5) The rate of interest and the method of calculating interest to be collected after original maturity date.~~

AMENDATORY SECTION (Amending WSR 91-22-035, filed 10/30/91, effective 1/1/92)

WAC 50-20-120 Contents of disclosure statement to borrower. (1) The licensee shall deliver to the borrower at the time any loan (~~(, whether open end or closed end,))~~ is made pursuant to the act, a statement (~~(in the format required by Federal Reserve Board Regulation Z which shall disclose in clear and distinct terms the following information:~~

~~(a) The name and address of the licensee.~~

~~(b) The name and address of the borrower.~~

~~(c) The number and date of the loan except for mail loans and live checks.~~

~~(d) The total amount of the loan.~~

~~(e) List of charges, including:~~

~~(i) Interest rate and amount. This shall be disclosed both as (A) the annual percentage rate (APR) as defined in Regulation Z, 12 (C.F.R. 226), and (B) the simple interest rate, which is the single nominal annual interest rate (stated as a percentage), which if applied to the unpaid amounts of principal outstanding from time to time would produce the same total of interest paid at maturity as originally contracted for, based upon the assumption that all payments were made on the loan according to the schedule of payments agreed to by the borrower and calculations were made according to the actuarial method.~~

~~(ii) Loan origination fee.~~

~~(iii) Filing and releasing fee.~~

~~(iv) Title insurance premium.~~

~~(v) Appraisal fee.~~

~~(f) For closed end loans, date of maturity of the loan.~~

~~(g) Rate of interest after original maturity date.~~

~~(h) Description of the security, if any.~~

~~(i) Agreement to permit payment in full before maturity.~~

~~(j) Penalty and charge, if any, of ten cents or less on each dollar of any installment payment delinquent ten days or more.~~

~~(k) Charge for checks returned by bank unpaid.~~

~~(l) Service fees, if any.~~

~~(m) Any other requirements imposed by Regulation Z (Titles I and V of Consumer Credit Protection Act, P.L. 90-321, 82 Stat. 146 1/5 U.S.C. 1601-1665-)) which complies with all applicable federal laws and regulations including the Truth in Lending and Real Estate Settlement Procedures Acts.~~

(2) Each licensee shall maintain in its files sufficient information (~~(must be maintained in the licensee's files))~~ to show compliance with state and federal law.

AMENDATORY SECTION (Amending WSR 93-16-033, filed 7/27/93, effective 8/27/93)

WAC 50-20-130 Restrictions as to charges. (1) ~~((No))~~ Filing. A licensee shall not charge or collect from the borrower any funds for the cost of filing (~~(, recording, releasing, or reconveyance of mortgages, deeds of trust, security agreements, or other documents, or for transferring title certificates to vehicles,))~~ or for any other fees paid or to be paid to public officials, unless such charges are paid or are to be paid within one hundred eighty days by the licensee to public officials or other third parties for such filing (~~(, recording, transferring, releasing, or reconveyance thereof)).~~ Fees for releasing or reconveying security for the obligation owed to the licensee may be charged and collected at the time of final payment of the loan.

(2) ~~((No licensee may charge and collect an annual fee in excess of thirty five dollars payable each year in advance for the privilege of opening and maintaining an open end loan account.~~

~~(3) No))~~ Returned checks. A licensee may not charge or collect a fee in excess of twenty-five dollars for a check returned unpaid by the bank drawn upon. Only one fee may be collected with respect to a particular check (~~(in the event))~~ even if it has been redeposited and returned ((a second time)) more than once.

~~((4) No))~~ (3) Third-party services. A licensee may not charge or collect (~~(an appraisal fee incurred or to be incurred in appraising security offered by the borrower))~~ any fee to be paid to a third-party service provider in excess of the actual costs paid or to be paid (~~(to an independent third party professional appraiser. Such)).~~ A licensee may charge (~~(may be made or collected from))~~ the borrower for costs of (~~(an appraisal))~~ allowable third-party services as provided by RCW 31.04.105(3) at the time of application for the loan or at any time thereafter except as prohibited (~~(herein)).~~ If the (~~(appraisal))~~ fee to be paid to a third-party service provider is not collected at the time of the application, the licensee (~~((s))~~) shall give the borrower a good faith estimate of that fee (~~(shall be given to the borrower))~~ at the time of the application.

~~((5))~~ (4) Title insurance. A licensee may agree with the borrower for the (~~(payment by the))~~ borrower (~~((of))~~) to pay the fees charged by a title insurance company (~~((in connection with))~~ for title insurance required by the licensee in connection with a loan. The borrower has the right to select the (~~((person or))~~) title insurance company (~~((by or through whom such title insurance will be offered)),~~ subject to the licensee's reasonable conditions, such as the type of coverage or endorsements, or the financial soundness and proper licensing of the company to do business in the state (~~((of Washington)).~~ The licensee may select the (~~((person or))~~) title insurance company (~~((by or through whom such title insurance will be offered))~~ if the borrower does not do so within a reasonable time before the loan transaction is consummated.

~~((6))~~ (5) Noncredit insurance. A licensee may include the premiums for noncredit insurance in the principal amount of the loan, provided that purchase of the insurance is not required to obtain a loan and that this fact is disclosed to the borrower in writing.

PROPOSED

~~((7) In the event)~~ **(6) Existing loans.** If a licensee makes a new loan ~~((where))~~ in which any part of the proceeds is used to pay the amount due ~~((#))~~ to the licensee on an existing loan within four months from date of origination or of the most recent advance upon an existing loan, an origination fee shall be permitted only to the extent that new money is advanced or the existing credit line increased, unless the origination fee on the existing loan is refunded.

~~((#))~~ **(7) Prepayment penalty.** A licensee may not collect a prepayment penalty ~~((except as))~~ unless this provision preempted by federal law.

AMENDATORY SECTION (Amending WSR 91-22-035, filed 10/30/91, effective 1/1/92)

WAC 50-20-140 Advertising. A licensee shall maintain a copy of all ~~((direct mail))~~ advertising ~~((shall be sent by the company to the supervisor of banking))~~ for a period of two years at a location approved by the director. Such copies shall include newspaper and print advertising, scripts of radio and television advertising, telemarketing scripts, all direct mail advertising, and any advertising distributed directly by delivery, facsimile or computer network.

AMENDATORY SECTION (Amending WSR 91-22-035, filed 10/30/91, effective 1/1/92)

WAC 50-20-150 Other business in same office. ~~((No))~~ **Office sharing.** A licensee ~~((will be permitted to))~~ may conduct its business ~~((within an office, room or place of business))~~ in a licensed location in which ~~((other))~~ another person or entity engages in business ~~((is solicited or engaged in, or in association or in conjunction therewith, if the supervisor of banking shall find, after five days written notice, and after a hearing, that the other business has concealed or facilitated evasion of the Consumer Loan Act. If the supervisor so finds, he shall order such licensee in writing to desist from such conduct)).~~

~~((No))~~ **Business only under licensed name.** A licensee ~~((shall))~~ may transact ~~((such))~~ business or make any loan ~~((provided for or by this))~~ subject to the act only under ~~((any other))~~ the name ~~((or at any other place of business than that named))~~ on the license. ~~((This is not intended to prohibit loans by mail or the closing of real estate secured loans in an escrow company, a title insurance company, or an attorney's office.))~~

(3) Sale of incidental products. A licensee may engage in the sale of incidental products on the premises of the licensed location ~~((upon))~~ only after receiving approval from the ~~((supervisor of banking))~~ director. The cost of such products may, at the consumer's option, be ~~((payable))~~ paid from the proceeds of the ~~((consumer))~~ loan and included in the amount financed provided that (a) the sale of the product is not a factor in the approval of credit and this fact is clearly disclosed in writing to the consumer and (b) in order to obtain the product the consumer gives specific affirmative written indication of his or her desire to purchase the product after receiving disclosure of the cost.

~~((4) No licensee shall change its place of business to another location unless and until authority for such change shall have been granted by the supervisor of banking.))~~

AMENDATORY SECTION (Amending WSR 91-22-035, filed 10/30/91, effective 1/1/92)

WAC 50-20-160 Open-end loans—Increase in interest—Notice to borrower. A licensee is not required to give thirty days written notice of an increase in the interest rate charged on an open-end loan pursuant to RCW 31.04.115(6), if the following conditions are met:

(1) The interest rate charged on the open-end loan is based upon a commonly published index ~~((or upon an index approved by the supervisor));~~ and

(2) The borrower has agreed in writing prior to the increase to base the interest rate on the index.

AMENDATORY SECTION (Amending WSR 91-22-035, filed 10/30/91, effective 1/1/92)

WAC 50-20-190 Schedule of fees. ~~((The rate of charges for review of applications and attendant investigations other than regular examinations covered in WAC 50-44-030(1) shall be at the rate prescribed in WAC 50-12-045(2).))~~ The director shall collect fees for services as specified below:

(1) Applications and certificates.

(a) A charge of ninety dollars per hour for services plus actual expenses for review of application and attendant investigation for:

(i) New consumer loan company certificate of authority or licensed location certificate;

(ii) Branch licensed locations certificate;

(iii) Relocation of main office or branch;

(iv) Notice of change of control;

(v) Opinions rendered regarding interpretations of statutes and rules.

(b) A fee of one hundred dollars for issuing the following certificates:

(i) Certificate of authority;

(ii) Licensed location certificate;

(iii) Certificate of good standing.

(2) Examinations. A charge of sixty-five dollars per hour for regular and special examinations of the licensee's records. The director will submit a statement for the charges following the completion of any applicable examination. The charges must be paid within thirty days after the statement is submitted to the licensee.

(3) Annual assessment fee.

(a) An annual assessment fee based on adjusted total loan value as defined in (b) of this subsection. The amount of the annual assessment fee is .000169792 multiplied by the adjusted total loan value as calculated from the consolidated annual report for the previous calendar year.

(b) The "adjusted total loan value" is the sum of:

(i) The total unpaid balance of loans originated subject to the act that were retained or purchased by the licensee; and

(ii) The total unpaid balance of loans originated subject to the act that were sold by the licensee during the previous calendar year with servicing retained (if any); and

(iii) The total amount of loans originated subject to the act that were sold by the licensee during the previous calendar year with servicing released (if any).

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 50-20-170 File for official correspondence and reports.

WAC 50-20-200 Transitional rule.

NEW SECTION

WAC 208-620-010 Definitions. The definitions set forth in this section apply throughout this chapter unless the context clearly requires a different meaning.

"Act" means the Consumer Loan Act, chapter 31.04 RCW.

"Add-on method" means the method of precomputing interest payable on a loan by adding the interest to be earned to the principal balance. This total, plus any charges allowed under this chapter, is stated as the loan amount, without further provision for the payment of interest except for failure to pay according to loan terms.

"Affiliate" means any person who controls, is controlled by, or is under common control with another.

"Bond substitute" means unimpaired capital, surplus and qualified long-term subordinated debt.

"Department" means the department of financial institutions.

"Director" means the director of the department of financial institutions or his or her designated representative.

"Filing" means filing, recording, releasing or reconveying mortgages, deeds of trust, security agreements or others documents, or transferring certificates of title to vehicles.

"Insurance" means life insurance, disability insurance, property insurance, insurance covering involuntary unemployment and such other insurance as may be authorized by the insurance commissioner in accordance with Title 48 RCW.

"License" means a license issued under the authority of this chapter with respect to a single place of business.

"Licensee" means a person who holds one or more current licenses.

"Loan" means a sum of money lent at interest and includes both open-end and closed-end transactions.

"Long-term subordinated debt" means for the purposes required in RCW 31.04.045 outstanding promissory notes or other evidence of debt with initial maturity of at least seven years and remaining maturity of at least two years.

"Person" includes individuals, partnerships, associations, trusts, corporations, and all other legal entities.

"Principal amount" means the face amount of the debt instrument on which interest is owed, including the amount financed plus the origination fee if the origination fee is financed.

"RCW" means the *Revised Code of Washington*.

"Real Estate Settlement Procedures Act" means the Real Estate Settlement Procedures Act, 12 U.S.C. Sections 2601 et seq., and Regulation X, 24 C.F.R. Sections 3500 et seq.

"Records" mean books, accounts, papers, records and files, no matter in what format they are kept, which are used in conducting business under the act.

"Senior officer" means an officer of a consumer loan company at the vice-president level or above.

"Simple interest method" means the method of computing interest payable on a loan by applying the annual percentage interest rate or its periodic equivalent to the unpaid balance of the principal amount outstanding for the time outstanding. Each payment shall first be applied to any unpaid penalties, fees, or charges, then to accumulated interest, and last to the unpaid balance of the principal amount until paid in full. In using such method, interest shall not be payable in advance or compounded.

"State" means the state of Washington.

"Subsidiary" means a person that is controlled by another.

"Third-party service provider" means any person other than the licensee who provides goods or services to the licensee in connection with the preparation of the borrower's loan and includes, but is not limited to, credit reporting agencies, title companies, appraisers, structural and pest inspectors, or escrow companies.

"Truth in Lending Act" means the Truth in Lending Act, 15 U.S.C. Sections 1601 et seq., and Regulation Z, 12 C.F.R. Sections 226 et seq.

NEW SECTION

WAC 208-620-020 License application. (1) An applicant for a consumer loan company license under RCW 31.04.045 will complete the application form provided by the department.

(2) The completed application shall be accompanied by:

(a) The names, addresses, and occupation of all board directors and senior officers;

(b) A statement of the experience and qualifications of all directors and senior officers;

(c) A current financial statement as of the most recent quarter end, prepared in accordance with generally accepted accounting principles. The statement must include a statement of assets and liabilities and a profit and loss statement;

(d) A business plan which includes at least the following:

(i) The anticipated source of and method of obtaining customers;

(ii) The type of loans to be made at the proposed licensed location;

(iii) The type of loan, if any, that will be sold or transferred to affiliated or nonaffiliated business entities;

(iv) The type of insurance products to be marketed at the proposed licensed location;

(v) The type of incidental products, if any, the applicant intends to market with approval of the director from the proposed licensed location; and

(vi) The procedures the applicant intends to use to resolve consumer complaints;

(e) A certificate of existence/authorization obtained from the Washington secretary of state;

(f) A valid surety bond (or approved bond substitute as provided in WAC 208-620-040) in the amount specified in WAC 208-620-030;

(g) If the applicant will be an out-of-state licensee, the applicant must submit information regarding its registered agent as required of out-of-state licensees by WAC 208-620-060; and

(h) The appropriate fees as specified in WAC 50-20-190.

(3) A licensee must complete another application for each additional consumer loan company license under RCW 31.04.075. The director may require that all or some of the information provided in the original application be updated.

NEW SECTION

WAC 208-620-030 Surety bond. (1) **Bond required.** Each licensee shall file and maintain a surety bond, approved by the director, and executed by the applicant as obligor and by a surety company authorized to do a surety business in this state as surety. The surety company may not be a wholly owned subsidiary or an affiliate of the licensee.

(2) **Amount of bond.** The penal sum of the bond is one hundred thousand dollars for each branch office up to five branch offices. The amount of the bond is increased by ten thousand dollars for each additional branch office. For example:

Number of Branch Offices	Penal Sum of the Bond
1	\$100,000
2	\$200,000
3	\$300,000
4	\$400,000
5	\$500,000
6	\$510,000

(3) **Conditions on bond.** The bond shall run to the state as obligee for the use and benefit of the state and of any person or persons who may have a cause of action against the obligor under the act. The bond shall be conditioned that the obligor as licensee will faithfully conform to and abide by the act and all the rules adopted under the act. The bond will pay to the state and any person or persons having a cause of action against the obligor all moneys that may become due and owing to the state and those persons under and by virtue of the act.

NEW SECTION

WAC 208-620-040 Bond substitute in lieu of surety bond. (1) **Authority for Washington business corporation.** A licensee that is a Washington business corporation may maintain a bond substitute in lieu of a surety bond. The bond substitute must be maintained in an amount so that the aggregate sum of the licensee's debt, including outstanding promissory notes or other evidences of debt does not at any time exceed three times the amount of its bond substitute.

Long-term subordinated debt may be excluded from the licensee's debt for purposes of calculating the bond substitute only if any claim by the subordinate debtholder on the licensee's assets is junior to claims by the state or a consumer under the act. The licensee must file with the director a subordination agreement in favor of the state.

The director may evaluate the documentation submitted by the licensee or other documentation requested by the director and determine whether the bond substitute meets the requirements of RCW 31.04.045(3).

(2) **Financial reports required.** Semiannually a licensee that maintains a bond substitute shall submit to the director year-to-date financial statements prepared in accordance with generally accepted accounting principles, including at a minimum a statement of assets and liabilities and a profit and loss statement. The director may require that financial reports be submitted more frequently if past financial reports have been prepared incorrectly or were misleading or if there is substantial risk that the licensee will violate the bond substitute standard set in subsection (1) of this section. The director may require other documents, agreements and information deemed necessary to properly evaluate and ensure that the licensee remains in compliance with this section.

(3) **Bad debts and uncollectible judgments.** A licensee that maintains a bond substitute may not consider bad debts and uncollectible judgments as assets for purposes of calculating bond substitute. The director may approve exceptions in writing. A bad debt is any debt owed to the licensee upon which any payment is six months or more past due. An uncollectible judgment is any judgment which is more than two years old and which has not been paid. Time consumed by any appeal from such judgment is not counted in the two-year limit.

(4) **Noncompliance.** A licensee that does not maintain sufficient bond substitute shall notify the director within ten business days of any date when the aggregate sum of its promissory notes and other evidence of debt, (other than long-term subordinated debt), exceeds three times the amount of its bond substitute. In the event that the licensee's semiannual financial statements or the director's investigation reveals that the licensee is no longer in compliance with this section, the licensee shall obtain and file with the director a surety bond in the amount required by WAC 208-620-030 within thirty days after receiving notice from the director. A licensee that files a surety bond as required by the director must maintain the surety bond for five years after the date of noncompliance. During this five-year period, the director will not accept a bond substitute. Failure to file a surety bond as required in this subsection may result in suspension of the licensee's license(s).

NEW SECTION

WAC 208-620-050 Interstate operations. (1) **License required.** Any person that conducts business under the act with Washington residents must obtain a license for all locations from which such business is conducted, including out-of-state locations. When conducting business with Washington residents pursuant to the act, the out-of-state licensee must comply with all laws and rules governing the activities of licensees in the state.

(2) **Keeping records out-of-state.** The director may approve the maintenance of a licensee's records at an out-of-state location. The licensee must request approval in writing and must agree to provide the director access to the records pursuant to WAC 208-620-180. Agreement to allow access to the records is a condition of licensing of an out-of-state location.

(3) **Servicing loans out-of-state.** A licensee may service loans made pursuant to the act at out-of-state locations as long as the locations are licensed. The licensee

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must agree in writing to provide the director access to the records pursuant to WAC 208-620-180.

(4) **Costs of examinations.** A licensee that makes loans pursuant to the act from out-of-state locations, maintains records outside the state or services loans pursuant to the act outside the state shall pay all costs associated with examining the records, including travel costs.

NEW SECTION

WAC 208-620-060 Registered agent and agent's office for out-of-state licensees. (1) **Agent required.** Any licensee that does not maintain a physical office within this state (out-of-state licensee) must continuously maintain a registered agent in this state. Service of process, notice, or demand in any judicial or administrative noncriminal suit, action, or proceeding against the licensee which arises under the act or any order under the act on the agent shall have the same force and validity as if served personally on the licensee.

(2) **Agent's address.** Each out-of-state licensee must file with the director the agent's name, office mailing address, and consent to appointment. The office mailing address must accurately identify the actual location of the agent's office. It may not be identified by a post office box number or a street address and box number of a private mail box company which creates the illusion of a physical office location where none in fact exists, or other nongeographic address.

(3) **Agent's consent required.** An out-of-state licensee may not appoint a registered agent without the agent's prior written consent to the appointment. If any person has been appointed agent without consent, that person may file a notarized statement attesting to that fact, and the agent's name will be promptly removed from the records of the department.

NEW SECTION

WAC 208-620-070 Change of registered agent or agent's office for out-of-state licensees. An out-of-state licensee may change its registered agent or its agent's office mailing address on the records of the department by filing with the director a statement of change that sets forth:

- (1) The licensee's name;
- (2) If the current registered agent's office location is to be changed, the address of the registered agent's new office in accordance with WAC 208-620-060; and
- (3) If the registered agent is to be changed, the new registered agent's name, office mailing address in accordance with WAC 208-620-060 and written consent to the appointment.

NEW SECTION

WAC 208-620-080 Resignation of registered agent. A registered agent may resign as agent by filing a signed statement of resignation with the director. The director shall mail a copy of the statement of resignation to the licensee at its principal place of business. The agency appointment is terminated on the 31st day after the date on which the statement of resignation was filed.

NEW SECTION

WAC 208-620-090 Service on out-of-state licensee.

(1) **Service on agent.** An out-of-state licensee's registered agent is the licensee's agent for service of process, notice, or demand as set forth in WAC 208-620-060.

(2) **Service on director.** The director shall be an agent of an out-of-state licensee upon whom any process, notice, or demand may be served if the licensee fails to appoint or maintain continuously a registered agent in this state; or if the registered agent cannot with reasonable diligence be found at its office. Service on the director of any process, notice, or demand is made by delivering to and leaving with the director, or with any assistant director of the department, the process, notice, or demand. In the event any process, notice, or demand is served on the director, the director shall immediately cause a copy of it to be forwarded by certified mail, addressed to the licensee at the licensee's address as shown on the records of the department. Any service on the director must be returnable in not less than thirty days.

NEW SECTION

WAC 208-620-150 Open-end loans—Periodic statements. A licensee must deliver a statement to each borrower with an open-end loan at the end of each billing cycle in which there is an outstanding balance of more than one dollar or in which interest is imposed. This statement must meet applicable requirements in Regulation Z. No statement need be delivered if the licensee believes the account to be uncollectible or if delinquency collection procedures have been instituted.

NEW SECTION

WAC 208-620-180 Examinations. (1) For the purpose of discovering violations of the act or this chapter or securing information lawfully required, the director or his or her designee may investigate the loans and business, and may examine, wherever located, the records used in the business of every licensee and of every person who is engaged in the business described in RCW 31.04.035, whether the person acts or claims to act as principal or agent, or under or without the authority of this chapter. For that purpose the director or designee shall have access to the offices and places of business, records, safes, and vaults of all such persons. A licensee so examined shall pay to the director the cost of examining and supervising each licensed place of business at the rate specified in WAC 50-20-190(2).

(2) The director or his or her designee shall examine the affairs, business, office, and records of each licensee at least once each twenty-four months.

NEW SECTION

WAC 208-620-200 Change of place of business. A licensee may only do business under the act from the location named on the license. This is not intended to prohibit loans by mail or the closing of real estate-secured loans in an escrow company, a title insurance company or an attorney's office.

A licensee shall not change its place of business to another location until the director has approved the change.

NEW SECTION

WAC 208-620-220 Annual report and annual fee—Due date—Late penalties. (1) **Due date.** The director will mail a notice to each licensee showing the way to calculate the annual fee due along with a worksheet for such purposes and the consolidated annual report form. The licensee will calculate the annual fee on the worksheet. The licensee must submit its completed consolidated annual report, worksheet and annual fee to the office of the director by March 1 of each year.

(2) **Late penalties.** A licensee that fails to submit the required annual report by the March 1 due date is subject to a penalty of fifty dollars for each day of delay.

**WSR 95-22-108
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**
[Filed November 1, 1995, 11:25 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-13-022 on June 13, 1995.

Title of Rule: Asbestos removal and encapsulation.

Purpose: Chapter 296-65 WAC, Safety standard for asbestos removal and encapsulation, federal-initiated occupational safety and health (OSHA) proposed amendments, as published in Federal Register Volume 59, Number 153, dated August 10, 1995, and Federal Register Volume 60, Number 125, dated June 29, 1995, are made: To modify and clarify the definition of "asbestos"; to add the definition of "intact" (asbestos containing material); and to add the word "intact" to the definition of "asbestos project" to identify and clarify the types of materials excluded from the "asbestos project" definition. (This amendment also clarifies flooring and roofing industry certification requirements.)

Federal-initiated Environmental Protection Agency (EPA) proposed amendments, as published in Federal Register Volume 59, Number 23, dated February 3, 1994, are made: To require [that] asbestos certification training courses consist of thirty-two hours to be consistent with the EPA rule preamble which defines a day as eight hours; to add required supervisor and worker asbestos certification training course content topics for state-of-the-art work practices for asbestos removal and encapsulation activities; to require fourteen hours of hands-on training in supervisor and worker asbestos certification courses; to require the supervisor and worker asbestos training courses include a course review of the key aspects of the course; to the definition of "certificate" to specify minimum information required on an asbestos accreditation training certificate; to require "closed book" asbestos supervisor and worker certification examinations; to modify the "seven" hour refresher course requirement to "eight" hour supervisor and worker refresher courses to be consistent with the federal EPA rule preamble which defines a day as eight hours; to add requirements that the initial TSCA Title II supervisor and worker accreditation certificates and the current supervisor and worker certificates be available for inspection at all times at the location of the asbestos project; to add the

requirement that asbestos certification training course instructors will have academic and/or field experience in asbestos abatement; to add requirements for asbestos certification training course approval; to add minimum criteria for withdrawal of asbestos certification training course approval; to add asbestos certification training provider record-keeping requirements; to add asbestos certification training instructor qualification requirements; and to correct a reference to accurately reflect the federal EPA rule.

Federal-initiated EPA and legislative-initiated (ESB 5397) amendments are made to delete the exemption in WAC 296-65-030 and references to the exemption in WAC 296-65-020 which allow an employee or other individual to work or supervise an asbestos project without certification under certain criteria.

Legislative-initiated proposed amendments (ESB 5397 and chapter 49.26 RCW, Health and safety-asbestos) are made: To modify the definition of "asbestos abatement project." (This amendment changes the square feet and linear feet allowance for the removal of asbestos-containing material); to require that an approved asbestos supervisor training course consist of five days; to delete the requirement that an individual possess a valid and current Washington state asbestos worker certificate to qualify for an asbestos supervisor certificate. This state requirement does not exist in the federal EPA rules and is no longer necessary due to the new EPA and ESB 5397 requirement that asbestos supervisors have more training than asbestos workers; to require that an approved asbestos worker training course consist of four days; to clarify supervision responsibilities when an employer conducts an asbestos abatement project in its own facility by its own employees; to add the requirement that the department may provide an asbestos certification examination as a substitute to the examination administered by the course provider; and to add criteria for decertification for asbestos workers, supervisors, and contractors.

State-initiated proposed amendments are made: To add the definition of "EPA MAP" to identify the Environmental Protection Agency model accreditation plan rule and requirements referred to in the proposed text of chapter 296-65 WAC; to delete the requirement that supervisor and worker refresher courses can not be taken more than 60 days prior to the expiration of an existing certificate. (Chapter 49.26 RCW and the federal EPA rules do not contain this requirement); to delete WAC 296-65-012(8) in its entirety since the specified expiration date of the subsection expired on June 30, 1990; to renumber and/or move subsections for better organization of information as a result of the addition of federal and legislative amendments; to delete definition numbering as required by the code reviser's office; and to correct a department address.

Statutory Authority for Adoption: Chapter 49.17 RCW.
Statute Being Implemented: RCW 49.17.040, [49.17].050, [49.17].060.

Summary: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Tracy Spencer, 7273 Linderson Way, Tumwater, WA, (360) 902-5530; Implementation and Enforcement: Frank Leuck, 7273 Linderson Way, Tumwater, WA, (360) 902-5495.

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

Rule is necessary because of federal law, Federal Register Volume 59, Number 23, dated February 3, 1994; Federal Register Volume 59, number 153, dated August 10, 1994; Federal Register Volume 60, Number 125, dated June 29, 1996; ESB 5397; and chapter 49.26 RCW.

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

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW.

A small business economic impact statement is not necessary when we adopt rules solely for the purpose of conforming and complying with federal regulations (chapter 19.85 RCW, section 404, chapter 403, Laws of 1995). The department is amending chapter 296-65 WAC, Safety standards for asbestos removal and encapsulation, to comply with:

(1) OSHA federal standards. (29 CFR Parts 1910, 1915, and 1926 as published in Federal Register Volume 59, Number 153, dated August 10, 1995, and Federal Register Volume 60, Number 125, dated June 29, 1995.)

(2) EPA federal standards. (15 U.S.C. 2646 (b)(2) - 40 CFR Part 763 as published in Federal Register Volume 59, Number 23, dated February 3, 1994.)

(3) 1995 state legislative amendments. (Chapter 49.26 RCW, Health and safety-asbestos, and ESB 5397 amendments to chapter 49.26 RCW, which were based on and made as a result of the EPA federal standard changes indicated in item (2) above.)

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Rule-making criteria does not apply because these rule amendments meet the criteria outlined in section 201 (5)(b)(iii), (iv), and (v), chapter 403, Laws of 1995.

Hearing Location: Department of Labor and Industries Building, Auditorium, 7273 Linderson Way, Tumwater, WA, on December 14, 1996, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Linda Dausener by December 1, 1995, (360) 902-5516.

Submit Written Comments to: Frank Leuck, Assistant Director, Division of Consultation and Compliance, P.O. Box 44620, Olympia, WA 98507-4620. Written comments must be postmarked no later than December 21, 1996. In addition to written comments, the department will accept faxed comments submitted and received by the department no later than 5:00 p.m. December 21, 1995, FAX (360) 902-5529. Comments submitted by FAX must be ten pages or less.

Date of Intended Adoption: February 16, 1996.

November 1, 1995

Mark O. Brown
Director

AMENDATORY SECTION (Amending Order 89-10, filed 10/10/89, effective 11/24/89)

WAC 296-65-003 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this standard.

((+)) "Approved" means approved by the department.

((2)) "Asbestos" includes (~~different forms of~~) chrysotile, amosite, crocidolite, tremolite asbestos,

anthophyllite asbestos, and actinolite asbestos, and any of these minerals that have been chemically treated and/or altered.

((3)) "Asbestos fiber" means asbestos fiber as defined in WAC 296-62-07703.

((4)) "Asbestos abatement project" means any asbestos project which is conducted primarily to remove or encapsulate asbestos-containing material (ACM). Removal of ACM which is ancillary to a maintenance task is not considered an abatement project as long as the amount of ACM removed is less than ((48)) three square feet or ((+0)) three linear feet.

((5)) "Asbestos project" includes the construction, demolition, repair, remodeling, maintenance or renovation of any public or private building or structure, mechanical piping equipment or system involving the demolition, removal, encapsulation, salvage, or disposal of material or outdoor activity releasing or likely to release asbestos fibers into the air. Removal of intact vinyl asbestos tile (VAT), and (~~asphaltic~~) intact roofing materials is excluded from this definition, unless these items are removed by mechanical methods such as chipping, grinding, sanding, or sawing. Also excluded is any project in which there is a disturbance of asbestos of less than one square foot of total surface area of asbestos-containing material (ACM), but this latter exclusion does not pertain to any disturbance of asbestos during a project dealing with pipe insulation. Also excluded from this definition is work on asbestos-cement water pipe provided such work is done in accordance with the latest edition of "Recommended Standard Asbestos-Cement Pipe Work Practice Procedures and Training Requirements" adopted and published by the Pacific Northwest Section of the American Water Works Association and as approved by the department.

((6)) "Certified asbestos contractor" means any partnership, firm, association, corporation or sole proprietorship, registered under chapter 18.27 RCW, that submits a bid, or contracts to remove or encapsulate asbestos for another and is certified by the department to remove or encapsulate asbestos.

((7)) "Certificate" means a certificate issued by the department that shall include the name of person awarded the certificate, certificate number, the discipline for which certification was conferred, training and examination dates, the course provider's name and address, and the course provider's telephone number, expiration date, and a statement that the person receiving the certificate has completed the training for asbestos accreditation under TSCA Title II.

((8)) "Certified asbestos supervisor" means an individual who is certified by the department under WAC 296-65-012.

((9)) "Certified asbestos worker" means an individual certified by the department under WAC 296-65-010.

((+0)) "Department" means the department of labor and industries.

((+1)) "Demolition" means the activity of razing a structure which includes the wrecking, removal, or dismantling of any load-supporting structural member of any facility including any related handling operations.

((+2)) "Direct on-site supervision" means the supervision of no more than three workers by a certified asbestos supervisor who is physically present at all times at the

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asbestos project. It includes the authority to immediately correct any deficiencies on the project.

~~((13))~~ "Director" means the director of the department of labor and industries or the director's designee.

~~((14))~~ "Emergency project" means a project that was not planned but results from a sudden, unexpected event and includes operations which are necessitated by nonroutine failures of equipment or systems.

~~((15))~~ "Encapsulation" means the application of an encapsulant to asbestos containing materials to control the release of asbestos fibers into the air. The encapsulation process either creates a membrane over the surface (bridging encapsulant) or penetrates the material and binds its components together (penetrating encapsulant).

~~((16))~~ "EPA MAP" means the environmental protection agency model accreditation plan for asbestos requirements in 40 CFR Part 763.

"HEPA filtration" means high-efficiency particulate air filtration found in respirators and vacuum systems capable of filtering 0.3 micron particles with 99.97% efficiency.

~~((17))~~ "Intact" means that the asbestos containing material has not crumbled, been pulverized, or otherwise deteriorated so that it is longer likely to be bound with its matrix.

"NESHAP" means the National Emission Standards for Hazardous Air Pollutants.

~~((18))~~ "Owner" means the person who owns any public or private building, structure, facility, or mechanical system, or the remnants thereof, or the agent of such person, but does not include individuals who work on asbestos projects in their own single-family residences, no part of which is used for commercial purposes.

~~((19))~~ "Person" means any individual, partnership, firm, association, corporation, sole proprietorship, or the state of Washington or its political subdivisions.

~~((20))~~ "Revocation" means a permanent withdrawal of a certification issued by the department.

~~((21))~~ "Suspension" means a temporary withdrawal of a certification issued by the department. No suspension shall be less than six months or longer than one year.

AMENDATORY SECTION (Amending Order 89-10, filed 10/10/89, effective 11/24/89)

WAC 296-65-005 Asbestos worker training course content. An approved asbestos worker training course shall consist of ~~((at least thirty hours of training))~~ four days of training with a minimum of thirty-two hours. This initial training course shall provide, at a minimum, information on the following topics:

(1) The physical characteristics of asbestos including types, fiber size, aerodynamic characteristics and physical appearance.

(2) Examples of different types of asbestos and asbestos-containing materials. Real asbestos shall be used only for observation by trainees and shall be enclosed in sealed unbreakable containers.

(3) The health hazards of asbestos including the nature of asbestos related diseases, routes of exposure, dose-response relationships, synergism between cigarette smoking and asbestos exposure, latency period of diseases, hazards to

immediate family, and the health basis for asbestos standards.

(4) Employee personal protective equipment including the classes and characteristics of respirator types, limitations of respirators, proper selection, inspection, donning, use, maintenance and storage procedure, methods for field checking of the facepiece-to-face seal (positive and negative-pressure checks), qualitative and quantitative fit testing procedures, variability between field and laboratory protection factors, factors that alter respirator fit (e.g., eye glasses and facial hair), the components of a proper respiratory protection program, respirator program administrator, requirements on oil lubricated reciprocating piston compressors for breathing air, and selection and use of personal protective clothing. Qualitative or quantitative fit testing shall be performed on at least one student for demonstration purposes and in accordance with WAC 296-62-07715 and 296-62-07739.

(5) Use, storage and handling of launderable clothing, nonslip footwear, gloves, eye protection and hard hats.

(6) Medical monitoring procedures and requirements, including the provisions of WAC 296-62-071 through 296-62-07121 and 296-62-07725, any additional recommended procedures and tests, benefits of medical monitoring and employee access to records.

(7) Air monitoring procedures and requirements specified in WAC 296-62-07709, including a description of equipment, sampling methods and strategies, reasons for air monitoring, types of samples, including area, personal and clearance samples, current standards with proposed changes if any, employee observation and notification, recordkeeping and employee access to records, interpretation of air monitoring results, and analytical methods for bulk and air samples.

(8) State-of-the-art work practices for asbestos removal and encapsulation activities including purpose, proper construction and maintenance of barriers and decontamination enclosure systems, posting of warning signs, electrical and ventilation system lock-out, proper working techniques and tools with vacuum attachments for minimizing fiber release, use of wet methods and surfactants, use of negative-pressure ventilation equipment for minimizing employee exposure to asbestos fibers and contamination prevention, scoring and breaking techniques for rigid asbestos products, glove bag techniques, recommended and prohibited work practices, potential exposure situations, emergency procedures for sudden releases, use of HEPA vacuums and proper clean-up and disposal procedures. Work practice requirements for removal, encapsulation, enclosure, repair, and waste transportation shall be discussed individually. Appropriate work practices for both indoor and outdoor asbestos projects shall be included.

(9) Personal hygiene including entry and exit procedures for the work area, use of showers and prohibition of eating, drinking, smoking and chewing (gum or tobacco) in the work area. Potential exposures, such as family exposure shall also be included.

(10) Additional safety hazards that may be encountered during asbestos removal and encapsulation activities and hazard abatement, including electrical hazards, scaffold and ladder hazards, slips, trips and falls, confined spaces, noise, and heat stress.

(11) The requirements, procedures and standards established by:

(a) The Environmental Protection Agency, 40 CFR Part 61, Subparts A and M, and 40 CFR Part 763.

(b) Washington state department of ecology.

(c) Local air pollution control agencies.

(d) Washington state department of labor and industries, division of industrial safety and health, chapter 49.17 RCW (Washington Industrial Safety and Health Act), chapter 49.26 RCW (Health and safety—Asbestos), and ensuing regulations.

(12) Actual worksite considerations.

(13) The instruction required by this section shall include, at a minimum ~~((7))~~ of fourteen hours of hands-on training for the following:

(a) Glove bag techniques;

(b) The opportunity to don respirators including half facepiece and full facepiece air purifying respirators, powered air purifying respirators (PAPR), and Type-C supplied-air respirators;

(c) Removal of sprayed-on or troweled-on material, and pipe lagging;

(d) Basic construction of a decontamination unit, and proper entry and exit;

(e) Suit-up in protective clothing consisting of coveralls, foot coverings and head coverings.

(14) Course review, a review of the key aspects of the training course.

(15) Asbestos-containing materials shall not be used for hands-on training.

~~((15))~~ (16) In recognition that asbestos abatement is an evolving industry, the department reserves the right to require additional subjects to be taught and to specify the amount of time which shall be allotted to adequately cover required subjects. To assure adequate coverage of required material, each sponsor shall be provided and required to incorporate into the training course, a detailed outline of subject matter developed by the department.

AMENDATORY SECTION (Amending Order 89-10, filed 10/10/89, effective 11/24/89)

WAC 296-65-007 Asbestos supervisor training course content. An approved asbestos supervisor training course shall consist of at least ~~((thirty hours))~~ five days of training. This initial training course shall include lectures, demonstrations, at least ~~((six hours))~~ fourteen hours of hands-on training, course review and a written examination. Audio-visual materials, where appropriate, are recommended to complement lectures. The training course shall provide, at a minimum, information on the following topics:

(1) The physical characteristics of asbestos and asbestos-containing materials including identification of asbestos, aerodynamic characteristics, typical uses, physical appearance, hazard assessment considerations, and a summary of abatement control options.

(2) Health effects related to asbestos exposure including the nature of asbestos related diseases, routes of exposure, dose-response relationships and the lack of a safe level of exposure, synergism between asbestos exposure and cigarette smoking, latency period, hazards to the immediate family and the health basis for the standard.

(3) Employee personal protective equipment including the classes and characteristics of respirator types, limitations of respirators, proper selection, inspection, donning, use, maintenance, and storage procedures, methods for field checking of the facepiece-to-face seal (positive and negative pressure checks), variability between field and laboratory protection factors, quantitative and qualitative fit test requirements, factors that alter respirator fit (facial hair, scars, etc.), the components of a proper respirator program, requirements for oil lubricated reciprocating compressors, maintenance of Type-C systems, standards for breathing air, selection and use of personal protective clothing, use, storage, and handling of nondisposable clothing, and regulations covering personal protective equipment.

(4) State-of-the-art work practices for asbestos removal and encapsulation activities including purpose, proper construction and maintenance of barriers and decontamination enclosure systems, posting of warning signs, electrical and ventilation system lock-out, proper working techniques and tools with vacuum attachments for minimizing fiber release, use of wet methods and surfactants, use of negative-pressure ventilation equipment for minimizing employee exposure to asbestos fibers and contamination prevention, scoring and breaking techniques for rigid asbestos products, glove bag techniques, recommended and prohibited work practices, potential exposure situations, emergency procedures for sudden releases, use of HEPA vacuums and proper clean-up and disposal procedures. Work practice requirements for removal, encapsulation, and repair shall be discussed separately. Appropriate work practices for both indoor and outdoor asbestos projects shall be included.

(5) Personal hygiene including entry and exit procedures for the work area, use of showers and prohibition of eating, drinking, smoking, and chewing (gum and tobacco) in the work area. Potential exposures, such as family exposure shall also be included.

(6) Additional safety hazards that may be encountered during asbestos abatement activities and how to deal with them, including electrical hazards, heat stress, air contaminants other than asbestos, fire and explosion hazards, scaffold and ladder hazards, slips, trips, and falls, confined space entry requirements, and noise hazards.

(7) Medical monitoring procedures and requirements, including the provisions of WAC 296-62-071 through 296-62-07121 and 296-62-07725, any additional recommended procedures and tests, benefits of medical monitoring and recordkeeping requirements.

(8) Air monitoring procedures and requirements specified in WAC 296-62-07709, including a description of equipment, sampling methods and strategies, reasons for air monitoring, types of samples, including area, personal and clearance samples, a description of aggressive sampling, current standards with proposed changes if any, employee observation and notification, recordkeeping, interpretation of air monitoring results, specifically from analyses performed by polarized light, phase contrast, and electron microscopy.

(9) The requirements, procedures, and standards established by:

(a) The Environmental Protection Agency, 40 CFR Part 61, Subparts A and M, and 40 CFR Part 763.

(b) The Washington state department of ecology.

(c) Local air pollution control agencies.

(d) Washington state department of labor and industries, division of industrial safety and health, chapter 49.17 RCW (Washington Industrial Safety and Health Act), chapter 49.26 RCW (Health and safety—Asbestos), and ensuing regulations.

(10) Actual worksite considerations.

(11) Insurance and liability issues including contractor issues, industrial insurance coverage and exclusions, third party liabilities and defenses, private insurance coverage and exclusions, recordkeeping recommended for legal and insurance purposes.

(12) Supervisory techniques for asbestos abatement projects including supervisory practices to enforce and reinforce the required work practices and discourage unsafe work practices.

(13) Contract specifications including a discussion of the key elements to be included in contract specifications.

(14) A minimum of fourteen hours of hands-on training for the following:

(a) Calibration of air-sampling equipment;

(b) Routine maintenance of air-purifying and air-supplied respirators;

(c) Setup of a decontamination unit including calculating the number of negative air machines needed as well as proper placement of the machines within the enclosure; and

(d) Quantitative and qualitative fit-testing protocols.

(15) Course review, a review of the key aspects of the training course.

(16) In recognition that asbestos abatement is an evolving industry, the department reserves the right to require additional subjects to be taught and to specify the amount of time which shall be allotted to adequately cover required subjects. To assure adequate coverage of required material, each sponsor shall be provided and required to incorporate into their training course, a detailed outline of subject matter developed by the department.

AMENDATORY SECTION (Amending Order 89-10, filed 10/10/89, effective 11/24/89)

WAC 296-65-010 Asbestos worker certification. (1) For the purposes of this section "individual" means any natural person.

(2) To qualify for an asbestos worker certificate, an individual must do the following:

(a) Successfully complete an approved asbestos worker training course;

(b) Achieve a score of at least seventy percent on a one hundred question multiple choice closed book examination approved by the department but administered by the training course sponsor;

(c) Submit to the department a timely application validated by an approved training course sponsor. To be considered timely, an application must be received by the department not later than sixty days after the completion of the course. In the event that an application is not timely, the individual shall be required to pass, with a score of at least seventy percent, an examination administered by the department. A nonrefundable fifty dollar assessment shall be charged to take this examination; and

(d) Pay the fee prescribed in WAC 296-65-025.

(3) Individuals shall not perform any asbestos project work prior to issuance of the certificate.

(4) Certificates shall be issued and mailed to the individual applicants and shall be valid for one year from the date of issuance.

(5) Certified asbestos workers shall attend ~~((a seven-hour))~~ an eight-hour worker refresher course prior to certificate renewal.

(a) The course shall, at a minimum, adequately review the subjects required by WAC 296-65-005, update information on state-of-the-art procedures and equipment, and review regulatory changes and interpretations. Specific subjects may be required by the department.

(b) An application for renewal of the certificate must be validated by the refresher training course instructor.

(c) The refresher course must be taken prior to expiration of the certificate ~~((but may not be taken more than sixty days prior to expiration of the original or current certificate))~~.

(d) The certificate renewal application must be received by the department no later than the expiration date of the current certificate. Applicants missing this renewal deadline shall be required to pass, with a score of seventy percent, an examination administered by the department. A nonrefundable fifty dollar fee will be charged to take this examination.

(e) Individuals whose certificates have been expired for more than six months will be required to retake the entire ~~((thirty-hour))~~ basic worker course.

(6) The ~~((certificate shall be available for inspection at all times during an))~~ initial TSCA Title II worker accreditation certificate and the current worker certificate shall be available for inspection at all times at the location of the asbestos project.

(7) The department may suspend or revoke a certificate as provided in WAC 296-65-050 and chapter 296-350 WAC.

AMENDATORY SECTION (Amending Order 89-10, filed 10/10/89, effective 11/24/89)

WAC 296-65-012 Asbestos supervisor certification.

(1) For the purposes of this section, "individual" means any natural person.

(2) To qualify for an asbestos supervisor certificate, an individual must meet the following criteria:

(a) Have at least 1600 hours of experience in one or more of the following disciplines:

(i) Asbestos abatement;

(ii) Asbestos project design;

(iii) Consultation on asbestos abatement projects;

(iv) Operations and maintenance program supervision;

(v) Construction project supervision;

(b) ~~((Possess a valid and current Washington state asbestos worker certificate;~~

~~((e)))~~ Successfully complete an approved asbestos supervisor training course;

~~((d)))~~ (c) Achieve a score of at least seventy percent on a one hundred question multiple choice closed book examination approved by the department but administered by the training course sponsor;

~~((e)))~~ (d) Submit to the department a timely application validated by an approved training course sponsor. To be considered timely, an application must be received by the

department not later than sixty days after the completion of the course. In the event that an application is not timely, the individual shall be required to pass, with a score of at least seventy percent, an examination administered by the department. A nonrefundable fifty dollar assessment shall be charged to take this examination; and

~~((f))~~ (e) Pay the fee prescribed in WAC 296-65-025.

(3) An individual shall not supervise any asbestos project prior to issuance of the certificate.

(4) Certificates shall be issued and mailed to the individual applicants and shall be valid for one year from the date of issuance.

(5) A certified asbestos supervisor shall attend ~~((a seven-hour))~~ an eight-hour supervisor refresher course prior to certificate renewal. It shall not be necessary to also take a worker refresher course.

(a) The course shall, at a minimum, adequately review the subjects required by WAC 296-65-007, update information on state-of-the-art procedures and equipment, and review regulatory changes and interpretations. Specific subjects may be required by the department.

(b) An application for renewal of the certificate must be validated by the refresher training course instructor.

(c) The refresher course must be taken prior to expiration of the certificate ~~((but may not be taken more than sixty days prior to expiration of the original or current certificate))~~.

(d) The certificate renewal application must be received by the department no later than the expiration date of the current certificate. Applicants missing this renewal deadline shall be required to pass, with a score of seventy percent, an examination administered by the department. A nonrefundable fifty dollar fee will be charged to take this examination.

(e) Individuals whose certificates have been expired for more than six months will be required to retake the entire ~~((thirty-hour))~~ basic supervisor course.

(6) The ~~((certificate shall be available for inspection at all times during an))~~ initial TSCA Title II supervisor accreditation certificate and the current supervisor certificate shall be available for inspection at all times at the location of the asbestos project.

(7) The department may suspend or revoke a certificate as provided in WAC 296-65-050 and chapter 296-350 WAC.

~~((8) Individuals who have completed the "competent person" training previously recognized by the department after January 1, 1987, need not comply with the requirements set forth in subsection (2) of this section and shall be issued asbestos supervisor certificates provided the following conditions are met:~~

~~(a) Be a certified asbestos worker as prescribed in WAC 296-65-010 for at least one year;~~

~~(b) Provide documentation of successful completion of a recognized "competent person" training course;~~

~~(c) Pass, with a score of at least seventy percent, an examination administered by the department. A nonrefundable fifty dollar assessment shall be charged to take this examination; and~~

~~(d) This subsection shall expire on June 30, 1990. Thereafter any individual who has completed "competent person" training shall obtain an asbestos supervisor certificate by complying with the requirements set forth in subsection (2) of this section.)~~

AMENDATORY SECTION (Amending Order 89-10, filed 10/10/89, effective 11/24/89)

WAC 296-65-015 Training course approval. (1) Basic and refresher asbestos training courses may be sponsored by any individual, person, or other entity having department approval. Approval shall be contingent on the sponsor's compliance, as applicable, with licensing requirements established by the state board of vocational education.

(2) Prior to receiving department approval, each course shall be evaluated by the department for the breadth of knowledge and experience required to properly train asbestos workers or supervisors. Course content shall be carefully scrutinized for adequacy and accuracy. Training techniques will be evaluated by the department.

(3) Sponsors of basic and refresher training courses proposed for approval must submit:

(a) Background information about course sponsors;

(b) Course locations and fees;

(c) Copies of course handouts;

(d) A detailed description of course content and the amount of time allotted to each major topic;

(e) A description of teaching methods to be utilized and a list of all audio-visual materials; the department may, in its discretion, request that copies of the materials be provided for review. Any audio-visual materials provided to the department will be returned to the applicant;

(f) A list of all personnel involved in course preparation and presentation and a description of the background, special training and qualifications of each. Instructors shall have academic and/or field experience in asbestos abatement. The department may, in its discretion, require proposed instructors to pass an examination on subjects related to their respective topics of instruction;

(g) A description of student evaluation methods and a copy of the required written examination including the scoring methodology to be used in grading the examination;

(h) A description of course evaluation methods; ~~((and))~~

(i) Any restrictions on attendance (language, class size, affiliation, etc.);

(j) A list of any other states that currently approve the training course;

(k) A letter from the course provider that clearly indicates how the course provider meets the EPA MAP requirements; and

(l) The amount and type of hands-on training for initial training courses.

(4) Application for training course approval and course materials shall be submitted to the department at least sixty days prior to the requested approval date. Materials may be mailed to:

Asbestos Certification Program

Department of Labor and

Industries~~((, HC-412~~

805 Plum Street S.E.))

P.O. Box ~~((207))~~ 44614

Olympia, Washington 98504-4614

(5) The decision to grant or renew approval of a basic or refresher asbestos training course shall be in the sole discretion of the department.

Following approval of a basic or refresher asbestos training course, the department will issue the course sponsor an approval which is valid for one year from the date of issuance. Application for renewal must follow the procedures described in subsections (3) and (4) of this section.

Following approval of a basic or refresher asbestos training course, in recognition that asbestos abatement is an evolving industry, the department reserves the right to require additional subjects to be taught and to specify the amount of time which shall be allotted to adequately cover required subjects. To assure adequate coverage of required material, each sponsor shall be provided and required to incorporate into their training course, a detailed outline of subject matter developed by the department.

(6) To be considered timely, the training course approval renewal must be received by the department no later than thirty days before the certificate expiration date.

(7) Any changes to a training course must be approved by the department in advance.

(8) The course sponsor shall provide the department with a list of all persons who have completed a basic or refresher training course. The list must be provided no later than ten days after a course is completed and must include the name and address of each trainee.

(9) The course sponsor must notify the department, in writing, at least fourteen days before a training course is scheduled to begin. The notification must include the date, time and address where the training will be conducted.

(10) A representative of the department may, at the department's discretion, attend a training course as an observer to verify that the training course is conducted in accordance with the program approved by the department.

(11) Course sponsors conducting training outside the state of Washington shall reimburse the department for reasonable travel expenses associated with department audits of the training courses. Reasonable travel expenses are defined as current state of Washington per diem and travel allowance rates including airfare and/or surface transportation rates. Such reimbursement shall be paid within thirty days of receipt of the billing notice.

(12) The training course sponsor shall limit each class to a maximum of thirty participants.

(13) The instructor to student ratio shall not exceed one-to-ten for any of the training required by WAC 296-65-005(13).

(14) The department may terminate the training course approval, if in the department's judgment the sponsor fails to maintain the course content and quality as initially approved, or fails to make changes to a course as required by WAC 296-65-015(5). The minimum criteria for withdrawal of training course approval shall include:

(a) Misrepresentation of the extent of training courses approval by a state or EPA;

(b) Failure to submit required information or notification in a timely manner;

(c) Failure to maintain requisite records;

(d) Falsification of accreditation records, instructor qualifications, or other accreditation information; or

(e) Failure to adhere to the training standards and accreditation requirements of chapter 296-65 WAC.

(15) Any "notice of termination of training course approval" issued by the department may act as an order of immediate restraint as described by RCW 49.17.130.

(16) Recordkeeping requirements for training providers: All approved providers of accredited asbestos training courses must comply with the following minimum recordkeeping requirements:

(a) Training course materials. A training provider must retain copies of all instructional materials used in delivery of the classroom training such as student manuals, instructor notebooks and handouts.

(b) Instructor qualifications. A training provider must retain copies of all instructors' resumes, and the documents approving each instructor issued by either EPA or the department. Instructors must be approved by the department before teaching courses for accreditation purposes. A training provider must notify the department in advance whenever it changes course instructors. Records must accurately identify the instructors that taught each particular course for each date that a course is offered.

(c) Examinations. A training provider must document that each person who receives an accreditation certificate for an initial training course has achieved a passing score on the examination. These records must clearly indicate the date upon which the exam was administered, the training course and discipline for which the exam was given, the name of the person who proctored the exam, a copy of the exam, and the name and test score of each person taking the exam. The topic and dates of the training course must correspond to those listed on that person's accreditation certificate.

(d) Accreditation certificates. The training providers shall maintain records that document the names of all persons who have been awarded certificates, their certificate numbers, the disciplines for which accreditation was conferred, training and expiration dates, and the training location. The training provider shall maintain the records in a manner that allows verification by telephone of the required information.

(e) Verification of certificate information. Training providers of refresher training courses shall confirm that their students possess valid accreditation before granting course admission.

(f) Records retention and access.

(i) The training provider shall maintain all required records for a minimum of three years. The training provider, however, may find it advantageous to retain these records for a longer period of time.

(ii) The training provider must allow reasonable access to all of the records required by the MAP, and to any other records which may be required by the department for the approval of asbestos training providers or the accreditation of asbestos training courses, to both EPA and to the department, on request.

(iii) If a training provider ceases to conduct training, the training provider shall notify the department and give it the opportunity to take possession of that provider's asbestos training records.

(17) A representative of the department may, at the department's discretion, provide an examination as a substitution to the examination administered by the training course provider. The examination replacement will be used

to verify that the training course is conducted in accordance with the program approved by the department.

AMENDATORY SECTION (Amending Order 89-10, filed 10/10/89, effective 11/24/89)

WAC 296-65-020 Notification requirements. (1)

Before any person or individual begins an asbestos project involving more than forty-eight square feet or ten linear feet, unless the surface area of the pipe is greater than forty-eight square feet, of asbestos containing material, written notification shall be provided to the department. Notices shall include:

(a) Name and address of the owner and contractor.

(b) Description of the facility including size, age, and prior use of the facility.

(c) Amount of asbestos-containing material to be removed or encapsulated.

(d) Location of the facility.

(e) Exact starting and completion dates of the asbestos project, including shifts during which abatement work will be accomplished. These dates must correspond to the dates specified in the contract. Any change in these dates or work shifts shall be communicated to the department by an amended notice.

(f) Nature of the project and methods used to remove or encapsulate the material.

~~(2) ((Failure to provide such notification will result in the loss of the exemption specified in WAC 296-65-030.~~

~~(3))~~ Notices must be received by the department no later than ten days prior to the start of the project. Notices shall be sent directly to the department of labor and industries regional office having jurisdiction on the project.

~~((4))~~ (3) The director may waive the prenotification requirement upon written request of an owner for large-scale, on-going projects. In granting such a waiver, the director shall require the owner to provide prenotification if significant changes in personnel, methodologies, equipment, work site, or work procedures occur or are likely to occur. The director shall further require annual resubmittal of such notification.

~~((5))~~ (4) The director, upon review of an owner's reports, work practices, or other data available as a result of inspections, audits, or other authorized activities, may reduce the size threshold for prenotification required by this section. Such a change shall be based on the director's determination that significant problems in personnel, methodologies, equipment, work site, or work procedures are creating the potential for violations of this chapter.

~~((6))~~ (5) Emergency projects which disturb or release asbestos into the air shall be reported to the department within three working days after commencement of the project in the manner otherwise required under this chapter. The employees, the employees' collective bargaining representative or employee representative, if any, and other persons at the project area shall be notified of the emergency as soon as possible by the person undertaking the emergency project. A notice describing the nature of the emergency project shall be clearly posted adjacent to the work area.

~~((7))~~ (6) Incremental phasing in the conduct or design of asbestos projects or otherwise conducting or designing asbestos projects of a size less than the threshold exemption

specified in subsection (1) of this section, with the intent of avoiding the notification requirements, is a violation of this chapter.

AMENDATORY SECTION (Amending Order 89-10, filed 10/10/89, effective 11/24/89)

WAC 296-65-030 Methods of compliance. (1) Before submitting a bid or working on an asbestos abatement project, any person or individual shall obtain an asbestos contractor certificate as provided in WAC 296-65-017 and shall have in its employ at least one certified asbestos supervisor responsible for supervising all asbestos projects undertaken by the contractor.

(2) A certified asbestos supervisor will not be required on ~~asbestos~~ projects involving less than ~~((forty-eight))~~ three square feet or ~~((ten-linear))~~ three feet of asbestos-containing material unless the surface area of the pipe is greater than ~~((forty-eight))~~ three square feet.

(3) No employee or other individual is eligible to do work or supervise an asbestos abatement project without being issued a certificate by the department ~~((except, in the case of an asbestos project undertaken by any partnership, firm, association, corporation, or sole proprietorship, and conducted in its own facility and by its own employees under the direct, on-site supervision of a certified asbestos supervisor. This exception does not apply to the state of Washington or its political subdivisions)).~~

(4) No person may assign any employee, contract with, or permit any individual, to remove or encapsulate asbestos in any facility without the project being performed by a certified asbestos worker and under the direct, on-site supervision of a certified asbestos supervisor ~~((, except in the case of an asbestos project undertaken by any partnership, firm, association, corporation, or sole proprietorship, and conducted in its own facility and by its own employees under the direct, on-site supervision of a certified asbestos supervisor)).~~

(5) ~~((Any partnership, firm, association, corporation, or sole proprietorship that begins any construction, renovation, remodeling, maintenance, repair, or demolition project without meeting the requirements of WAC 296-62-07707 and the notification requirements as provided in subsection (6) of this section, shall lose the exemptions provided in subsections (3) and (4) of this section.~~

~~(6) In cases excepted under subsections (3) and (4) of this section:~~

~~(a) Direct, on-site supervision by a certified asbestos supervisor shall be required for asbestos projects performed at one project location by workers who are not certified.~~

~~(b) If a project is conducted using only certified workers, or if a certified worker functions as a foreman or lead person, supervision can be performed in the regular course of a supervisor's duties and need not be direct and on-site.~~

~~(c) The partnership, firm, association, corporation, or sole proprietorship shall annually submit, to the department, a written description which includes at least the following information:~~

~~(i) The kinds of asbestos projects expected to be undertaken during a period of time not to exceed one year from the date of submission;~~

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~~(ii) The procedures to be used in undertaking the asbestos projects;~~

~~(iii) Methods of compliance with applicable department regulations;~~

~~(iv) Methods of compliance with any additional procedures required by law for the safe demolition, removal, encapsulation, salvage, and disposal of asbestos;~~

~~(v) A copy of the written inspection report or statement as required by WAC 296-62-07707; and~~

~~(vi) The name, address and certification number of the supervising certified asbestos supervisor.~~

~~(7) The written descriptions required in this section shall be submitted to the department prior to commencing any project described.~~

~~(8) A further written description must be submitted to the department prior to commencing a project, if previously unidentified or new asbestos projects are proposed during the one year period covered by the written description submitted to the department in accordance with subsection (6) of this section.~~

~~(9) Written descriptions, shall be mailed to:~~

~~Asbestos Certification Program,
Department of Labor and
Industries, HC-412
805 Plum Street S.E.
P.O. Box 207
Olympia, Washington 98504.~~

~~(10) In addition to losing the exemption in subsection (5) of this section, any partnership, firm, association, corporation, or sole proprietorship who fails to comply with subsections (6) through (9) of this section shall be subject to a mandatory fine of not less than two hundred fifty dollars for each violation. Each day the violation continues shall be considered a separate violation. In addition,)) In cases in which an employer conducts an asbestos abatement project in its own facility by its own employees, supervision can be performed in the regular course of a certified asbestos supervisor's duties. Asbestos workers must have access to certified asbestos supervisors throughout the duration of the project.~~

~~(6) Any construction, renovation, remodeling, maintenance, repair, or demolition which was started without meeting the requirements of this section shall be halted immediately and cannot be resumed before meeting such requirements.~~

AMENDATORY SECTION (Amending Order 89-10, filed 10/10/89, effective 11/24/89)

WAC 296-65-050 Denial, suspension, and revocation of certificates. (1) The department may deny, suspend, or revoke a certificate for failure of the holder to comply with any requirement of this chapter or any applicable health and safety standards and regulations.

(2) ~~((In addition to any civil penalty imposed under WAC 296-62-07707 and 296-65-030, the department may suspend or revoke any certificate issued under this chapter for a period of not less than six months upon the following grounds:~~

~~(a) The certificate was obtained through error or fraud;~~

or

~~(b) The holder thereof is judged to be incompetent to carry out the work for which the certificate was issued.~~

~~(3) Before any certificate may be denied, suspended, or revoked, the holder thereof shall be given written notice of the department's intention to do so, mailed by registered mail, return receipt requested, to the holder's last known address. The notice shall enumerate the allegations against such holder and shall give him or her the opportunity to request a conference before the department. At such conference, the department and the holder shall have opportunity to produce witnesses and give testimony.)) The criteria for decertification for asbestos workers, supervisors, and contractors shall include:~~

~~(a) Performing work requiring accreditation at a job site without being in physical possession of initial and current accreditation certificates;~~

~~(b) Permitting the duplication or use of one's own accreditation certificate by another;~~

~~(c) Performing work for which accreditation has not been received; or~~

~~(d) Obtaining accreditation from a training provider that does not have approval to offer training for the particular discipline from either EPA or from a state that has a contractor accreditation plan at least as stringent as the EPA MAP.~~

~~(3) The following persons are not certified for the purposes of this chapter and their respective certificate(s) shall be revoked by the department:~~

~~(a) Any person who obtains accreditation through fraudulent representation of training or examination documents;~~

~~(b) Any person who obtains training documentation through fraudulent means;~~

~~(c) Any person who gains admission to and completes refresher training through fraudulent representation of initial or previous refresher training documentation; or~~

~~(d) Any person who obtains accreditation through fraudulent representation of accreditation requirements such as education, training, professional registration, or experience.~~

~~(4) Before any certificate may be denied, suspended, or revoked, the holder thereof shall be given written notice of the department's intention to do so, mailed by registered mail, return receipt requested, to the holder's last known address. The notice shall enumerate the allegations against such holder and shall give him or her the opportunity to request a conference before the department. At such conference, the department and the holder shall have opportunity to produce witnesses and give testimony.~~

~~(5) A denial, suspension, or revocation order may be appealed to the board of industrial insurance appeals within fifteen working days after the denial, suspension, or revocation order is entered. The notice of appeal may be filed with the department or the board of industrial insurance appeals. The board of industrial insurance appeals shall hold the hearing in accordance with procedures established in RCW 49.17.140. Any party aggrieved by an order of the board of industrial insurance appeals may obtain superior court review in the manner provided in RCW 49.17.150.~~

~~(6) The department may suspend or revoke any certificate issued under this chapter for a period of not less than six months upon the following grounds:~~

(a) The certificate was obtained through error or fraud;

or

(b) The holder thereof is judged to be incompetent to carry out the work for which the certificate was issued.

WSR 95-22-111
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)

[Filed November 1, 1995, 11:55 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-18-098.

Title of Rule: Personal use rules.

Purpose: Amend personal use rules.

Statutory Authority for Adoption: RCW 75.08.080.

Statute Being Implemented: RCW 75.08.080.

Summary: WAC 220-16-320, change fish length from overall length to tip of nose to inside fork of tail. This proposal is intended to reduce confusion in measuring immature chinook. This proposal would require a restructure of the existing database.

WAC 220-55-005, 220-55-010, 220-55-050, 220-55-055, 220-55-075 and 220-55-110, these rules are changed to reflect the 1994 legislative change that made all two-day licenses into three-day licenses. There are no anticipated effects.

WAC 220-56-100, the definition of when a person is out of the field is changed from "in" a residence to "at" a residence. This provides that a person within the curtilage has left the field. This change should have no effect.

WAC 220-56-105, define Deschutes River boundary as above hatchery. Capitol Lake rules will apply from the closed area at the hatchery to saltwater. This will reduce confusion about where Capitol Lake ends.

WAC 220-56-115, three proposals: (a) Use of salmon or steelhead roe as bait is prohibited. This proposal is intended to reduce taking these fish for roe only. It would eliminate the charter boat salmon roe license; (b) prohibit use of treble hooks to take food fish. This proposal is intended to eliminate snagging. It would prohibit a wide variety of lures and eliminate baitfish jigger gear using treble hooks; (c) allow multiple rods provided there are no unlicensed persons aboard. This proposal intends that a limit of salmon be taken as quickly as possible. This could increase hooking and handling mortality.

WAC 220-56-116, add Columbia River above Priest Rapids Dam, Snake, Wind and White Salmon rivers and Drano Lake. Protection of critical stocks. This proposal is expected to have no effect, as fisheries on these stocks use attended gear.

WAC 220-56-124, increase hatchery zone fishery. This will decrease the concentration of fishers at the hatchery outlet. This should provide for a more orderly fishery.

WAC 220-56-189, establish marine selective fisheries for salmon. This proposal requires use of light impact gear and fishing ends when the daily limit is retained. This is intended to save chinook and coho salmon. It may be

difficult for fishers to comply with this rule, as adjoining waters will be open under very different harvest regimes.

WAC 220-56-190, two proposals: (a) Coho minimum size length of 18 inches. This proposal is intended to allow coho salmon to grow. It would reduce recreational take of coho in saltwater; (b) retain all legal salmon taken while trolling. This proposal assumes troll caught fish will not survive. Fisher disregard of this rule is anticipated.

WAC 220-56-191, two proposals: (a) Increase chinook minimum size to 24 inches and establish coho salmon size limit of 18 inches. This proposal is intended to encourage catch and release and give coho a chance to grow. This proposal would have a significant effect on winter blackmouth fishing and increase hooking mortality; (b) open a year-round salmon bank fishery for seniors and juveniles. This is intended to provide additional fishing opportunity. This proposal fails to consider conservation closures.

WAC 220-56-192, annual salmon personal use limit of 15 spring chinook and 20 salmon total. Spread out fishing opportunity. As many spring chinook are taken as winter blackmouth, this would be difficult to enforce.

WAC 220-56-195, two proposals: (a) Extend Dungeness Bay closure. Provide chinook protection in outer area where chinook are known to mill. Will assist recovery of Dungeness River origin chinook, a critically depressed stock; (b) close area at mouth of Pipers Creek. Protect chum salmon returning to Pipers Creek. Assist in rebuilding the chum salmon run by providing protection in the adjacent saltwater area.

WAC 220-56-205, additional waters added to nonbuoyant lure/night fishing restriction list. There have been certain waters identified where snagging is occurring. This proposal would establish an orderly fishery in these waters.

WAC 220-56-225, close all salmon fishing at night. This proposal is intended to reduce poaching. This rule is unenforceable, as it is impossible to determine what a fisher is fishing for until a fish is taken, and trout fishing at night remains open.

WAC 220-56-235, five proposals: (a) 2-fish lingcod limit in ocean waters. Reduce lingcod harvest. This will have little effect as most ocean lingcod are taken in the commercial harvest; (b) ocean lingcod and rockfish season May 1 through October 31. Conserve stocks. As this period coincides with the recreational season on the ocean, little savings are anticipated; (c) reduce ocean rockfish daily limit to 8 fish. Rockfish conservation. May increase sorting; (d) eliminate aggregate daily limit for bottomfish in Puget Sound. Will allow for greater harvest of lightly targeted species. Will increase recreational opportunity; (e) cabezon release in Puget Sound December 1 through May 31. Protect spawning cabezon. The status of whether a cabezon will return to the brood nest once removed is unknown.

WAC 220-56-240, two proposals: (a) Sturgeon catch and release above Bonneville Dam. This will protect sturgeon. This proposal puts Washington at odds with Oregon rules in concurrent waters; (b) change sturgeon yearly limit to 15 fish. The statutory maximum is 15 fish annually, but severe pressure has caused Oregon and Washington to agree on a 10 fish limit. This proposal would put the two states at odds.

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WAC 220-56-310, increase razor clam limit to 24. Person proposing this rule stated the intent was to prevent double tripping. As double tripping is currently illegal, this proposal will simply allow clam poachers to take more when they double trip.

WAC 220-56-325, two proposals: (a) Continuous fishery in Hood Canal. Would allow persons to continue to fish until seasonal limit taken. Would reduce participation to persons who could take time off to fish every day; (b) open general shrimp season the third Saturday in April instead of April 16th. Allows greater participation. May open recreational shrimp fishery after commercial shrimp fishery.

WAC 220-56-326, require separate containers for shrimp. Provide better identification of shrimp fishers. This would ease enforcement.

WAC 220-56-330, crab seasons. This proposal shows the form of a crab season that would distribute crab in 1997, when 50-50 allocation will take effect. This proposal is to generate public comment, but will not be proposed for 1996, while 60-40 allocation is in effect.

WAC 220-56-350, clam beach season adjustments. This section is opened for amendment as soon as the beach surveys are complete. It is anticipated that a list will be distributed at the public hearings.

WAC 220-56-372, adjust boundary of Copalis Beach razor clam sanctuary. Reestablish study site as the current site has been damaged by movement of Conner Creek. Small harvest area will be closed to recreational harvest.

WAC 220-56-380, two proposals: (a) Close oysters during summer months. Spawning oysters are not good to eat. Oyster quality varies; (b) oyster beach season adjustments. This section is opened for amendment as soon as the beach surveys are complete. It is anticipated that a list will be distributed at the public hearings.

WAC 220-56-420, crawfish minimum size and gravid female release. Crawfish protective measures. Conforms recreational and commercial harvest practices.

Chapters 220-57 and 220-57A WAC, numerous rivers and Lake Washington and the ship canal are opened up for potential modification through the Pacific Fisheries Management Council "North of Falcon" process. Testimony will be taken regarding preferences for possible seasons and closures. In addition, specific proposals have been received for the following waters:

WAC 220-57-137, extend Carbon River salmon season into December. Allows for chum harvest. Additional recreational opportunity.

WAC 220-57-187, establish season on Deep River. Fall chinook and chum salmon available. Additional recreational opportunity.

WAC 220-57-190, Deschutes River description change. Eliminate confusion over boundary between river and Capitol Lake.

WAC 220-57-215, Dungeness River closed. Person proposing rule states that restrictions makes it virtually impossible to catch a keeper. Will eliminate coho fishery.

WAC 220-57-340, release Nemah River chinook and delay coho fishery. Provide hatchery escapement and reduce snagging. Nemah River chinook escapement is unpredictable at this time and the Nemah system is proposed for

nonbuoyant lure/night fishing restrictions, see WAC 220-56-205.

WAC 220-57-370, extend Puyallup River salmon season into December. Allows for chum harvest. Additional recreational opportunity.

WAC 220-57-410, Sammamish River catch and release June 1 through October 31. Provide additional recreational opportunity. Catch and release will cause hooking mortality on depressed stocks.

WAC 220-57-465, coordinate closed area. Match gamefish and food fish rules. No anticipated effect.

WAC 220-57-473, close North Fork Tilton River to salmon fishing. Protect wild fish as hatchery plants have been discontinued. Slight reduction in fishing opportunity.

WAC 220-57A-001 and 220-57A-035, change Lake Chelan to have chinook salmon count in gamefish daily limit. Conforms Lake Chelan with all other salmon lake fisheries. Will reduce daily limit.

Reasons Supporting Proposal: See Summary above.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, WA, 902-2930; Implementation: Bruce Crawford, 1111 Washington Street, Olympia, WA, 902-2325; and Enforcement: Dayna Matthews, 1111 Washington Street, Olympia, WA, 902-2926.

Name of Proponent: Washington State Department of Fish and Wildlife and multiple private parties, 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 has been prepared under chapter 19.85 RCW. These rules affect recreational fishing and have no effect on small businesses.

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

Hearing Location: The department will hold two hearings beginning at 10:00 a.m., Saturday, December 9, 1995, at the following locations: At the Labor and Industries Auditorium, 7273 Linderson Way S.E., Tumwater, WA; and at the Grant County Public Utility District Conference Room, 312 West 3rd Avenue, Moses Lake, WA.

Assistance for Persons with Disabilities: Contact Robin Ayers by November 24, 1995, TDD (360) 902-2207, or (360) 902-2933.

Submit Written Comments to: Evan Jacoby, Washington State Department of Fish and Wildlife, 600 Capitol Way, Olympia, WA 98501, by December 7, 1995.

Date of Intended Adoption: February 3, 1996.

November 1, 1995
Evan Jacoby
for Robert Turner
Director

AMENDATORY SECTION (Amending Order 817, filed 5/29/69)

WAC 220-16-320 General definitions—Fish length measurement. The length of a fish, unless otherwise provided, is defined as the shortest distance between the ~~((extreme tip))~~ inside of the "v" of the tail fork and extreme tip of the snout or jaw, whichever extends the farthest, measured while the fish is lying in a prone and normal position.

AMENDATORY SECTION (Amending WSR 94-01-001, filed 12/1/93, effective 1/1/94)

WAC 220-55-005 Personal use food fish license. A personal use food fish license is a license card issued by the department and shall be color coded to designate resident, nonresident, ~~((two))~~ three consecutive day, or senior citizen. The license is invalid unless the fisher identification information on the license has been completed and the fisher has signed the license. A license is invalid for taking salmon and other food fish from Catch Record Card Areas 5 through 13 and Lake Washington unless a recreational fisheries enhancement stamp has been permanently affixed to a license card in the space provided, and that license is in the physical possession of the fisher except that a recreational fisheries enhancement stamp is not required for ~~((two))~~ three consecutive day licenses, five-year disability licenses or for any licenses issued at no cost. Any fisher who has filled a salmon catch record card and purchased another personal use food fish license in order to continue fishing for salmon need not purchase a second recreational fisheries enhancement stamp, provided the fisher has the original license card with recreational fisheries enhancement stamp attached in the fisher's possession.

AMENDATORY SECTION (Amending WSR 94-01-001, filed 12/1/93, effective 1/1/94)

WAC 220-55-010 Personal use shellfish and seaweed license. A personal use shellfish and seaweed license shall consist of a tag printed and issued by the department. The license shall be provided with an opening for attachment or display on outer clothing and shall be color-coded to designate resident, nonresident, ~~((two))~~ three consecutive day or senior citizen. The license shall be invalid unless the harvester information on the license has been completed and the harvester has signed the license.

AMENDATORY SECTION (Amending WSR 94-01-001, filed 12/1/93, effective 1/1/94)

WAC 220-55-050 ~~((Two))~~ Three consecutive day license validation date. On a ~~((two))~~ three consecutive day personal use food fish or shellfish and seaweed license, the validation date is the first date on which an angler may fish for, harvest or possess food fish and shellfish.

AMENDATORY SECTION (Amending WSR 94-01-001, filed 12/1/93, effective 1/1/94)

WAC 220-55-055 Personal use license and catch record card expiration. The expiration date for all personal use licenses and catch record cards is December 31st of the

year printed on the license or catch record card, except a ~~((two))~~ three consecutive day license expires at midnight of the day after the validation date or December 31st, whichever occurs first, and a disability license expires five years after the date of issue.

AMENDATORY SECTION (Amending WSR 94-01-001, filed 12/1/93, effective 1/1/94)

WAC 220-55-075 Recreational fisheries enhancement stamp. (1) The annual recreational fisheries enhancement surcharge required by RCW 75.54.140, is administered by the department as a recreational fisheries enhancement stamp.

(2) The recreational fisheries enhancement stamp is a stamp issued by the department, which is required to be affixed to an annual license for which there is a cost prior to the fisher fishing for salmon or other food fish in Catch Record Card Areas 5 through 13 or Lake Washington.

(3) A recreational fisheries enhancement stamp is not required for ~~((two))~~ three consecutive day licenses, five year disability licenses, or any license issued at no cost.

AMENDATORY SECTION (Amending WSR 94-01-001, filed 12/1/93, effective 1/1/94)

WAC 220-55-110 ~~((Two))~~ Three consecutive day license and catch record card—License dealer issuance duties. (1) A personal use license dealer must, at the time of sale of a ~~((two))~~ three consecutive day license, write the validation date in ink on the license document. The validation date is the first day on which a licensee may fish for, harvest or possess food fish or shellfish.

(2) A personal use license dealer must, at the time of distribution of a catch record card, record in ink the number of the catch record card in the appropriate space on the personal use food fish license, if a personal use food fish license is required for the fisher.

AMENDATORY SECTION (Amending Order 95-10, filed 1/30/95, effective 5/1/95)

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.

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.

Deschutes River - A line projected across the river 400 feet below the lower Tumwater Falls fish ladder.

Drano Lake - Highway 14 Bridge.

Duwamish River - First Avenue South Bridge.

Elk River - Highway 105 Bridge.

Entiat River - Highway 97 Bridge.

Hoquiam 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 - A line 400 feet west of the fish ladder at the Chittenden Locks.

Lewis River - A straight line running from a boundary marker on a piling at Austin Point southerly across the Lewis River to a boundary marker on the opposite shore.

Methow River - Highway 97 Bridge.

Naselle River - Highway 101 Bridge.

North Nemah River - 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 - 68th Avenue NE Bridge.

Skagit River - A line projected from the terminus of the jetty with McGlenn 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 - Markers downstream of the Burlington Northern Railroad Bridge.

Little White Salmon River - At boundary markers on river bank downstream from the federal salmon hatchery.

Willapa River - South Bend boat launch.

Wind River - Boundary line markers at mouth.

Yakima River - Highway 240 Bridge.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

WAC 220-56-195 Closed areas—Saltwater salmon angling. The following areas shall be closed to salmon angling during the times indicated:

(1) Skagit Bay: Those waters lying easterly of a line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island, northerly of a line projected from Polnell Point to Rocky Point, northerly of the state Highway 532 Bridge between Camano Island and the mainland and south of a line between the south end of McGlenn Island and the light at the south end of Fidalgo Island (Qk Fl) at the south end of Swinomish Slough shall be closed to salmon angling April 16 through June 15.

(2) Bellingham Bay: Those waters of Bellingham, Samish and Padilla Bays southerly of a line projected from the most westerly point of Gooseberry Point to Sandy Point, easterly of a line from Sandy Point to Point Migley thence along the eastern shoreline of Lummi Island to Carter Point, thence to the most northerly tip of Vendovi Island thence to Clark Point on Guemes Island following the shoreline to Southeast Point on Guemes Island thence to March Point on Fidalgo Island and north of the Burlington Railroad Bridges at the north end of Swinomish Slough shall be closed to salmon angling April 16 through July 31.

(3) Carr Inlet:

(a) Those waters north of a line from Green Point to Penrose Point are closed to salmon angling from April 16 through July 31.

(b) Those waters of Carr Inlet within 1,000 feet of the outer oyster stakes at the mouth of Minter Creek are closed to salmon angling April 16 through September 30.

(c) Those waters of Carr Inlet and Hale Passage north of a line from Penrose Point to the Carr Inlet Acoustic Range Naval Facility Pier and northwesterly of the Fox Island Bridge shall be closed to salmon angling from April 16 through June 15.

(4) Dungeness Bay: Those waters westerly of a line (~~projected 155 degrees true~~) from Dungeness Spit Light to (~~Kulakala Point~~) the number 2 red buoy, and then to the Port Williams boat ramp are closed to salmon angling April 16 through June 30.

(5) Samish Bay: Those waters southerly of a line projected true east from Fish Point are closed to salmon angling August 1 through October 15.

(6) Port Susan: Those waters of Port Susan north of a line from Camano Head to Hermosa Point are closed to salmon angling April 16 through September 30 except waters of the Tulalip Special Area Fishery as provided for in WAC 220-56-191 (4)(a).

(7) Columbia River Mouth Control Zone 1: Washington waters within Control Zone 1, which Control Zone is described as the ocean area surrounding the Columbia River mouth west of the Buoy 10 line and bounded by a line

extending for 6 nautical miles due west from North Head along 46°18'00" N. latitude to 124°13'18" W. longitude, then southerly along a line of 167° true to 46°11'06" N. latitude and 124°11'00" W. longitude (Columbia River Buoy), then northeast along Red Buoy Line to the tip of the south jetty are closed to salmon angling at all times except open to fishing from the north jetty when adjacent waters north of the Control Zone are open to salmon angling or the Buoy 10 fishery is open.

(8) Commencement Bay: Those waters east of a line projected from the Sperry Ocean Dock to landfall below the Cliff House Restaurant on the north shore of Commencement Bay are closed from April 16 through June 30.

(9) Mouth of Pipers Creek - Waters of Puget Sound within 1/2 mile north and south of the Carkeek Park overpass and within 600 feet of shore.

AMENDATORY SECTION (Amending Order 95-10, filed 1/30/95, effective 5/1/95)

WAC 220-56-100 Definitions—Personal use. (1) "Daily limit" means the maximum number or pounds of food fish, shellfish or seaweed of the required size of a given species or aggregate of species which a person may legally retain in a single day.

(2) "Possession limit" means the number of daily limits allowed to be retained in the field or in transit.

"In the field or in transit" means any place other than ((#)) at the residence or residential equivalency of the harvester or ((#)) at a residence where the harvester is an invited guest. A residential equivalency is any temporary domicile that has sleeping, cooking and toilet facilities, and includes hotels and motels, motorhomes, the living quarters of vessels so equipped, camp trailers, and enclosed areas within fishing and hunting camps where a reasonable expectation of privacy is demonstrated, but does not include cold storage lockers, charter boats, or public facilities.

(3) "Hook" means one single, double or treble hook. A "single hook" means a hook having a single point. A "double hook" means a hook having two points on a common shank. A "treble hook" means a hook having three points on a common shank. "Barbless hook" means a hook on which all barbs have been deleted when manufactured or filed off or pinched down.

(4) "Lure" means a manufactured article constructed of feathers, hair, fiber, wood, metal, glass, cork, leather, rubber, or plastic which does not use scent and/or flavoring to attract fish.

"Nonbuoyant lure" means a lure complete with hooks, swivels or other attachments, which does not float in freshwater.

"Bait" means any substance which attracts fish by scent and/or flavors. Bait includes any device made of feathers, hair, fiber, wood, metal, glass, cork, leather, rubber, or plastic which uses scent and/or flavoring to attract fish.

(5) The term "processed" as it applies in this chapter is defined as food fish or shellfish which have been processed by heat for human consumption as kippered, smoked, or canned fish and is exclusive of iced, frozen, or salted fish.

(6) The term "fresh fish" is defined as salmon or other food fish which has not been processed by heat for human consumption and is inclusive of iced, frozen, or salted fish

except that fresh fish as provided in WAC 220-56-180 shall not include frozen.

(7) "Hook and line" or "angling" shall be identical in meaning and, except as provided in WAC 220-56-115, shall be defined as the use of not more than one line with three hooks in the act of fishing for personal use and not for sale or barter, to be attached to a pole held in hand while landing fish, or the use of a hand-operated line without rod or reel, to which may be attached not more than three hooks. When fishing for bottomfish, "angling" and "jigging" shall be identical in meaning.

(8) "Snagging" means an effort to take fish with a hook and line in a manner that the fish does not take the hook or hooks voluntarily in its mouth.

"Gaffing" means an effort to take fish by impaling the fish with a hook attached directly to a pole or other device.

"Spearing" or "spear fishing" means an effort to take fish by impaling the fish on a shaft, arrow, or other device.

(9) The term "bow and arrow fishing" is defined as any method of taking, or attempting to take, food fish by the use of an arrow equipped with a barbed head and a line attached, and propelled by a bow, as in the sport of archery, while the fisher is above the surface of the water.

(10) The term "freshwater area" means, for purposes of this chapter:

(a) Within any freshwater river, lake, stream, or pond.

(b) On the bank or within 10 yards of any freshwater river, lake, stream, or pond.

(c) On or within any boat launch, ramp, or parking facility associated with any freshwater river, lake, stream, or pond.

(11) The term "Bonilla-Tatoosh Line" is defined as a line projected from the most westerly point on Cape Flattery to the lighthouse on Tatoosh Island to the buoy adjacent Duntz Rock then to Bonilla Point on Vancouver Island.

(12) The term "Buoy 10 Line" is defined as a true north-south line projected through Buoy 10 near the mouth of the Columbia River.

(13) The term "Buoy 10 Fishery" is defined as a fishery between the down stream side of the Megler-Astoria Bridge and the Buoy 10 Line.

(14) The term "Channel Marker 13 Line" is defined as a true north-south line through Grays Harbor Channel Marker 13.

AMENDATORY SECTION (Amending Order 95-10, filed 1/30/95, effective 5/1/95)

WAC 220-56-115 Angling—Lawful and unlawful acts. (1) It is unlawful for any person to use more than one line with three hooks while angling for food fish for personal use except:

(a) It is unlawful to use more than two hooks while fishing for bottomfish or halibut.

(b) It is lawful to use baitfish jigger gear as provided for in WAC 220-56-265 and squid jig gear as provided for in WAC 220-56-390.

(c) A second line using baitfish jigger gear is lawful while fishing in Catch Record Card Areas 5, 6, 7, 8-1, 8-2, 9, 10, 11, 12, and 13.

(2) It shall be unlawful for any person to take, fish for or possess food fish taken for personal use by any means

other than angling with a line attached to a pole held in hand while landing the fish or with a hand-operated line without rod or reel except as follows:

(a) It is lawful to leave the pole in a pole holder while playing or landing the fish if the pole is capable of being readily removed from the pole holder.

(b) It is lawful to use an electric power-operated reel designed for sport fishing attached to a pole.

(c) It is lawful to fish for or possess salmon taken for personal use with hand lines (lines not attached to a handheld pole) except use of hand lines is unlawful in those waters west of the mouth of the Sekiu River, the Pacific Ocean, Washington waters at the mouth of the Columbia River west of a line projected true north and south through Buoy 10, Grays Harbor, and Willapa Bay.

(3) It shall be unlawful for any person while angling for food fish to fail to keep his angling gear under his direct and immediate physical control.

(4) It is unlawful to use or possess salmon or steelhead roe for bait while fishing for salmon.

(5) It is unlawful to use treble hooks to fish for food fish.

(6) Fishers may use any number of lines while fishing from a boat provided that if any person aboard is unlicensed, the total number of rods may not exceed the number of licensed anglers.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

WAC 220-56-124 Unlawful provisions—Hoodspout Hatchery. During the period October 16 through December 15, those waters of Catch Record Card Area 12 within a ~~(1,000)~~ 2,000 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) Special daily limit of three chum salmon.

(3) During the period October 16 through December 15 it is unlawful to fish for or possess salmon taken from these waters from 8:00 p.m. to 6:00 a.m.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

WAC 220-56-190 Coastal salmon—Saltwater seasons and daily limits. It shall be unlawful to take, fish for or possess salmon taken by angling for personal use except from the following coastal areas, during the seasons, in the quantities, sizes and for the species designated in this section and as defined in the daily limit codes in WAC 220-56-180. In all fisheries provided for in this section, coho salmon minimum size eighteen inches:

(1) Catch Record Card Areas 1 and 2 - Open July 24 through September 28 - Daily Limit F except release chinook salmon. Open Sunday through Thursday only. Closed within three miles of shore. Cumulative limit of no more than four salmon in any seven consecutive days.

(2) Catch Record Card Area 3 - Open August 1 through September 28 - Daily Limit F except release chinook salmon. Open Sunday through Thursday only. Closed within three miles of shore.

(3) Catch Record Card Area 4 and those waters of the Strait of Juan de Fuca west of the mouth of the Sekiu River - Open August 1 through September 28 - Daily Limit F except release chinook salmon. Area 4 is closed within three miles of shore in those waters south of Skagway Rock.

(4) Grays Harbor (Catch Record Card Area 2-2) (a) Daily Limit A - August 16 through January 31 in the Westport boat basin only. (b) Daily Limit A - September 16 through January 31: Waters of Catch Record Card Area 2-2 east of the Channel Marker 13 Line.

(5) Willapa Bay (Catch Record Card Area 2-1) Daily Limit A - August 16 through January 31.

(6) In all fisheries provided for in this section fishers are required to retain all chinook and coho of lawful size if such chinook and coho were taken while trolling.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

WAC 220-56-191 Puget Sound salmon—Saltwater seasons and daily limits. It is unlawful to fish for or possess salmon taken by angling for personal use except from the following Puget Sound areas, during the seasons, in the quantities, sizes, and for the species designated in this section and as defined in the daily limit codes in WAC 220-56-180. Puget Sound waters west of the mouth of the Sekiu River are managed concurrent with ocean waters as provided for in WAC 220-56-190. In all fisheries provided for in this section, chinook salmon minimum size ~~((22))~~ 24 inches, coho salmon minimum size 22 inches and no minimum size for other salmon.

(1) Catch Record Card Areas 5 and 6 -

(a) Special daily limit of 2 salmon April 16 through June 15 except all chinook salmon greater than 30 inches in length must be released.

(b) During the period April 16 through September 10, Dungeness Bay is closed to salmon angling.

(c) August 5 through September 10 - Special daily limit of 2 salmon; release all chinook and coho salmon.

(d) October 1 through October 31 in Dungeness Bay - Special daily limit of 2 coho salmon.

(e) November 1 through November 30 - Special daily limit of 2 salmon; release all coho; Dungeness Bay closed.

(f) December 1 through April 15 - Special daily limit of 2 salmon. Dungeness Bay closed December 1 through December 31.

(2) Catch Record Card Area 7:

(a) April 16 through July 31 - Special daily limit of 2 salmon. During the period April 16 through June 15 all chinook salmon greater than 30 inches in length must be released.

(b) August 1 through September 30 - Special daily limit of 4 salmon no more than 2 of which may be any combination of chinook and coho salmon.

(c) October 1 through April 15 - Special daily limit of 2 salmon except that during the period October 1 through December 31 the special daily limit in Bellingham Bay is 4 salmon no more than 2 of which may be any combination of chinook and coho salmon.

(3) Catch Record Card Area 8-1:

(a) May 1 through August 15 - Open only in those waters of Oak Harbor west of a line from Forbes Point to

Blowers Bluff (Oak Harbor). Special daily limit of 2 salmon.

(b) August 16 through September 15 - Special daily limit of 4 pink salmon except Oak Harbor special daily limit of 2 salmon.

(c) September 16 through October 31 - Open only in Oak Harbor - Special daily limit of 2 salmon.

(d) November 1 through April 30 - Special daily limit of 2 salmon.

(4) Catch Record Card Area 8-2:

(a) August 1 through September 30 - Open in those waters adjacent to Tulalip Bay west of a line from Mission Point to Hermosa Point and within 2,000 feet from shore between the pilings at Old Bowers Resort northerly to a fishing boundary marker approximately 1.4 miles northwest of Hermosa Point (Tulalip Special Area Fishery). Daily limit of 4 salmon no more than 2 of which may be any combination of chinook or coho.

(b) August 1 through September 30 - Open in waters other than Tulalip Special Area Fishery - Special daily limit of 4 salmon, of which no more than 2 may be coho salmon. Chinook salmon must be released.

(c) October 1 through April 30 - Special daily limit of 2 salmon.

(5) Catch Record Card Area 9:

(a) May 1 through July 4 - Special daily limit of 2 salmon.

(b) August 1 through September 4 - Special daily limit of 2 pink salmon.

(c) October 16 through October 31 - Special daily limit of 2 salmon except release coho salmon.

(d) November 1 through April 30 - Special daily limit of 2 salmon.

(e) Notwithstanding the provisions of this subsection, salmon fishing is permitted year-around from the Edmonds Fishing Pier - Special daily limit of 2 salmon and all salmon species may be retained.

(f) Notwithstanding the provisions of this subsection, those waters of Port Gamble south of a line from the Point Julia Dock true west to the mainland - Open September 1 through October 31 - Special daily limit of 2 salmon.

(6) Catch Record Card Area 10:

(a) October 16 through July 4 - Daily limit of 2 salmon except waters of Shilshole Bay inside a line from Meadow Point to West Point are closed October 16 through April 30.

(b) July 5 through August 31 - Open only in those waters west of a line from Indianola Dock to Point Monroe and northwest of a line from Beans Point to Orchard Point and those waters south of a line from Restoration Point to Alki Point except after July 31 only waters south of the Restoration Point - Alki Point line are open. Daily limit of 2 salmon.

(c) September 1 through October 15 - Open only in those waters south of a line from Skiff Point to West Point and east of a line from Beans Point to Orchard Point, except release chinook salmon taken in those waters of Elliott Bay east of a line from Duwamish Head to Pier 91. Daily limit of 2 salmon.

(e) Notwithstanding the provisions of this subsection, salmon fishing is permitted year-around from Piers 62, 63, 86 and Seacrest Pier - Special daily limit of 2 salmon and all salmon species may be retained.

(7) Catch Record Card Area 11 - May 1 through April 30 - Daily limit of 2 salmon.

(8) Catch Record Card Area 12 - November 1 through April 30 - Daily limit of 2 salmon except waters of the Hoodport Hatchery Zone provided for in WAC 220-56-124.

(9) Catch Record Card Area 13 - May 1 through April 30 - Daily limit of 2 salmon.

(10) In the above waters there are specified closures as provided for in WAC 220-56-128 and 220-56-195. Additionally, there are gear and area restrictions at Shilshole Bay, the Duwamish Waterway, and Budd Inlet, and at Titlow Beach and the Edmonds underwater park and the Elliott Bay, Les Davis, and Des Moines public fishing piers. See specific sections in chapter 220-56 WAC for salmon angling restrictions at these locations.

(11) Notwithstanding the provisions of this section, bank angling is open for juvenile and senior fishers year around - Daily limit of 2 salmon.

AMENDATORY SECTION (Amending Order 95-10, filed 1/30/95, effective 5/1/95)

WAC 220-56-235 Possession limits—Bottomfish. It is unlawful for any person to take in any day more than the following quantities of bottomfish for personal use. The possession limit at any time shall not exceed the equivalent of two daily limits of fresh bottomfish. Additional bottomfish may be possessed in a frozen or processed form. Unless otherwise provided bottomfish fishing is open the entire year.

(1) Coastal (Catch Record Card Areas 1 through 4):

(a) Lingcod:

~~((i)) 3 fish minimum length 22 inches in Catch Record Card Areas 1 through 3 and Area 4 west of the Bonilla-Tatoosh line;~~

~~((ii)) 2 fish minimum length 22 inches ((in Catch Record Card Area 4 east of the Bonilla-Tatoosh line)) - open May 1 through October 31.~~

(b) Rockfish - ~~((40))~~ 8 fish - open May 1 through October 31.

(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) Catch Record Card Areas 5 and 6 - ((15 fish in the aggregate of all species and species groups of bottomfish, which may include no more than:))~~

Rockfish ~~((5))~~ 1 fish

Surfperch 10 fish

Pacific cod 15 fish

Pollock 15 fish

Flatfish (except halibut) 15 fish

Lingcod 1 fish

Wolf-eel 2 fish

Cabezon 2 fish

~~(b) Catch Record Card Area 7 - ((15 fish in the aggregate of all species of bottomfish, which may include no more than:))~~

Rockfish ~~((5))~~ 1 fish

PROPOSED

Surfperch	10 fish
Pacific cod	15 fish
Flatfish (except halibut)	15 fish
Lingcod	1 fish
Wolf-eel	0 fish
Cabezon	2 fish

(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	((3)) 1 fish
Surfperch	10 fish
Pacific cod	2 fish
Pollock	5 fish
Flatfish (except halibut)	15 fish
Lingcod	1 fish
Wolf-eel	0 fish
Cabezon	2 fish

(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 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 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.

(g) It is unlawful to retain cabezon taken from Catch Record Card Areas 5 through 13 from December 1 through May 31.

AMENDATORY SECTION (Amending Order 95-10, filed 1/30/95, effective 5/1/95)

WAC 220-56-310 Shellfish—Daily 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))~~ 24 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: Closed state-wide.

(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: 6 crabs.~~

~~((20)))~~ Blue mussels and sea mussels: 10 pounds in the shell.

~~((21)))~~ (19) Goose barnacles: 10 pounds of whole barnacles or 5 pounds of barnacle stalks.

~~((22)))~~ (20) Ghost and mud shrimp: 10 dozen.

AMENDATORY SECTION (Amending Order 93-20, filed 3/31/93, effective 5/1/93)

WAC 220-56-330 Crab—Areas ~~((and))~~, seasons daily limits and gear restrictions. (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 seasons provided for in this section. ~~((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.))~~

(2) Catch Record Card Area 9 in Hood Canal south of a line from Foulweather Bluff to Olele Point and Areas 12 and 13: Open Thursday through Tuesday only - April 16 through May 31 - one ring net per fisher; June 1 through August 31 - two units of gear per fisher; September 1 through April 15 - one unit of gear per fisher. Daily limit is four Dungeness crab and six red rock crab.

(3) Catch Record Card Area 7: April 16 through July 14 - maximum two ring nets per fisher, closed to shellfish pot gear; July 15 through April 15 - two units of gear per fisher. Daily limit is five Dungeness crab and six red rock crab.

(4) Catch Record Card Areas 4, 5, 6, 8, 9 and 10 north of a line from Foulweather Bluff to Olele Point: Open Thursday through Monday only - April 16 through July 14 - maximum two ring nets per fisher, closed to shellfish pot gear; July 15 through April 15 - two units of gear per fisher. Daily limit is five Dungeness crab and six red rock crab. 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))~~ (5) 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))~~ (6) 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))~~ (7) 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. Ring net gear may be used during daylight hours.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

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 public tidelands at the following beaches are closed unless otherwise provided:

(a) Brown Point - (~~DNR Beach 57-B is open April 1 through August 15.~~) Closed the entire year.

(b) Cama Beach State Park: Closed the entire year.

(c) Camano Island State Park: Open June 1 through June 30.

(d) Dabob Bay - All state-owned tidelands in Dabob Bay north of a line drawn from Camp Harmony to Lindsays Beach are closed to the harvest of clams the entire year except as follows: State-owned tidelands from a row of tires at Camp Discovery south approximately 2,000 feet to a second row of tires, and state-owned tidelands beginning approximately 3/4 mile north of Camp Harmony extending approximately 1,200 feet north.

(e) Duckabush - All state-owned tidelands on the west shore of Hood Canal from Quatsap Point to the south end of the Duckabush flats are closed to the harvest of clams.

(f) Eagle Creek: Open January 1 through May 15.

(g) Fort Flagler State Park: Open April 1 through June 30.

(h) Garrison Bay: Tidelands at Guss Island and those tidelands at British camp between the National Park Service dinghy dock at the north end and the park boundary at the south end are closed the entire year.

(i) Hoodsport: Tidelands at Hoodsport Salmon Hatchery are closed the entire year.

(j) Hope Island State Park (South Puget Sound): Open April 1 through June 15.

(k) Illahee State Park: Open April 1 through April 30.

(l) 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.

(m) Kitsap Memorial State Park: Open April 1 through June 30.

(n) Kopachuck State Park: Open January 1 through April 15.

(o) Liberty Bay - All state-owned tidelands in Liberty Bay north and west of the Keyport Naval Supply Center are closed to the harvest of clams the entire year.

(p) North Bay - All state-owned tidelands in North Bay (Case Inlet) north of a line drawn southwest from Rocky Point to the north end of Reach Island thence due west to the mainland are closed to the harvest of clams the entire year except as follows: State-owned Oyster Reserves on the east side of North Bay north of the power transmission lines which cross the bay at the north end of the inlet will remain open.

(q) Oak Bay County Park: Open January 1 through June 15.

(r) 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.

(s) Penrose Point State Park: Open May 1 through June 30.

(t) Point Whitney: Open April 1 through May 31.

(u) Point Whitney Lagoon: Open June 1 through June 15.

(v) Port Townsend Ship Canal: Open January 1 through May 15.

(w) Saltwater State Park: Open April 1 through April 30.

(x) Quilcene Bay - All state-owned tidelands in Quilcene Bay north of a line drawn from the Quilcene Boat Haven to Fisherman's Point are closed to the harvest of clams the entire year.

(y) South Indian Island County Park: Open April 1 through December 31.

(z) South Lilliwaup: Open January 1 through May 31 on those tidelands marked by orange posts attached to trees at south end of Lilliwaup Bay (approximately 700 feet of beach).

(aa) Spencer Spit State Park: Open April 1 through June 30.

(bb) Strait of Juan de Fuca: All beaches west of the tip of Dungeness Spit: Open November 1 through March 31.

(cc) Triton Cove State Park: Open April 1 through June 30.

(dd) Twanoh State Park: Closed the entire year.

(ee) West Dewatto: DNR beach 44A is 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 95-46, filed 5/31/95, effective 7/1/95)

WAC 220-56-380 Oysters—Areas and seasons. (1) It is lawful to take and possess oysters taken for personal use from public tidelands (~~the entire year~~) September 1 through April 30, except that public tidelands at the following beaches are closed unless otherwise provided:

(a) Brown Point: DNR Beach 57-B is (~~closed the entire year~~) open April 1 through August 15.

(b) Dabob Bay - All state-owned tidelands in Dabob Bay north of a line drawn from Camp Harmony to Lindsays Beach are closed to the harvest of oysters the entire year, except as follows: State-owned tidelands from a row of tires at Camp Discovery south approximately 2,000 feet to a second row of tires, and state-owned tidelands beginning approximately 3/4 mile north of Camp Harmony extending approximately 1,200 feet north.

PROPOSED

(c) Duckabush - All state-owned tidelands on the west shore of Hood Canal from Quatsap Point to the south end of the Duckabush flats are closed to the harvest of oysters the entire year.

(d) Hoodsport: Tidelands at the Hoodsport Salmon Hatchery are closed the entire year.

(e) Illahee State Park: Open January 1 through April 30.

(f) Kitsap Memorial State Park: Open April 1 through June 30.

(g) Liberty Bay - All state-owned tidelands in Liberty Bay north and west of the Keyport Naval Supply Center are closed to the harvest of oysters the entire year.

(h) Mystery Bay State Park: Open January 1 through August 15.

(i) North Bay - All state-owned tidelands in North Bay (Case Inlet) north of a line drawn southwest from Rocky Point to the north end of Reach Island thence due west to the mainland are closed to the harvest of oysters the entire year, except as follows: State-owned Oysters Reserves on the east side of North Bay north of the power transmission lines which cross the bay at the north end of the inlet will remain open.

(j) Oyster Reserves: All Puget Sound oyster reserves are closed the entire year.

(k) Point Whitney Lagoon: Closed the entire year.

(l) Potlatch State Park: Open April 1 through June 30.

(m) Quilcene Bay - All state-owned tidelands in Quilcene Bay north of a line drawn from the Quilcene Boat Haven to Fisherman's Point are closed.

(n) Scenic Beach State Park: Open January 1 through April 30.

(o) Triton Cove State Park: Open April 1 through June 30.

(p) West Dewatto: DNR beach 44A is open April 1 through June 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.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-250 Lingcod—Areas and seasons.

AMENDATORY SECTION (Amending Order 95-10, filed 1/30/95, effective 5/1/95)

WAC 220-56-116 Salmon—Barbless hooks. It is unlawful to use barbed hooks while angling for salmon in all marine waters of Puget Sound, the Pacific Ocean, Grays Harbor, Willapa Bay, ~~((and))~~ waters at the mouth of the Columbia River westerly of a line drawn true north-south through Buoy 10, all waters of the Columbia River, including tributaries, upstream from Priest Rapids Dam, all waters of the Snake River, including tributaries, all waters of the Wind and White Salmon Rivers, and Drano Lake.

AMENDATORY SECTION (Amending Order 95-10, filed 1/30/95, effective 5/1/95)

WAC 220-56-205 Hook rules—Nonbuoyant lures. It is unlawful to fish for or to possess salmon taken for personal use from freshwater unless the hooks used meet the requirements of this section:

(1) Nonbuoyant lure restriction: In the following waters and during the periods shown, it is unlawful to use a nonbuoyant lure that has more than one single hook or has a hook measuring more than 3/4 inch point to shank:

Area	Time period
Naselle River	September 1-November 30
Willapa River	September 1-November 30
Humtulpis River	September 1-November 30
Satsop River	September 1-November 30
North Nemah River	September 1-November 30
Carbon River	September 1-November 30
Dungeness and Gray Wolf Rivers	August 1-October 15
Kennedy Creek	October 1-December 31
South Fork Nooksack River	August 1-December 31
Big Quilcene River	August 1-December 31
Samish River	August 1-December 31
Stillaguamish River	August 1-December 31
Whatcom Creek	August 1-December 31
Cowlitz River	
From Mill Creek to Barrier Dam	April 1-October 31
Kalama River	
From 200 feet above Modrow Trap to mouth	September 1-October 31
North Lewis River	
From overhead powerlines below Ariel Dam to lower Cedar Creek Boat Ramp	April 1-October 31
Washougal River	
Downstream of Salmon Falls Bridge	September 1-October 31
Icicle River	

PROPOSED

From Leavenworth Federal Fish Hatchery to mouth Wenatchee River	May 8-June 30
From mouth of Icicle River to Highway 2 Bridge Skagit River (and tributaries)	May 8-June 15
Upstream of Gilligan Creek Tokul Creek	July 1-November 30
From mouth to posted cable markers <u>Big Bear Creek</u>	December 1-March 31
<u>tributary of Sammamish River</u>	<u>August 1 - November 30</u>
<u>Capitol Lake</u>	<u>August 1 - November 30</u>
<u>Carbon River</u>	<u>August 1 - November 30</u>
<u>Cedar River</u>	<u>August 1 - November 30</u>
<u>Deschutes River</u>	<u>August 1 - November 30</u>
<u>Elochoman River</u>	<u>September 1 - November 30</u>
<u>Grays River</u>	<u>September 1 - November 30</u>
<u>Green/Duwamish River</u>	
<u>mouth to Highway 164 Bridge</u>	<u>August 1 - November 30</u>
<u>Lake Washington Ship Canal</u>	<u>August 1 - November 30</u>
<u>Little Bear Creek</u>	
<u>tributary of Sammamish River</u>	<u>August 1 - November 30</u>
<u>McAllister Creek</u>	<u>August 1 - November 30</u>
<u>Nemah River - including all forks</u>	<u>September 1 - November 30</u>
<u>Nisqually River</u>	<u>August 1 - November 30</u>
<u>Nooksack River</u>	
<u>South Fork upstream from Skookum Creek</u>	<u>June 1 - September 30</u>
<u>North River</u>	<u>September 1 - November 30</u>
<u>Puyallup River</u>	
<u>mouth to Carbon River</u>	<u>August 1 - November 30</u>
<u>Sammamish Slough</u>	<u>August 1 - November 30</u>
<u>Skykomish River</u>	<u>August 1 - December 31</u>
<u>Snohomish River</u>	<u>August 1 - December 31</u>
<u>Stillaquamish River</u>	
<u>North Fork</u>	<u>August 1 - December 1</u>
<u>Trap Creek (Pacific County)</u>	<u>September 1 - November 30</u>
<u>White/Stuck River</u>	<u>August 1 - November 30</u>
<u>Williams Creek (Pacific County)</u>	<u>September 1 - November 30</u>

(2) No leads, weights or sinkers may be attached below or less than 12 inches above a buoyant lure.

(3) All hooks must be attached within three inches of the bait or lure.

AMENDATORY SECTION (Amending Order 95-10, filed 1/30/95, effective 5/1/95)

WAC 220-56-225 Freshwater angling hours. (1) It is unlawful to fish for personal use in those waters and during the period of a nonbuoyant lure restriction as provided for in WAC 220-56-125 from one hour after official sunset to one hour before official sunrise.

(2) It is unlawful to fish for salmon from one hour after official sunset to one hour before official sunrise.

AMENDATORY SECTION (Amending Order 95-10, filed 1/30/95, effective 5/1/95)

WAC 220-56-240 Daily limits sturgeon, smelt, herring and other food fish not otherwise provided for. It is unlawful for any person to retain in any day more than the following quantities and sizes of food fish taken for personal use. Unless otherwise provided, other food fish fishing is open the entire year:

(1) Sturgeon:

(a) ~~((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 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.))~~ Catch and release only in the Columbia River and all tributaries upstream from Bonneville Dam.

(b) 2 fish with the following size restrictions in all other state waters:

(i) Minimum size is 42 inches in length;

(ii) Maximum size is 66 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.

(c) The possession limit is two daily limits of fresh sturgeon. Additional sturgeon may be possessed in a frozen or processed form.

(d) There is an annual personal use limit of ~~((4))~~ 15 sturgeon.

(2) Smelt: 20 pounds. The daily 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 93-20, filed 3/31/93, effective 5/1/93)

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 - The third Saturday in April ~~((46))~~ 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 Order 87-16, filed 4/21/87)

WAC 220-56-372 Razor clam sanctuaries. The following areas are hereby set aside for experimental purposes by the department of fisheries razor clam enhance-

ment project. As need arises in the future, specific sections of these areas will be closed to public use.

(1) Long Beach - from a line extending westward from the middle of the Oysterville approach - north for one quarter mile (1,320 feet).

(2) Twin Harbors Beach - from a line extending westward from the middle of the county line approach south for one quarter mile (1,320 feet).

(3) Copalis Beach - from a point beginning ~~((two-tenths))~~ four-tenths of a mile south of the ~~((Copalis Beach))~~ Ocean City approach ~~((Heath Street))~~ 2nd Ave. and extending south for one quarter mile (1,320 feet).

NEW SECTION

WAC 220-56-189 Salmon—Marine selective fisheries. All marine water salmon openings for areas less than a full Catch Record Card Area and all in-season openings to harvest chinook and coho salmon are designated as marine selective fisheries. In such fisheries only a single-point hook may be used, and gaffing of salmon is prohibited. A net may be used only if the salmon is to be retained. Once the daily limit is retained further fishing for salmon is prohibited.

NEW SECTION

WAC 220-56-192 Salmon—Annual personal use limit. There is an annual personal use limit of ten spring chinook salmon and a cumulative annual personal use limit of twenty salmon of all species.

NEW SECTION

WAC 220-56-326 Shrimp. In the field each person harvesting shrimp must use a separate container to hold his or her catch and the container must be in the harvester's presence or identified with the harvester's name.

NEW SECTION

WAC 220-56-420 Crawfish. It is unlawful to retain crawfish taken for personal use that measure less than 3 1/4 inches in length from the tip of rostrum (nose) to the tip of the tail, or to retain any crawfish that have eggs or young attached.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

WAC 220-57-137 Carbon River. Daily Limit A - September 1 through ~~((November 30))~~ December 31 downstream from the old bridge abutments near the east end of Bridge Street in Orting.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

WAC 220-57-190 Deschutes River. Daily Limit A - July 1 through November 30: Upstream from ~~((Interstate 5 Bridge except closed from a point 400 feet below the lower fish ladder at Tumwater Falls upstream to))~~ the Old Highway 99 Bridge immediately upstream from Tumwater Falls.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

WAC 220-57-340 Nemah River. (1) Middle Nemah, Daily Limit A - July 1 through January 31: Downstream from the department of natural resources bridge on the Middle Nemah A Line Road.

(2) North Nemah - Special Daily Limit ((A)) 2 coho or chum salmon, or 1 of each. Release chinook salmon - October ((+) 15 through ((January)) December 31: Downstream from lower bridge on dead end Lower Nemah Road to the mouth.

(3) South Nemah - Daily Limit A - July 1 through January 31: Downstream from the confluence of the Middle Nemah to the mouth.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

WAC 220-57-370 Puyallup River. Daily Limit A except release pink salmon in odd-numbered years - July 16 through ~~((November 30))~~ December 31: Downstream from the mouth of the Carbon River to the 11th Street Bridge.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

WAC 220-57-410 Sammamish River (Slough). ~~((Closed to salmon angling the entire year.))~~ Catch and release only - June 1 through October 31.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

WAC 220-57-465 Stillaguamish River. (1) Special daily limit of four pink salmon - August 16 through September 30: Downstream from confluence of north and south forks except waters of Cook Slough are closed at all times from the water control structure to a point ~~((400))~~ 200 feet downstream.

(2) Special daily limit of two chum salmon - November 1 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))~~ 200 feet downstream.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

WAC 220-57-473 Tilton River. (1) Mainstem - Daily Limit A - June 1 through December 31: Downstream from west fork Tilton River.

(2) North fork - ~~((Daily Limit A - June 1 through October 31: Downstream from markers 400 feet above the 73 Road Bridge to the Tilton River (approximately lower two miles.))~~ Closed to salmon angling the entire year.

NEW SECTION

WAC 220-57-187 Deep River (Wahkiakum County). Daily Limit A - Downstream from the town bridge in Deep River to mouth - August 1 through December 31.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

WAC 220-57A-001 General provisions—Lakes. (1) It is unlawful to fish for or possess salmon taken from any lake not listed in this chapter.

(2) The daily limit, possession limit, opening and closing hours, and seasons of all lakes regulated under Daily Limit I are identical with those limits and times as provided for gamefish, as regulated by the Washington fish and wildlife commission under Title 77 RCW.

~~((3) ((The daily limit, possession limit, and seasons of all lakes regulated under Daily Limit A, Daily Limit C, or special daily limits, are in addition to gamefish limits as regulated by the Washington fish and wildlife commission, under Title 77 RCW.~~

~~((4))~~ The daily limit, possession limit, opening and closing hours, and seasons codified by the department in ~~((chapter 232-24))~~ chapters 232-12 and 232-28 WAC are incorporated herein and by reference made a part hereof.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

WAC 220-57A-035 Chelan Lake (Chelan County). ~~((Special))~~ Daily Limit ~~((2))~~ I, except chinook salmon ~~((per day.))~~ minimum size 15 inches.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

WAC 220-57A-175 Lake Washington. ~~((Closed to salmon angling the entire year.))~~
Possible closure 1996-1997.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

WAC 220-57A-180 Washington Ship Canal, Lake (including Lake Union). ~~((Closed to salmon angling the entire year.))~~
Possible closure 1996-1997.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

WAC 220-57-130 Bogachiel River. ~~((Daily Limit A except release coho salmon - July 1 through October 22: Downstream from the Highway 101 Bridge.))~~
Possible closure 1996-1997.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

WAC 220-57-135 Calawah River. ~~((Daily Limit A except release coho salmon - July 1 through October 22: Downstream from the Highway 101 Bridge.))~~
Possible closure 1996-1997.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

WAC 220-57-140 Chehalis River. ~~((1) Daily Limit A - July 1 through August 31: Downstream from the Porter Bridge.~~

~~(2) Daily Limit A—September 1 through October 31: Downstream from the Mellon Street Bridge in Centralia.~~

~~(3) Daily Limit A—November 1 through January 31: Downstream from the high bridge on Weyerhaeuser Logging Road Number 17.)~~

~~Possible closure 1996-1997.~~

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

WAC 220-57-155 Clearwater River (Jefferson County). (~~Daily Limit A—September 1 through November 30: Downstream from the mouth of the Snahapish River.~~)

~~Possible closure 1996-1997.~~

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

WAC 220-57-160 Columbia River. (~~(1) Daily Limit C—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: Daily Limit C—June 1 through September 15; Daily Limit A—September 16 through December 31. The following are closed waters: Rocky Reach, Roek 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 Roek 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: Daily Limit C—June 1 through August 15; Daily Limit A—August 16 through October 31; Daily 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; Daily Limit C—June 16 through August 15; Daily Limit A—August 16 through October 22.~~

~~(5) Old Hanford townsite wooden power line towers to Highway 395 Bridge connecting Paseo and Kennewick: Daily Limit C—June 1 through August 15; Daily Limit A—August 16 through December 31. (6) Highway 395 Bridge connecting Paseo and Kennewick to the Interstate 5 Bridge: Daily Limit A—August 1 through December 31. It is unlawful to take or possess sockeye or chum 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: Daily Limit A—August 1 through March 31. During September, it is unlawful to fish for or possess salmon taken for personal use in those waters of the Columbia River north of a line from Abernathy Point Light to a boundary marker east of the mouth of Abernathy Creek. It is unlawful to take or possess sockeye or chum salmon taken downstream from the Interstate 5 Bridge to the Megler Astoria Bridge.~~

~~(8) Megler Astoria Bridge to the Buoy 10 Line:~~

~~(a) Daily Limit F except release chinook salmon—August 1 through Labor Day. It is unlawful to use barbed hooks in the fishery provided for in this subsection.~~

~~(b) Daily limit F—the day after Labor Day through September 30.~~

~~(c) Daily Limit A—October 1 through March 31.~~

~~(d) It is unlawful to take or possess sockeye or chum 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 control zone are open to salmon angling. During such periods fishing from the north jetty is open 7 days per week and the daily 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. Daily limit and gear requirement will be identical with those in the Buoy 10 fishery. It is unlawful to take or possess sockeye or chum salmon taken from the North Jetty.)~~

~~Possible closure 1996-1997.~~

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

WAC 220-57-170 Coweeman River. (~~Closed to salmon angling the entire year.~~)

~~Possible closure 1996-1997.~~

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

WAC 220-57-175 Cowlitz River. (~~(1) Daily Limit A—June 1 through April 30: Downstream from fishing boundary markers approximately 400 feet below barrier dam structures at the Cowlitz Salmon Hatchery Barrier Dam.~~

~~(2) Daily Limit A except release all chinook salmon 24 inches in length and greater August 16 through October 15: Downstream from fishing boundary markers approximately 400 feet below the barrier dam structures. During the period September 16 through October 15 those waters between the Barrier Dam and the mouth of Mill Creek are closed to salmon fishing.~~

~~(3) Daily Limit A October 16 through December 31: Downstream from fishing boundary markers approximately 400 feet below the barrier dam structures. During the fishery provided for in this subsection, 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) Daily Limit A except minimum size of 8 inches—open the entire year: From the confluence of the Muddy Fork and Ohanapeeosh rivers downstream to Riffe (Davisson) Lake.)~~

Possible closure 1996-1997.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

~~WAC 220-57-200 Dickey River. ((Daily Limit A except release coho salmon July 1 through October 22: Downstream of the mouth of east fork of the Dickey River to the National Park boundary.))~~

Possible closure 1996-1997.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

~~WAC 220-57-205 Dosewallips River. ((Special Daily Limit 2 chum salmon November 1 through December 15: Downstream from the Highway 101 Bridge.))~~

Possible closure 1996-1997.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

~~WAC 220-57-210 Duckabush River. ((Special Daily Limit 2 chum salmon November 1 through December 15: Downstream from the Mason County Public Utility District #1 overhead electrical distribution line.))~~

Possible closure 1996-1997.

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

~~WAC 220-57-215 Dungeness River. ((Closed to salmon angling.))~~

Possible closure 1996-1997.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

~~WAC 220-57-220 Duwamish River. ((Daily Limit A except release chinook salmon October 1 through December 31: Downstream from the Highway 405 Bridge.))~~

Possible closure 1996-1997.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

~~WAC 220-57-230 Elk River. ((Daily Limit A July 1 through January 31: Downstream from the confluence of the west and middle forks to the Highway 105 Bridge.))~~

Possible closure 1996-1997.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

~~WAC 220-57-235 Elochoman River. (((1) Daily Limit A except release chinook salmon 24 inches in length and greater September 1 through October 15: Downstream from the mouth of the west fork.~~

~~(2) Daily Limit A October 16 through December 31: 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) Daily Limit A October 16 through December 31: Downstream from the Foster Road Bridge.~~

~~(4) The following waters are closed to salmon angling at all times:~~

~~(a) From a point 100 feet above the upper hatchery rack to the Elochoman Salmon Hatchery Bridge located approximately 400 feet below the upper hatchery rack.~~

~~(b) From the department of fish and wildlife's 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 Elochoman 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.))~~

Possible closure 1996-1997.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

~~WAC 220-57-240 Elwha River. (((1) Daily Limit A except release chinook pink and chum salmon October 1 through October 31.~~

~~(2) It is unlawful to fish for or possess salmon taken from the waters of the Elwha River between markers located approximately 50 yards upstream and downstream from the tribal hatchery outfall, from the slough connecting the hatchery outfall to the mainstem of the river or within 200 feet downstream of the south spillway on Aldwell Lake Dam to Aldwell Dam.))~~

Possible closure 1996-1997.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

~~WAC 220-57-250 Grays River. ((Daily Limit A except release chinook salmon 24 inches in length or greater September 1 through October 31: Open from mouth to mouth of South Fork Grays River. West Fork Grays River closed to salmon angling.))~~

Possible closure 1996-1997.

PROPOSED

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

WAC 220-57-260 Green River (King County). ((Daily Limit A except release chinook salmon—October 1 through October 15: Downstream from the Auburn Eighth Street N.E. Bridge to the Highway 405 Bridge. Daily Limit A except release chinook salmon—October 16 through December 31: Downstream from the downstream side of the Highway 18 Bridge to the Highway 405 Bridge.))

Possible closure 1996-1997.

AMENDATORY SECTION (Amending Order 91-41, filed 6/27/91, effective 7/28/91)

WAC 220-57-265 Hamma Hamma River. ((Closed to salmon angling the entire year.))

Possible closure 1996-1997.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

WAC 220-57-270 Hoh River. ((1) Daily Limit C—May 16 through August 31: Downstream from the mouth of the south fork Hoh to the Morgan's Crossing boat launch, including Olympic National Park.

(2) Daily Limit A—May 16 through August 31: Downstream from the Morgan's Crossing boat launch.

(3) Daily Limit A—September 1 through November 30: Downstream from the Highway 101 Bridge.))

Possible closure 1996-1997.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

WAC 220-57-280 Hoquiam River. ((Main Hoquiam River, west fork of Hoquiam River downstream from the bridge on the Dekay Road and east fork of Hoquiam River downstream from the abandoned flat ear bridge below the mouth of Berryman Creek—Daily Limit A—July 1 through January 31.))

Possible closure 1996-1997.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

WAC 220-57-285 Humptulips River. ((1) Daily Limit C—July 1 through January 31: Downstream of confluence of east and west forks to Highway 101 Bridge.

(2) Daily Limit A—July 1 through January 31: Downstream from the Highway 101 Bridge.))

Possible closure 1996-1997.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

WAC 220-57-300 Johns River. ((Daily Limit A—July 1 through January 31: Downstream from Old M&B Logging Camp Bridge at upper boundary of Johns River Habitat Management Area to Highway 105 Bridge.))

Possible closure 1996-1997.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

WAC 220-57-310 Kalama River. ((1) Daily Limit A—June 1 through December 31: From Summers Creek upstream to the 6420 Road (approximately one mile above the gate at the end of the county road) fly fishing only.

(2) Daily Limit A—open the entire year: Downstream from the mouth of Summers Creek to the markers approximately 1,000 feet above the Kalama Falls (Upper) Salmon Hatchery.

(3) Daily Limit A except release chinook salmon twenty four inches in length or greater during the period August 16 through October 15 upstream from a point 200 feet above the temporary rack and release chinook salmon twenty eight inches in length or greater during the period October 16 through December 31 upstream from the natural gas pipeline—June 1 through April 30: 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 fly fishing only.

August 16 to October 15: Those waters downstream from the temporary rack are closed to salmon angling.

(4) During the time the department of fish and wildlife's 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.

(5) Fishing from boats with motors is prohibited at all times in waters upstream of the Modrow Bridge.))

Possible closure 1996-1997.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

WAC 220-57-319 Lewis River. ((1) Mainstem—Daily Limit A except during the period May 1 through May 31 the daily limit is one salmon—open entire year: Downstream from east fork to mouth.

(2) East fork:

(a) Daily Limit A except 20 inch minimum length—April 16 through May 31: Downstream from posted markers at top boat ramp at Lewisville Park.

(b) Daily Limit A except 14 inch minimum length—June 1 through August 15 and October 15 through March 15: Downstream from posted markers downstream from Lucia Falls. All chinook salmon over 28 inches must be released during the period October 16 through December 31.

(3) North fork:

(a) Daily Limit A except during the period May 1 through May 31 the daily limit is one salmon—January 1 through December 31: Downstream from Johnson Creek.

(b) Daily Limit A—June 1 through April 30: Downstream from the mouth of Colvin Creek (approximately 1/4 mile upstream of the salmon hatchery) to Johnson Creek, 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.

~~(e) Daily Limit A—June 1 through September 30 and January 1 through April 30: Downstream from the overhead powerlines downstream from Merwin Dam to Colvin Creek.))~~

Possible closure 1996-1997.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

~~WAC 220-57-345 Nisqually River. ((Daily Limit A except release pink salmon in odd-numbered years—July 1 through January 31: Downstream from military tank-crossing bridge located one mile upstream from the mouth of Muck Creek.))~~

Possible closure 1996-1997.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

~~WAC 220-57-350 Nooksack River. (((1) Daily Limit A—September 1 through December 31: Downstream from the confluence of north and south forks to Lummi Indian Reservation boundary.~~

~~(2) North Fork—Daily Limit A—October 1 through December 31: Downstream from Maple Creek to mouth of north fork.~~

~~(3) South Fork—Daily Limit A—October 1 through December 31: Downstream from the Saxon Bridge to mouth of south fork.))~~

Possible closure 1996-1997.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

~~WAC 220-57-370 Puyallup River. ((Daily Limit A except release pink salmon in odd-numbered years—July 16 through November 30: Downstream from the mouth of the Carbon River to the 11th Street Bridge.))~~

Possible closure 1996-1997.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

~~WAC 220-57-385 Quillayute River. ((Daily Limit A except release coho salmon—March 1 through October 22: Downstream from the confluence of the Soleduck and Bogaehiel rivers including Olympic National Park waters.))~~

Possible closure 1996-1997.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

~~WAC 220-57-415 Satsop River. ((Daily Limit A except release chinook salmon upstream from middle fork at all times and release chinook salmon downstream from middle fork during the period July 1 through October 31—July 1 through January 31: Downstream from the bridge at Schafer State Park on east fork.))~~

Possible closure 1996-1997.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

~~WAC 220-57-425 Skagit River. (((1) Special Daily Limit of 4 pink salmon—August 16 through September 30: Downstream from Corkindale Creek. Terminal gear is restricted to one barbless single hook. Use of bait not allowed upstream of Sauk River.~~

~~(2) Special Daily Limit of 2 chum salmon—November 1 through December 31: Downstream from the mouth of Corkindale Creek.~~

~~(3) All waters of the Skagit River between a line projected across the thread of the river 200 feet above the east bank of the Baker River and a line projected across the thread of the river 200 feet below the west bank of the Baker River are closed.))~~

Possible closure 1996-1997.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

~~WAC 220-57-430 Skokomish River. (((1) Daily Limit A except release coho and chum salmon—August 1 through August 31: Downstream from the Highway 101 Bridge.~~

~~(2) Daily Limit A except release coho salmon—November 1 through December 15: Downstream from the Highway 101 Bridge.))~~

Possible closure 1996-1997.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

~~WAC 220-57-435 Skykomish River. (((1) Special Daily Limit of four salmon except release chinook salmon—August 16 through October 31: Downstream from the confluence of the north and south forks.~~

~~(2) Special Daily Limit of two salmon except release chinook salmon—November 1 through December 31: Downstream from the confluence of north and south forks.~~

~~(3) During even-numbered years it is unlawful to retain pink salmon.))~~

Possible closure 1996-1997.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

~~WAC 220-57-450 Snohomish River. (((1) Special Daily Limit of four salmon except release chinook salmon—August 16 through October 31: Downstream from the confluence of Skykomish and Snoqualmie rivers.~~

~~(2) Special daily limit of two salmon except release chinook salmon—November 1 through December 31: Downstream from confluence of Skykomish and Snoqualmie rivers.~~

~~(3) During even-numbered years it is unlawful to retain pink salmon.))~~

Possible closure 1996-1997.

PROPOSED

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

~~WAC 220-57-455 Snoqualmie River. ((1) Special Daily Limit of four salmon except release chinook salmon—August 16 through October 31.~~

~~(2) Special daily limit of two salmon except release chinook salmon—November 1 through December 31.~~

~~(3) During even-numbered years it is unlawful to retain pink salmon.))~~

Possible closure 1996-1997.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

~~WAC 220-57-460 Sol Duc River. ((Daily Limit A except release coho salmon—March 1 through October 22: Downstream from the concrete pump station at the Soleduck Hatchery.))~~

Possible closure 1996-1997.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

~~WAC 220-57-465 Stillaguamish River. ((1) Special daily limit of four pink salmon—August 16 through September 30: Downstream from confluence of north and south forks except waters of Cook Slough are closed at all times from the water control structure to a point 400 feet downstream.~~

~~(2) Special daily limit of two chum salmon—November 1 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.))~~

Possible closure 1996-1997.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

~~WAC 220-57-480 Toutle River. ((Closed to salmon angling the entire year.))~~

Possible closure 1996-1997.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

~~WAC 220-57-495 Washougal River. ((Daily Limit A except release chinook salmon over 28 inches in length upstream from the mouth of Little Washougal River during the period October 16 through December 31—June 1 through August 15 and October 16 through March 15: Downstream from bridge at Salmon Falls to mouth.))~~

Possible closure 1996-1997.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

~~WAC 220-57-520 Wishkah River. ((Daily Limit A—July 1 through January 31: Downstream from the mouth of the west fork.))~~

Possible closure 1996-1997.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

~~WAC 220-57-525 Wynoochee River. ((Daily Limit A—July 1 through January 31: Downstream from the 7400 line bridge upstream of the mouth of Schafer Creek.))~~

Possible closure 1996-1997.

**WSR 95-22-112
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Wildlife)**

[Filed November 1, 1995, 11:56 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-18-100.

Title of Rule: Personal use rules.

Purpose: Amend personal use hunting rules.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: WAC 232-12-131, change special permit application process. Allow for reapplication within two years for elk, cougar, goats and make moose and bighorn sheep a lifetime one time permit. Increase attendant hunting opportunity.

WAC 232-28-02203, change boundary descriptions to clarify. There will be little effect on hunting opportunity or wildlife resources.

WAC 232-28-02204, change boundary descriptions to clarify, make them easier to follow, or respond to landowner or county commissioner desires. There will be little effect on hunting opportunity or wildlife resources.

WAC 232-28-02205, change boundary descriptions to clarify and make them easier to follow. There will be little effect on hunting opportunity or the wildlife resource.

WAC 232-28-02210, the only change in this rule is to correct a typographical error. There is no change in boundary descriptions.

WAC 232-28-02220, edit boundary description of Elk Area 031 (Shushuskin) to clarify the boundary. Add a new area, Elk Area 035 (Brushy), in Kittitas County to establish a damage control hunt. The purpose of this boundary description will be to have a permit control elk hunt to help alleviate damage problems.

WAC 232-28-02240, the muzzleloader area 910 (Cle Elum) is changed to include new damage areas. The area includes Parke Creek. The purpose of the change is to address damage complaints from landowners in the area. The expected effect will be to reduce damage complaints.

WAC 232-28-02250, two new mountain goat units are proposed. Mountain goat populations in the Blazed Ridge and Kachess Ridge areas have improved and permit controlled hunts will be recommended. The effect will be to provide hunting recreation opportunity for mountain goats in this area.

WAC 232-28-02270, one new mountain sheep unit on Clemon [Clemon] Mountain is proposed. Mountain sheep populations now support a permit controlled hunt in this

area. This will enhance hunting recreation opportunity for bighorn sheep.

WAC 232-28-02290, the boundary of PLWMA 401 Champion is changed to the BPA transmission line at Champion's request. This change will enable Champion to better regulate hunters on the Kapowsin Tree Farm. This should not have a negative impact on hunting opportunity or wildlife resources.

WAC 232-28-240, deer and black bear hunting seasons are modified in response to damage complaints and resource abundance. More hunting opportunity is recommended for disabled, youth and senior hunters for whitetailed deer. The length of deer hunting seasons is adjusted in some areas because of resource abundance issues. Black bear hunting seasons for hunters using bait or hounds is modified because of concerns for protecting grizzly bear.

WAC 232-28-241, the bobcat pursuit hunting season in eastern Washington is changed from September 1-30 to September 4-30. The purpose of this change is to be consistent with other hound seasons and open after Labor Day. This change will reduce hunting opportunity slightly but prevent conflicts between hound hunters and other recreationists.

WAC 232-28-242, several minor changes in elk hunting seasons are proposed. The Blue Mountain tag area is clarified. GMU 621 (Olympic) is reopened to elk hunting. Minor adjustments in early archery elk seasons are proposed in response to damage complaints and seasons designed to reduce damage. The modern firearm and muzzleloader elk seasons on the Kapowsin Tree Farm are closed to general seasons. This change is made in response to Champion's desire to improve bull ratios and improve quality hunting opportunities. The elk resource should increase as a result of this restriction.

WAC 232-28-246, deer and elk permit hunting areas are modified as a result of damage complaints and resource abundance. Permit quotas for antlerless hunts will not be established until April. These permit hunts will enable the Fish and Wildlife Commission to target certain areas experiencing damage problems. On Guemes Island, permit hunters will be eligible to buy a seasonal deer tag and harvest two deer. On Wilson Creek and Champion Private Land Management Areas buck deer permit quotas are recommended now in response to landowner desires. These permit quotas will be printed in the 1996 hunting pamphlet and will be an aid in soliciting permit applicants. Dates for all permit hunts are recommended to target animals during damage periods.

WAC 232-28-248, calendar date adjustments are made to big game closures and horse restrictions.

WAC 232-28-249, the department is recommending that all permit application rules be included in WAC 232-28-131. Rules that deal with permit applications are deleted from this WAC. A new sheep unit (Cleman [Clemon] Mountain) is added. Several mountain goat units including 3-2, 3-3, 3-4, 3-5, 4-1, 4-3, 4-4, 4-7, are deleted. Two goat units 3-10 and 3-11 are added. These changes are proposed in response to resource abundance. Cougar tags will be available for purchase over-the-counter at license dealerships instead of permit draw. Hound hunting opportunities for cougar will continue to be limited by permit draw and the eastern Washington pursuit-only season is modified to provide a

consistent hound season opening date after Labor Day. Cougar hunting seasons are expanded in some areas because of damage complaints and cougar abundance. The boot only permit seasons are deleted because over the counter cougar tag sales are recommended. The impact of these changes will be to harvest more cougar and reduce depredation.

WAC 232-28-257, the department is recommending one permit be available for auction by a conservation organization for bull elk September 15-30. The open area is the Green River Watershed. This auction permit will generate additional revenue for the elk management program. The permit is expected to raise \$9,000 to \$15,000. The harvest of one elk will not adversely affect the elk population.

WAC 232-28-419, the falconry, duck, coot, snipe, and mourning dove season is restricted in Cowlitz County south of the Kalama River and Clark County. This change is made to conform to United States Fish and Wildlife guidelines for maximum number of days available for hunting migratory waterfowl.

WAC 232-28-260, new section, this WAC provides the rules for applying for a special permit for deer, elk, sheep, goat, moose, and cougar. It includes a new weighted permit system in which unsuccessful applicants are given bonus points in the next year's drawing. The system is designed to give unsuccessful applicants a better chance of drawing a permit in subsequent years. Under this rule, all hunters can apply each year, but those not successful in a previous year will have a better chance of being drawn for a permit. The number of applicants will increase. This rule will have no affect on the wildlife resource.

WAC 232-12-828, new section, this WAC describes the rules under which persons of disability may apply for and participate in special hunting opportunities. The rule includes definitions of disabled hunters and rules for disabled hunter conduct. Other than clarifying the rules, this WAC will not affect hunter opportunity or resource abundance.

Reasons Supporting Proposal: See Summary above.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504; and Enforcement: Dayna Matthews, Assistant Director, Enforcement Program, Olympia, (360) 902-2927.

Name of Proponent: Washington Fish and Wildlife Commission, 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 has been prepared under chapter 19.85 RCW. These rules involve personal use hunting, and do not affect small business.

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

Hearing Location: Holiday Inn, 101 128th Street S.E., Everett, WA 98208, on December 8-9, 1995, at 8:00 a.m.

Assistance for persons with disabilities: Contact Debbie Nelson by November 30, 1995, TDD (360) 902-2207, or (360) 902-2267.

Submit written comments to: Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North,

Olympia, WA 98501-1091, FAX (360) 902-2942, by November 17, 1995.

Date of Intended Adoption: December 9, 1995.

November 1, 1995

Evan Jacoby

Legal Counsel

AMENDATORY SECTION (Amending Order 94-145, filed 1/10/95, effective 2/10/95)

WAC 232-12-131 Permits for special hunting and trapping seasons. (1) Holders of valid hunting licenses may apply for permits for special hunting seasons as prescribed by the commission.

(2) Holders of valid trapping licenses may apply for permits for special trapping seasons as prescribed by the commission.

~~(3) ((It is unlawful for a person receiving a special hunting season elk permit to apply for an elk permit for the next two years. Those hunters drawing special hunting season elk permits for hunts designated for disabled or blind/visually impaired, and muzzleloader only are exempt from the two year waiting period.~~

~~(4) It is unlawful for a person receiving a special hunting season cougar permit to apply for such a permit for the next two years. A person applying for a cougar permit during that period will be made ineligible for that year's drawing.~~

~~(5) It is unlawful for a person receiving a special hunting season goat permit to apply for such a permit for the next five years. A person applying for a goat permit during that period will be made ineligible for that year's drawing.~~

~~(6)) It is unlawful for a person receiving a special hunting season permit for mountain sheep or moose to apply for another permit for ((that)) those species ((if they are successful in taking a mountain sheep. A person who receives a special permit for mountain sheep and is unsuccessful in taking a sheep may reapply after waiting for five years. A person applying for a sheep permit during that period will be made ineligible for that year's drawing.~~

~~(7) It is unlawful for a person receiving a moose permit to apply for another permit for that species)).~~

NEW SECTION

WAC 232-12-828 Hunting of game birds and animals by persons of disability. (1) Definitions:

(a) "Designated hunter companion" means a licensed hunter who accompanies a disabled hunter and assists the disabled hunter in the taking of game birds and game animals.

(b) "Disabled hunter" means a person of disability who possesses a disabled hunter permit issued by the department. A disabled hunter must have all required licenses, tags, permits, and stamps before hunting.

(c) "Disabled hunter permit" means a permit issued by the department to any person of disability who applies to the department and presents such evidence as the director may require showing that the applicant is a person of disability. Upon issuance of a disabled hunter permit, the department will also issue a designated hunter companion identification card and a disabled hunter vehicle identification placard.

(d) "Person of disability" means:

(i) A permanently disabled person who is not ambulatory over natural terrain without a prosthesis or assistive device; or

(ii) A permanently disabled person who is unable to hold or shoot a firearm or other legal hunting device; or

(iii) A person who is totally blind or visually impaired.

This definition includes, but is not limited to, persons with upper or lower extremity impairments who have lost the use of one or both upper or lower extremities, or who have a significant limitation in the use of upper or lower extremities, or who have a diagnosed disease or disorder which substantially impairs or interferes with mobility or the use of upper extremities.

(e) "Visually impaired" means central visual acuity that does not exceed 20/200 in the better eye with corrective lenses, or the widest diameter of the visual field is no greater than twenty degrees.

(2) The designated hunter companion, when accompanied by the disabled hunter, may assist the disabled hunter in shooting, tagging and retrieving game birds or game animals, or may shoot, tag and retrieve game birds or game animals on behalf of the disabled hunter. The disabled hunter or the designated hunter companion must immediately cut, notch, and affix the disabled hunter's tag to the carcass of the game bird or game animal.

(3) It is unlawful for a designated hunter companion to assist a disabled hunter unless the designated hunter companion is accompanied by the disabled hunter, except the designated hunter companion may leave the disabled hunter to retrieve game birds or game animals wounded or killed by either the disabled hunter or the designated hunter companion.

(4) It is unlawful for a designated hunter companion to assist a disabled hunter unless the designated hunter companion has the designated hunter companion identification card on his or her person.

(5) It is unlawful for a disabled hunter to shoot from a motor vehicle, nonhighway vehicle or snowmobile unless the vehicle is stopped, the motor is turned off and the vehicle is not on or beside the maintained portion of a public highway. A disabled hunter vehicle identification placard must be displayed.

(6) It is unlawful for any person to possess a loaded firearm in a moving vehicle or to shoot a firearm or bow and arrow from, across, or along the maintained portion of a public highway.

(7) Game birds or game animals killed, tagged or retrieved by a designated hunter companion on behalf of a disabled hunter become part of the disabled hunter's bag or possession limit, and do not count against the designated hunter companion's bag or possession limit.

AMENDATORY SECTION (Amending Order 94-136, filed 1/10/95, effective 2/10/95)

WAC 232-28-02203 Game management units (GMUs)—Special game areas—Boundary descriptions—Region three.

GMU 300-MANSON (Chelan County): Beginning at the town of Chelan to Lake Chelan; then northwest along the north shore of Lake Chelan to the Stehekin River; then northwest along the Stehekin River to the ridge between

Rainbow Creek and Boulder Creek; then north on the ridge to McAlester Mountain on the Lake Chelan Wilderness Boundary; then southeast on the Wilderness Boundary along the Sawtooth Ridge separating the Chelan and Methow-Twisp River drainages to Fox Peak and USFS Road 8020; then southeast on USFS Road 8020 to the Anatoine Creek Road (USFS Road 8140); then southeast on the Anatoine Creek Road to Apple Acres Road; then northeast on Apple Acres Road to U.S. Highway 97; then northeast on U.S. Highway 97 to Wells Dam and the Columbia River; then southwest along the Columbia River (Chelan-Douglas County line) to the Chelan River; then northwest along the Chelan River to the town of Chelan and the point of beginning. (See Wenatchee National Forest map and Washington Atlas & Gazetteer)

GMU 301-CLARK (Chelan County): Beginning where the Stehekin River flows into Lake Chelan; then southeast along the south shore of Lake Chelan to the south boundary of the Chelan National Recreation Area Boundary (south of Riddle Creek); then southwest on the Recreation Area Boundary to the Glacier Peak Wilderness Boundary; then south, west, and north on the wilderness boundary to the Pacific Crest Trail at Kodak Peak; then north on the Pacific Crest Trail to North Cascades National Park; then north and east on the North Cascades National Park boundary to Hock Mountain; then south along the Lake Chelan Wilderness Boundary to McAlester Mountain; then southwest on the ridge between Rainbow Creek and Boulder Creek to the Stehekin River and the point of beginning. (See Wenatchee National Forest map and the Glacier Peak Wilderness Forest map)

GMU 302-ALPINE (Kittitas and Chelan counties): Beginning on the Pacific Crest Trail and the Alpine Lakes Wilderness Boundary near Josephine Lake (south of Stevens Pass); then east, south and west on the wilderness boundary to the Pacific Crest Trail near Kendall Peak; then north on the Pacific Crest Trail to the Alpine Lakes Wilderness Boundary and the point of beginning. (See Wenatchee National Forest map and the Alpine Lakes Wilderness map)

GMU 304-CHIWAHA (Chelan County): Beginning on the Pacific Crest Trail and the Glacier Peak Wilderness Boundary at Kodak Peak; then southeast and north on the wilderness boundary to the Entiat River; then southeast along the Entiat River to Ardenvoir and the Mad River Road (USFS Road 5700); then northwest on the Mad River Road to the USFS Road 5800; then southwest on USFS Road 5800 at French Corral and Eagle Creek Road (USFS Road 7520); then southwest on the Eagle Creek Road to State Highway 209 north of Leavenworth; then north on State Highway 209 to State Highway 207 near Lake Wenatchee; then south on State Highway 207 to U.S. Highway 2 at Coles Corner; then west on U.S. Highway 2 to the Pacific Crest Trail at Stevens Pass; then north on the Pacific Crest Trail to Kodak Peak and the point of beginning. (See Wenatchee National Forest map)

GMU 306-SLIDE RIDGE (Chelan County): Beginning at the Lake Chelan National Recreation Boundary on the south shore of Lake Chelan near Riddle Creek; then southeast along the south shore of Lake Chelan to Twenty-five Mile Creek; then southwest along Twenty-five Mile Creek to the Slide Ridge Road (USFS Road 8410); then south on the

Slide Ridge Road to Stormy Mountain and Trail 1448; then northwest on Trail 1448 to Fourmile Ridge Trail 1445; then west on the Fourmile Ridge Trail to Fox Creek; then southwest along Fox Creek to the Entiat River; then northwest along the Entiat River to the Glacier Peak Wilderness Boundary; then north on the wilderness boundary to Lake Chelan, the Lake Chelan National Recreation Boundary and the point of beginning. (See Wenatchee National Forest map)

GMU 308-ENTIAT (Chelan County): Beginning at Twenty-five Mile Creek on the south shore of Lake Chelan; then southeast along Lake Chelan and the Chelan River to the Columbia River; then southwest along the Columbia River to the mouth of the Entiat River; then northwest along the Entiat River to Fox Creek; then northeast along Fox Creek to the Fourmile Ridge Trail 1445; then east on the Fourmile Ridge Trail to Trail 1448; then southeast on Trail 1448 to Stormy Mountain and the Slide Ridge Road (USFS Road 8410); then north on the Slide Ridge Road to Twenty-five Mile Creek; then north along Twenty-five Mile Creek to Lake Chelan and the point of beginning. (See Wenatchee National Forest map)

GMU 314-MISSION (Kittitas and Chelan counties): Beginning at the Black Pine Creek Horse Camp near the Alpine Lakes Wilderness Boundary and Icicle Creek; then east along Icicle Creek to the Wenatchee River; then south and east along the Wenatchee and Columbia Rivers to the mouth of Colockum Creek; then west along Colockum Creek and the Colockum Pass Road (WDFW Road 10) to the Naneum Ridge Road (WDFW Road 9); then northwest on the Naneum Ridge Road to Wenatchee Mountain; then northwest along the ridge past Mission Peak to the Liberty-Beehive Road (USFS Road 9712); then northwest on the Liberty-Beehive Road to USFS Road 9716; then north on USFS Road 9716 to U.S. Highway 97 at Swank Pass; then northwest on the Kittitas-Chelan County line and Trail 1226 to the Alpine Lakes Wilderness Boundary at Navaho Peak; then north on the Alpine Lakes Wilderness Boundary to Icicle Creek and the point of beginning. (See Wenatchee National Forest map and Department of Fish and Wildlife Naneum Green Dot map)

GMU 316-SWAKANE (Chelan County): Beginning at Stevens Pass on U.S. Highway 2; then east on U.S. Highway 2 to Coles Corner and State Highway 207; then north on State Highway 207 to State Highway 209 near Lake Wenatchee; then southeast on State Highway 209 to the Eagle Creek Road (USFS Road 7520); then northeast on Eagle Creek Road to French Corral and USFS Road 5800; then northeast on USFS Road 5800 to the Mad River Road (USFS Road 5700); then southeast on the Mad River Road to Ardenvoir and the Entiat River; then southeast along the Entiat River to the Columbia River; south along the Columbia River to the Wenatchee River; then northwest along the Wenatchee River to Leavenworth and Icicle Creek; then south and northwest along Icicle Creek to the Alpine Lakes Wilderness Boundary; then north on the Alpine Lakes Wilderness Boundary to the Pacific Crest Trail near Josephine Lake; then north on the Pacific Crest Trail to Stevens Pass and the point of beginning. (See Wenatchee National Forest map)

GMU 328-NANEUM (Kittitas and Chelan counties): Beginning at Swauk Pass on U.S. Highway 97 and USFS Road 9716; then east on USFS Road 9716 to the Liberty-Beehive Road (USFS 9712); then east on the Liberty-Beehive Road to the west boundary of Section 22 (T21N, R19E); then southeast along the ridge past Mission Peak to Wenatchee Mountain and Naneum Ridge Road (WDFW Road 9); then southeast on the Naneum Ridge Road to the Colockum Pass Road (WDFW Road 10); then south on the Colockum Pass Road to the East Highline Canal; then northwest along the East Highline Canal to the Lower Green Canyon Road; then south on the Lower Green Canyon Road to U.S. Highway 97; then north on U.S. Highway 97 to Swauk Pass and the point of beginning. (See Wenatchee National Forest map and Department of Fish and Wildlife Naneum Green Dot map)

GMU 329-QUILMENE (Kittitas and Chelan counties): Beginning on the Columbia River at the mouth of Colockum Creek; then south along the Columbia River to Davies Canyon; then west along Davies Canyon to Road 14; then south and west on Road 14 to the boundary sign in the northwest quarter of Section 17 (T20N, R22E); then south to the boundary sign on Road 14 along the section lines between Sections 17, 18, 19 and 20; then east on Road 14 to Road 14.14; then east on Road 14.14 and north along the stock fence to the northern point of Cape Horn; then south along the top of the cliff and southeast to Road 14.14; then south on Roads 14.14, 14.17 and 14 to Tekison Creek; then south along Tekison Creek to the Columbia River; then south along the Columbia River to Vantage and Interstate Highway 90; then west on Interstate Highway 90 to the East Highline Canal; then north on the East Highline Canal to the Colockum Pass Road (Road 10); then north on the Colockum Pass Road to Colockum Creek; then northeast along Colockum Creek to the Columbia River and the point of beginning. (See Department of Fish and Wildlife Naneum Green Dot map)

GMU 330-WEST BAR (Kittitas County): Beginning on the Columbia River and Davies Canyon; then southeast along the Columbia River to the mouth of the Tekison Creek; then northwest along Tekison Creek to Road 14; then north on Road 14, 14.17, and 14.14 to the top of the Cape Horn Cliffs; then north along the top of the cliff to the north end of Cape Horn; then southwest along the stock fence to Road 14.14; then west on Road 14.14 to Road 14 to the boundary sign between Sections 19 and 20 (T20N, R22S); then north on a line between Sections 19, 20 and 17, 18 to the boundary sign on Road 14 in the northwest quarter of Section 17; then east and north along Road 14 to Davies Canyon; then east along Davies Canyon to the Columbia River and the point of beginning. (See Department of Fish and Wildlife Naneum Green Dot map)

GMU 334-ELLENSBURG (Kittitas County): Beginning on U.S. Highway 97 and the Lower Green Canyon Road; then north on the Lower Green Canyon Road to the East Highline Canal; then east and south along the canal past Interstate 90 to the pump station; then south and west along the north branch of the canal to State Highway 821 and the Yakima River; then north along the Yakima River to the Damon Road; then south on Damon Road and Shushuskin

Canyon to the South Branch Extension Canal; then west along the canal to the Bradshaw Road; then west along Bradshaw Road to the elk fence; then west and north along the elk fence to Taneum Creek; then east along Taneum Creek to the Yakima River; then northeast along the Yakima River to the Thorp Highway; then east on the Thorp Highway and State Highway 10 to U.S. Highway 97; then north along U.S. Highway 97 to the Lower Green Canyon Road and the point of beginning. (See Wenatchee National Forest map and the Department of Fish and Wildlife map) (This is a Kittitas County Closure area for highpower rifle hunting of both deer and elk. Contact Kittitas County for more details.)

GMU 335-TEANAWAY (Kittitas County): Beginning at Snoqualmie Pass on the Pacific Crest Trail; then north on the Pacific Crest Trail to the Alpine Lakes Wilderness Boundary; then east on the Alpine Wilderness Boundary to the Chelan-Kittitas County line; then southeast on the county line and Trail 1226 to Swauk Pass and U.S. Highway 97; then south on U.S. Highway 97 to State Highway 10; then northwest on State Highways 10, 970, 903 to Cle Elum and Interstate 90; then west on Interstate 90 to Snoqualmie Pass and the Pacific Crest Trail and the point of beginning. (See Wenatchee National Forest map)

GMU 336-TANEUM (Kittitas County): Beginning at the Pacific Crest Trail and Interstate 90 at Snoqualmie Pass; then east on Interstate 90 to Cle Elum and State Highway 903; then east on State Highways 903, 970 and 10 to the Thorp Highway; then southeast on the Thorp Highway to the Thorp Highway Bridge and the Yakima River; then southwest along the Yakima River (upstream) to Taneum Creek; then west along Taneum Creek to the South Fork Taneum Creek; then west along the South Fork Taneum Creek to Trail 1367; then west on Trail 1367 to Trail 1363; then south on Trail 1363 and south along Peaches Ridge to Trail 1388; then west on Trail 1388 to Blowout Mountain on the Pacific Crest Trail; then north on the Pacific Crest Trail to Snoqualmie Pass and the point of beginning. (See Wenatchee National Forest map)

GMU 340-MANASTASH (Kittitas County): Beginning at Quartz Mountain and Peaches Ridge (Trail 1363); then north and east on Trail 1363 to Trail 1367; then southeast on Trail 1367 to the South Fork Taneum Creek; then east along the South Fork Taneum Creek to Taneum Creek; then east along Taneum Creek to the elk fence; then southeast along the elk fence to Bradshaw Road; then east on Bradshaw Road to the South Branch Highline Canal; then southeast along the South Branch Highline Canal to the Wenas-Ellensburg Road (at Shushuskin Canyon); then north on the Wenas-Ellensburg Road to the Damon Road; then north on the Damon Road to the Yakima River; then south along the Yakima River to Umtanum Creek; then west along Umtanum Creek to the Wenas-Ellensburg Road; then west on the Wenas-Ellensburg Road to Ellensburg Pass and the Observatory Road (Section 6, T16N, R17E); then north on the Observatory Road to Manastash Ridge (Section 20, T17N, R17E, W.M.); then northwest along the Manastash Ridge to Trail 1388; then northwest on Trail 1388 to Quartz Mountain and Peaches Ridge Trail and the point of beginning. (See Wenatchee National Forest map)

GMU 342-UMTANUM (Kittitas and Yakima counties): Beginning at Manastash Ridge at the junction of Forest Road 1701; then east along the Manastash Ridge to the Observatory Road in Section 20, T17N, R17E, W.M.; then south on the Observatory Road to the Wenas-Ellensburg Road near Ellensburg Pass (Section 6, T16N, R17E, W.M.); then east on the Wenas-Ellensburg Road to Umtanum Creek; then east along the Umtanum Creek to the Yakima River; then south along the Yakima River to Yakima and U.S. Highway 12; then northwest on U.S. Highway 12 to State Highway 410; then northwest on State Highway 410 to USFS Road 1701; then north on USFS Road 1701 to the point of beginning. (See Wenatchee National Forest map and Washington State Atlas & Gazetteer)

GMU 346-LITTLE NACHES (Yakima and Kittitas counties): Beginning at Blowout Mountain and the USFS Road 1388; then east on USFS Road 1388 to USFS Road 1701 near the USFS fence; then south on USFS Road 1701 to State Highway 410; then northwest and southwest on State Highway 410 to the Pacific Crest Trail near Chinook Pass; then north on the Pacific Crest Trail to Blowout Mountain and the point of beginning. (See Wenatchee National Forest map)

GMU 352-NILE (Yakima County): Beginning on the Bumping Lake Road and State Highway 410; then east and south on State Highway 410 to Nile and USFS Road 1500; then west on USFS Road 1500 to the McDaniel Lake Road (USFS Road 1502); then west on the McDaniel Lake Road to the North Fork and the South Fork of Rattlesnake Creek; then along the North Fork Rattlesnake Creek to the USFS Richmond Mine Trail 973; then north on the Richmond Mine Trail 973 to the Bumping Lake Road; then north on the Bumping Lake Road to State Highway 410 and the point of beginning. (See Wenatchee National Forest map)

GMU 356-BUMPING (Yakima County): Beginning on the Pacific Crest Trail and State Highway 410 at Chinook Pass; then northeast on State Highway 410 to the Bumping Lake Road; then southwest on the Bumping Lake Road to the USFS Richmond Mine Trail 973; then southeast on the Richmond Mine Trail 973 to the North Fork Rattlesnake Creek; then southeast along the North Fork Rattlesnake Creek to the McDaniel Lake Road (USFS Road 1502); then southeast on the McDaniel Lake Road to USFS Road 1500; then south on USFS Road 1500 to State Highway 12; then west on Highway 12 to the Pacific Crest Trail at White Pass; then north on the Pacific Crest Trail to Chinook Pass and the point of beginning. (Lands within the boundary of Mt. Rainier National Park along the Pacific Crest Trail are not open to hunting.) (See Wenatchee National Forest Recreation map)

GMU 360-BETHEL (Yakima County): Beginning on USFS 1500 and Highway 410 at Nile; then southeast on Highway 410 to Highway 12; then southwest on Highway 12 to USFS 1500; then north and east on USFS 1500 to Nile and the point of beginning. (See Wenatchee National Forest Recreation map)

GMU 364-RIMROCK (Yakima County): Beginning on the Pacific Crest Trail and Highway 12 at White Pass; then east on Highway 12 to Windy Point and the Jump Off Road

(USFS 1302); then southwest on Jump Off Road to (~~Divide Ridge Jeep Trail 1127 at~~) Jump Off Lookout; then (~~south-east~~) south on Divide Ridge (~~Jeep Trail to DNR Road 1020 near Strobach Springs; then west on DNR Road 1020 to Blue Slide Lookout; then south on the jeep trail to Blue Lake; then south on the jeep trail~~) Crest to Darland Mountain and to the Darland Mountain Road and the north boundary of the Yakima Indian Reservation; then west on the Yakima Indian Reservation boundary to the Pacific Crest Trail; then north on the Pacific Crest Trail to Highway 12 at White Pass and the point of beginning. (See Wenatchee National Forest Recreation map)

GMU 366-RIMROCK-COWICHE (Yakima County): GMUs 364 (Rimrock) and 368 (Cowiche). (See Wenatchee National Forest Recreation map)

GMU 368-COWICHE (Yakima County): Beginning on Highway 12 and Jump Off Road near Windy Point; then northeast and southeast on Highway 12 to the Yakima River; then south along the Yakima River to the Yakima Indian Reservation boundary south of Union Gap; then west on the reservation boundary to Darland Mountain; then north on the (~~jeep trail past Blue Lake to Blue Slide Lookout; then northeast on DNR Road 1020 to Divide Ridge Trail 1127 near Strobach Springs; then northeast on the~~) crest of Divide Ridge ((Trail 1127)) to the Jump Off Lookout and the Jump Off Road (USFS Road 1302); then northeast on the Jump Off Road to Highway 12 and the point of beginning. (See Wenatchee National Forest Recreation map)

GMU 371 ALKALI (Kittitas and Yakima counties): Beginning one mile south of Thrall and Highway 821 at the Yakima River and the East High Canal; then east and north along the East High Canal to Interstate Highway 90; then east on Interstate Highway 90 to Vantage and the Columbia River; then south along the Columbia River to (~~Highway 24 (Vernita Bridge); then south and west along Highway 24~~) Priest Rapids Dam and the Yakima Training Center (YTC) boundary; then south and west along the YTC boundary to the main gate at Firing Center Road; then west along Firing Center Road and Harrison Road to the Yakima River; then north along the Yakima River to the East High Canal and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 372 KIONA (Benton and Yakima counties): Beginning (~~on Highway 24 and the Columbia River at the Vernita Bridge~~) at Priest Rapids Dam and the Columbia River; then east and south along the Columbia River (Yakima, Grant, Benton, and Walla Walla County line) to the Alderdale Road; then north on the Alderdale Road to the Klickitat-Yakima County line; then west on the county line to the Yakima Indian Reservation boundary; then northeast on the reservation boundary to the Mabton-Sunnyside Road; then north on the Mabton-Sunnyside Road to the Yakima River; then northwest along the Yakima River to (~~Highway 24; then east along Highway 24 to the Vernita Bridge~~) Harrison Road; then east along Harrison Road and Firing Center Road to the main gate of the Yakima Training Center (YTC); then south and east along the YTC boundary to Priest Rapids Dam and the Columbia River and the point of beginning. The Hanford Nuclear Reservation is closed to all unauthorized public entry. (See Washington Atlas & Gazetteer)

AMENDATORY SECTION (Amending Order 94-137, filed 1/10/95, effective 2/10/95)

WAC 232-28-02204 Game management units (GMUs)—Special game areas—Boundary descriptions—Region four.

GMU 405-CHUCKANUT (Whatcom and Skagit counties): Beginning at the northwest corner of Whatcom County and the Canadian border; then east on the Canadian border to the Silver Lake Road; then south on the Silver Lake Road to the Mount Baker Highway 542; then southwest on the Mount Baker Highway 542 to the Mosquito Lake Road; then south on the Mosquito Lake Road to Valley Highway 9; then south on Valley Highway 9 through Sedro Woolley to the town of Arlington and the Stillaguamish River; then west along the Stillaguamish River through Stanwood and West Pass to Skagit Bay (Snohomish, Skagit, Island County line); then west and north through Skagit Bay, Deception Pass, Rosario Strait and Bellingham Channel to Samish Bay near Edison; then north along the shoreline to the Whatcom County line; then north on the county line to the Canadian border and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 410-ISLANDS (San Juan and Island counties): Beginning at the north corner of San Juan-Whatcom County line; then southeast on the county line to the Skagit-Whatcom County line; then east on the county line to the shore of Samish Bay; then south on the shoreline near Edison; then west through Samish Bay and south through Bellingham Channel to the Skagit-San Juan County line; then south through Rosario Strait on the San Juan-Skagit County line to the Island County line; then east on the Skagit-Island County line through Deception Pass and south through Skagit Bay; then southeast on the Island-Snohomish County line through Juniper Beach, Port Susan, Possession Sound to the Island-Kitsap County line; then northwest on the Island-Kitsap-Jefferson County line through Puget Sound, Admiralty Inlet, and the Strait of Juan De Fuca; then west on the San Juan-Jefferson-Clallam County lines to the Canadian border; then north on the Canadian border through Middle Bank, Haro Strait, and Boundary Pass to the north corner of San Juan-Whatcom County line and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 417-BALD MOUNTAIN (Whatcom and Skagit counties): Beginning at the intersection of the Mosquito Lake Road and the Middle Fork Nooksack River Road (Section 11, T38N, R05E); then east on the Middle Fork Nooksack River Road to Clearwater Creek; then north and east up Clearwater Creek to the end of USFS 36 Road (Section 8, T38N, R07E); then north and east on USFS 36 Road to USFS 39 Road; then north along USFS 39 Road to SR 542 Road; then east and south along SR 542 Road to its southernmost point (Section 30, T39N, R09E); then approximately 0.5 miles along a straight line to Swift Creek; then south down Swift Creek to Baker Lake; then south along the west shoreline of Baker Lake and Lake Shannon to the lower Baker Dam; then south down the Baker River to SR 20; then west along SR 20 to Burpee Hill Road; then north along Burpee Hill Road to Baker Lake Road; then west along the Baker Lake Road to SW-HO-2400 Road; then north and west along the SW-HO-2400 Road, SW-HO-2000 Road,

SW-HO-2800 Road, and SW-HO-2900 Road (Josephine Truck Trail) to the intersection with the Crown Pacific 100 Road (Hamilton Mainline); then north along the Crown Pacific 100 Road (approximately .25 miles) to the intersection with Crown Pacific 110 Road; then continue west and north along the Crown Pacific 110 Road to the Crown Pacific 130 Road; then continue north and west along the Crown Pacific 130 Road to the Crown Pacific 170 Road; then continue west along the Crown Pacific 170 Road to the Crown Pacific 171 Road; then continue west along the Crown Pacific 171 Road to the Crown Pacific 172 Road; then north to the end of the Crown Pacific 172 Road (Section 10, T36N, R05E); then north to the end of the Crown Pacific 175 Road (DNR Radio Repeater); then north along a straight line to the end of John Hancock Road No. 1; then north and east along John Hancock Road No. 1 to Christie Creek*; then east down Christie Creek to the South Fork Nooksack River; then down the South Fork Nooksack River to the mouth of Hutchinson Creek; then north up Hutchinson Creek to the Mosquito Lake Road; then continue north along Mosquito Lake Road to the Middle Fork Nooksack Road and the point of beginning. (See Washington Atlas & Gazetteer) (~~(*Map of this portion of GMU 417 available upon request at the Mill Creek regional office.))~~)

GMU 418-NOOKSACK (Whatcom and Skagit counties): Beginning at the Silver Lake Road and the Canadian border; then east on the Canadian border to the North Cascades National Park Boundary; then south on the North Cascades National Park Boundary to the range line between Range 9 and 10 East; then south on this range line to Jackman Creek; then south along Jackman Creek to the Skagit River; then west along the main channel of the Skagit River to Highway 9; then north along Highway 9 to its intersection with Highway 20 (West Sedro Woolley); then east along Highway 20 to its intersection with Valley Highway 9 (East Sedro Woolley); then north along Valley Highway 9 to Mosquito Lake Road; then north on the Mosquito Lake Road to Mount Baker Highway 542; then north on Mount Baker Highway 542 to the Silver Lake Road; then north on the Silver Lake Road and the Canadian border to the point of beginning except GMU 417 (Bald Mountain) which is within GMU 418 (Nooksack). (See Washington Atlas & Gazetteer)

GMU 426-DIABLO (Skagit and Whatcom counties): Beginning at the Canadian border and the west boundary of the Ross Lake National Recreation Area; then south, on the Ross Lake National Recreation Boundary across the Skagit River and the North Cascades Highway; then north on the Ross Lake National Recreation Boundary to two miles east of Panther Creek; then south on the North Cascades National Park Boundary to Fisher Point; then east on the Skagit-Chelan County line across State Highway 2 to the Pacific Crest Trail; then north on the Pacific Crest Trail to Jims Pass, Oregon Basin and the Mt. Baker-Snoqualmie National Forest; then west on the Mt. Baker-Snoqualmie National Forest Boundary to the Ross Lake National Recreation Boundary; then north on the east boundary of the Ross Lake National Recreation Area to the Canadian border; then west on the Canadian border to the west boundary of the Ross Lake National Recreation Area and the point of beginning. (See Washington Atlas & Gazetteer)

PROPOSED

GMU 433-CAVANAUGH (Skagit and Snohomish counties): Beginning at the intersection of State Highway 9 and the Skagit River (south of Sedro Woolley); then east along the main channel of the Skagit River to the Sauk Valley Road (SR 530) near Rockport; then south on the Sauk Valley Road (SR 530) to Darrington; then west on the Arlington-Darrington Highway (SR 530) to State Highway 9 (at Arlington); then north on State Highway 9 to the Skagit River and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 440-SUIATTLE (Skagit and Snohomish counties): Beginning at State Highway 20 and Jackman Creek east of Concrete; then northeast along Jackman Creek to the range line between Range 9 and 10 East; then north on the range line to the boundary of the North Cascades National Park; then north and east on the North Cascades National Park Boundary to the Ross Lake National Recreation Area Boundary; then south on the Ross Lake National Recreation Area Boundary across the North Cascade Highway 20 and the Skagit River and east along the Ross Lake National Recreation Area to the North Cascades National Park Boundary near Big Devil Peak; then southeast on the North Cascades National Park Boundary to the Cascade River Road; then south on the Cascade River Road to USFS Road 1590 (USFS Road 1590); then south on USFS Road 1590 to the north boundary of Glacier Peak Wilderness Area; then west and south on Glacier Peak Wilderness Area Boundary to the Suiattle River; then west along the Suiattle River to State Highway 530 (Sauk Valley Road); then north on State Highway 530 to Rockport and State Highway 20; then west on State Highway 20 to Jackman Creek and the point of beginning. (See Washington Atlas & Gazetteer and Mt. Baker-Snoqualmie National Forest map)

GMU 442-TULALIP (Snohomish and King counties): Beginning at the mouth of the Stillaguamish River near Stanwood; then east along the Stillaguamish River to Arlington and State Highway 530; then northeast on State Highway 530 to the Trafton School at Trafton; then southeast along the Jim Creek-Trafton Road (242nd St. N.E.) to the City of Seattle power transmission line; then southwest on the transmission line to the Jordan Road in Section 20, T31N, R6E; then southeast along the Jordan Road to Granite Falls and the Menzel Lake Road; then south on the Menzel Lake Road past Lake Roesiger to the Woods Creek Road; then south on the Woods Creek Road to Monroe and Highway 203; then south on Highway 203 to the Snoqualmie River at Duvall; then north along the Snoqualmie River to the Snohomish River; then west along the Snohomish River to Puget Sound; then north along the shore of Puget Sound to the mouth of the Stillaguamish River near Stanwood and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 448-STILLAGUAMISH (Snohomish and Skagit counties): Beginning at Trafton on the Highway 530 (Arlington-Darrington Highway); then northeast on Highway 530 to Darrington; then north on Highway 530 (Sauk Valley Road - Bennets Store Road) to the Suiattle River; then east along the Suiattle River to the Glacier Peak Wilderness Area Boundary; then south on the Glacier Peak Wilderness Area Boundary to June Mountain and USFS Trail 650; then west on the USFS Trail 650 on the crest between Sloan Creek and

the North Fork Skykomish River Drainages to Curry Gap and the Quartz Creek Trail 1050; then south on the Quartz Creek Trail 1050 and 1054 to West Cady Creek; then south along West Cady Creek through Section 36, T28N, R12E to Meadow Creek; then south along Meadow Creek to Rapid River; then east along Rapid River to Lake Janus and the Pacific Crest Trail; then south on the Pacific Crest Trail to Stevens Pass and Highway 2; then west on Highway 2 to Monroe and the Woods Creek Road; then north on the Woods Creek Road past Lake Roesiger to the Menzel Lake Road; then north on the Menzel Lake Road to Granite Falls and the Jordan Road; then northwest on the Jordan Road through Jordan to the City of Seattle power transmission lines; then northeast on the transmission lines to the Jim Creek-Trafton Road (242nd St. N.E.); then west on the Jim Creek-Trafton Road to Trafton and the point of beginning. (See Washington Atlas & Gazetteer and Mt. Baker-Snoqualmie National Forest map)

GMU 450-CASCADE (Skagit and Snohomish counties): Beginning on the Glacier Peak Wilderness Boundary one mile north of Jordan Lakes on the township line between T34 & 35N; then east on the Wilderness Boundary to USFS Road 1590 (USFS Road 1590); then north on USFS Road 1590 to the Cascade River Road; then north on Cascade River Road to the North Cascades National Park Boundary; then east on the North Cascades National Park Boundary to the Pacific Crest Trail Boundary; then south on the Pacific Crest Trail to Lake Janus and the Rapid River; then northwest along the Rapid River to Meadow Creek; then north along Meadow Creek to West Cady Creek; then northwest along West Cady Creek near Excelsior Mountain and USFS Trail 1054; then north on USFS Trail 1054 and the Quartz Creek Trail (USFS 1050) to Curry Gap and USFS Trail 650; then east on USFS Trail 650 to June Mountain and the Glacier Peak Wilderness Boundary; then north on the Glacier Peak Wilderness Boundary across the Suiattle River to Jordan Lakes on township line between T34 & 35N and the point of beginning. (See Mt. Baker-Snoqualmie National Forest and Wenatchee National Forest maps)

GMU 454-ISSAQUAH (King and Snohomish counties): Beginning at the mouth of the Snohomish River near Everett; then southeast along the Snohomish River to the Snoqualmie River; then southeast along the Snoqualmie River to Duvall and State Highway 203; then south on State Highway 203 through Fall City to Preston and Interstate Highway 90; then east on Interstate Highway 90 to State Highway 18; then south on State Highway 18 to the Raging River; then southeast along the Raging River to the City of Seattle Cedar River Watershed; then west, south and east on the Cedar River Watershed to the City of Tacoma Green River Watershed; then south on the Green River Watershed to USFS Road 7110 near Lynn Lake; then southwest on USFS Road 7110 to U.S. Highway 410; then west on U.S. Highway 410 to Enumclaw and State Highway 164; then west on State Highway 164 to Auburn and State Highway 18; then west on State Highway 18 to U.S. Highway 99; then north on U.S. Highway 99 to Redondo Beach; then due west to Puget Sound; then north along Puget Sound to the mouth of the Snohomish River and the point of beginning. (See Washington Atlas & Gazetteer and Mt. Baker-Snoqualmie National Forest map)

GMU 460-SNOQUALMIE (King and Snohomish counties): Beginning at Monroe on State Highway 203 and U.S. Highway 2; then east on U.S. Highway 2 to Stevens Pass and the Pacific Crest Trail; then south on the Pacific Crest Trail to the City of Seattle Cedar River Watershed; then west on the Cedar River Watershed to the Raging River; then north along the Raging River to State Highway 18; then north on State Highway 18 to Interstate Highway 90; then west on Interstate Highway 90 to the Preston-Fall City Road; then north on the Preston-Fall City Road to State Highway 203; then north on State Highway 203 to Monroe and the point of beginning. (See Mt. Baker-Snoqualmie National Forest map)

GMU 466-STAMPEDE (King County): Beginning on the Pacific Crest Trail (USFS Trail 2000) and the east boundary of the City of Seattle Cedar River Watershed; then south on the Pacific Crest Trail past Blowout Mountain to Pyramid Peak, at Windy Gap; then northwest on USFS Roads 7036 and 7030 to USFS Trail 1172; then northwest on USFS Trail 1172 to the Champion Creek Road (USFS Road 7012); north on Champion Creek Road to the City of Tacoma Green River Watershed Boundary; then north on the Green River Watershed Boundary to the Pacific Crest Trail and the point of beginning. (See White River Ranger District map and North Bend Ranger District map of the Mt. Baker-Snoqualmie National Forest)

GMU 472-WHITE RIVER (King and Pierce counties): Beginning at the lookout at Grass Mountain mainline (USFS Road 7110) and the City of Tacoma Green River Watershed Boundary; then east on the Green River Watershed Boundary and USFS Trail 1172 to USFS Road 7032; then east along USFS Road 7032 to USFS Road 7030; then southeast along USFS Road 7030 and USFS Road 7036 to the Pacific Crest Trail north of Pyramid Peak; then south on the Pacific Crest Trail to the Mount Rainier National Park Boundary at Chinook Pass; then north and west on the park boundary to the Carbon River; then northwest along the Carbon River to Bonneville Power Transmission Line; then northeast along the transmission line to South Prairie Creek; then north along South Prairie Creek to intersection with Champion ownership line (Section 14, T19N, R6E); then east and north along Champion ownership line to the White River (along west line of Section 6, T19N, R7E); then southeast along the White River to the Bonneville Power Line on the north side of the river near Mud Mountain Dam Road; then northeast on the transmission lines to State Highway 410; then east on State Highway 410 to USFS Road 7110; then north on USFS Road 7110 to the City of Tacoma Green River Watershed and the point of beginning, except Private Lands Wildlife Management Area 401 (Champion). (See Washington Atlas & Gazetteer, U.S. Forest Service White River-Norse Peak Wilderness map, and Champion Timberlands Visitors Recreation map)

GMU 478-MASHEL (Pierce County): Beginning at the Bonneville Power Transmission Line at the Puyallup River bridge on the Orville Road East; then northeast on the Bonneville Power Transmission Line to the ~~((Fisk Road)) Carbon River~~; then southeast ~~((on the Fisk Road to Champion's 12 Road; then northeast on Champion's 12 Road to the Carbonado Electron powerline; then northeast on~~

~~the powerline to the Carbon River; then southeast))~~ along the Carbon River to the west boundary of Mt. Rainier National Park; then south on the park boundary to the Nisqually River; then west on the Nisqually River (Pierce-Lewis County line) to Weyerhaeuser 1000 (Main Line); then northeast on the Weyerhaeuser 1000 to Highway 161 (Eatonville-LaGrande Road); then northeast on Highway 161 through Eatonville to Orville Road East (Kapowsin-Eatonville Road); then north on the Orville Road East to the Puyallup River bridge and the point of beginning, except Private Lands Wildlife Management Area 401 (Champion). (See Washington Atlas & Gazetteer, Mt. Baker-Snoqualmie National Forest map, and Champion Timberlands Visitors Recreation map)

GMU 480-SOUTH ISLANDS (Pierce County): All of Anderson, Ketron, McNeil, Gertrude, and Pitt Islands. "Special firearm restrictions for these islands." Hunting is closed on Gertrude, Pitt and McNeil Islands. (See Washington Atlas & Gazetteer)

GMU 484-PUYALLUP (Pierce and King counties): Beginning at Redondo Junction on the shore of Puget Sound and Redondo Way South; then southeast on Redondo Way South to Pacific Highway South (Old Highway 99); then south on the Pacific Highway South to Auburn and State Highway 18; then east on State Highway 18 to State Highway 164; then southeast on State Highway 164 to Enumclaw and State Highway 410 (Chinook Pass Highway); then east on State Highway 410 to the second set of Bonneville Power Transmission Lines near the Mud Mountain Dam Road; then southwest on the transmission lines to the White River; then northwest along the White River to the Champion ownership line (along west line of Section 6, T19N, R7E); then west and south along the Champion ownership line to South Prairie Creek (Section 14, T19N, R6E); then south along South Prairie Creek to the intersection with the Bonneville Power Line; then southwest on this transmission line to ~~((the Carbon River; then southeast on the Carbon River to the Carbonado/ Electron powerline; then southwest on the powerline to the Champion 12 Road; then southwest on the Champion Road to Fisk Road; then northwest on the Fisk Road to the Bonneville Power Transmission Line; then southwest on this transmission line to the))~~ Puyallup River ~~((bridge))~~ and the Orville Road East; then south on the Orville Road East to State Highway 161; then south on the Weyerhaeuser 1000 line to the Nisqually River (Pierce-Thurston County line); then northwest along the Nisqually River to Puget Sound; then north along the shore of Puget Sound to Redondo and the point of beginning, except Private Lands Wildlife Management Area 401 (Champion). (See Washington Atlas & Gazetteer, Mt. Baker-Snoqualmie National Forest map, and Champion Timberlands Visitors Recreation map)

GMU 485-GREEN RIVER (King County): Beginning at the northwest corner of the Green River Watershed; then east on the boundary between the Green River Watershed and the Cedar River Watershed to the USFS Road 5060; then south on the USFS Road 5060 to the posted boundary of the Green River Watershed; then along the southern boundary of the Green River Watershed over Huckleberry Mountain and Grass Mountain and across the Green River to the northwest

corner of the Green River Watershed and the point of beginning. (See White River Ranger District map, and North Bend Ranger District map of the Mt. Baker-Snoqualmie National Forest)

GMU 490-CEDAR RIVER (King County): Beginning at the Cedar River and the west boundary of the City of Seattle Cedar River Watershed; then north and east on the watershed boundary to the Pacific Crest Trail; then south on the Pacific Crest Trail past Yakima Pass to the boundary of the Cedar River Watershed; then west and north on the Cedar River Watershed Boundary to the Cedar River and the point of beginning. (See Mt. Baker-Snoqualmie National Forest map)

AMENDATORY SECTION (Amending Order 94-138, filed 1/10/95, effective 2/10/95)

WAC 232-28-02205 Game management units (GMUs)—Special game areas—Boundary descriptions—Region five.

GMU 501-LINCOLN (Lewis, Thurston, Pacific and Grays Harbor counties): Beginning at the intersection of Interstate 5 and State Highway 6; then west on State Highway 6 to the Stevens Road; then northwest on Stevens Road to Elk Creek Road (Doty); then west on Elk Creek Road to the 7000 Road; then west on the 7000 Road to the 7800 Road; then west on the 7800 Road to the 720 Road; then northeast on the 720 Road to Garrard Creek Road; then northeast on the Garrard Creek Road to Oakville and U.S. Highway 12; then east on U.S. Highway 12 to Interstate 5; then south on Interstate 5 to State Highway 6 and point of beginning. (See Washington Atlas & Gazetteer)

GMU 504-STELLA (Cowlitz County): Beginning at the mouth of the Cowlitz River at the Columbia River; then west down the Columbia to the mouth of Germany Creek; then north up Germany Creek to State Highway 4; then east on Highway 4 to Germany Creek Road; then north on Germany Creek Road to International Paper 1000 Road; then north on International Paper 1000 to the International Paper 1050 Road; then east on International Paper 1050 Road to the 2200 Road; then east and south to the 2000 Road; then south on the 2000 Road to the Delameter Road (Woodside Road); then east on Delameter Road to State Highway 411; then north on Highway 411 to PH 10 Road (Four Corners); then east to Cowlitz River; then south down the Cowlitz River to the Columbia River and point of beginning. (See Washington Atlas & Gazetteer)

GMU 505-MOSSYROCK (Lewis County): Beginning on Interstate 5 and the Cowlitz River; then northeast up the Cowlitz River to Mayfield Lake and the U.S. Highway 12 bridge; then east on U.S. Highway 12 to Winston Creek Road; then south and east to Longbell Road and Perkins Road; then northeast on Perkins Road to Swofford Road; then north on Swofford Road to Ajlune Road; then east on Ajlune Road to Riffe Lake; then east along the south shore to the Cowlitz River and up the Cowlitz River to the USFS 23 Road (Cispus Road) Bridge; then south and east to the C Line Road; then east to the Bennet Road; then east to U.S. Highway 12; then west on Highway 12 to State Highway 7 (Morton); then north on State Highway 7 to State Highway 508; then west on Highway 508 to Centralia/Alpha Road;

then west and north on Centralia/Alpha Road to Salzer Valley Road; then west to Summa Street and Kresky Road; then north on Kresky Road to Tower Street; then on Tower Street to State Highway 507; then west on Highway 507 Cherry, Alder and Mellen Streets to Interstate 5; then south on Interstate 5 to the Cowlitz River and point of beginning. (See Washington Atlas & Gazetteer)

GMU 506-WILLAPA HILLS (Wahkiakum, Pacific and Lewis counties): Beginning at Pe Ell and the Muller Road; then south on the Muller Road to the 1000 Road; then south on the 1000 Road to the 1800 Road; then south on the 1800 Road to the 500 Road; then southeast on the 500 Road to State Highway 407 (Elochoman Valley Road); then south on the Elochoman Valley Road (old SR 407) to the Elochoman River; then downstream along the Elochoman River to the Foster Road; then north on Foster Road to Risk Road; then west and north along Risk Road to SR 4; then west on SR 4 to Skamokawa Creek; then downstream along Skamokawa Creek to the confluence with the Columbia River; then west along Columbia River to the mouth of the Deep River; then north along the Deep River to State Highway 4; then northwest on State Highway 4 to the Salmon Creek Road; then north on the Salmon Creek Road to the Bonneville Powerline Road; then north on the Bonneville Powerline Road to State Highway 6; then east on State Highway 6 to the Town of Pe Ell and the point of beginning. (See Washington Atlas & Gazetteer, Forest Protection map "Willapa Hills")

GMU 510-STORMKING (Lewis County): Beginning on U.S. Highway 12 at the Silver Creek Bridge; then north up Silver Creek to Silverbrook Road; then east to USFS 47 Road; then north on USFS 47 Road to USFS 85 Road; then west on USFS 85 Road to Silver Creek; then southwest on Silver Creek to Lynx Creek; then north on Lynx Creek and its northernmost tributary to USFS 85 Road; then northwest on the USFS 85 Road to Catt Creek; then north on Catt Creek to the Nisqually River; then west down the Nisqually River to State Highway 7; then south on Highway 7 to U.S. Highway 12 (Morton); then east on U.S. Highway 12 to Silver Creek and point of beginning. (See Gifford Pinchot National Forest map)

GMU 512-SAWTOOTH (Lewis County): Beginning on U.S. Highway 12 at the Silver Creek bridge; then north up Silver Creek to Silverbrook Road; then east to USFS 47 Road; then north on USFS 47 Road to USFS 85 Road; then west on USFS 85 Road to Silver Creek; then southwest on Silver Creek to Lynx Creek; then north on Lynx Creek and its northernmost tributary to USFS 85 Road; then north on USFS 85 Road to Catt Creek; then northwest down Catt Creek to the Nisqually River; then east up the Nisqually River to Horse Creek; then east up Horse Creek to USFS 52 Road (Skate Creek Road); then southeast on USFS 52 Road to the Cowlitz River; then southwest down the Cowlitz River to Smith Creek; then up Smith Creek to U.S. Highway 12; then west on U.S. Highway 12 to Silver Creek and point of beginning. (See Gifford Pinchot National Forest map and/or Washington Atlas & Gazetteer)

GMU 514-TATOOSH (Lewis County): Beginning at USFS 52 Road (Skate Creek) and the Cowlitz River (at Packwood); then northwest on USFS 52 Road to Horse

Creek; then down Horse Creek to the Nisqually River and the southern boundary of Mt. Rainier National Park; then north and east along the Nisqually River and south park boundary to the Cascade Crest Trail; then south along the Cascade Crest Trail to U.S. Highway 12; then northwest and southwest on U.S. Highway 12 to USFS 1270 Road; then north on USFS 1270 Road to the Cowlitz River; then southwest down the Cowlitz River to the USFS 52 Road and point of beginning. (See Gifford Pinchot National Forest map)

GMU 516-PACKWOOD (Lewis and Skamania counties): Beginning at the mouth of Cispus River; then east up the Cispus River to the USFS 56 Road (Midway G.S. Road); then east on the USFS 56 Road to the USFS 5603 Road; then east on the USFS 5603 Road to the Yakima Indian Reservation Boundary and the Cascade Crest; then north along the reservation boundary to Cispus Pass and the Cascade Crest Trail; then north along the Cascade Crest Trail to the U.S. Highway 12 (White Pass); then northwest and southwest on U.S. Highway 12 to USFS 1270 Road (Section 31, T14N, R10E); then north on USFS 1270 Road to the Cowlitz River; then southwest down the Cowlitz River to the mouth of Smith Creek; then south up Smith Creek to U.S. Highway 12; then southwest down U.S. Highway 12 to Bennet Road; then west on the Bennet Road to the C Line Road; then west to the USFS 23 Road (Cispus Road); then west and north to the Cowlitz River; then west down the Cowlitz River to the mouth of the Cispus River and point of beginning. (See Gifford Pinchot National Forest map)

GMU 520-WINSTON (Cowlitz, Lewis and Skamania counties): Beginning at the intersection of Interstate 5 and the Cowlitz River; then south down the Cowlitz River to the Toutle River; then east up the Toutle River to the North Fork Toutle River; then up the North Fork Toutle River to the Green River; then east up the Green River to USFS 2612 Road; then east on USFS 2612 Road to USFS 26 Road (Ryan Lake Road); then north on USFS 26 Road to the Cispus River; then west down the Cispus to the Cowlitz River; then west down the Cowlitz River to Riffe Lake; then west along the south shore to Ajlune Road; then west to Swofford Road; then south on Swofford Road to Perkins Road; then southwest and northwest on Perkins Road and Longbell Road to Winston Creek Road; then northwest on Winston Creek Road to U.S. Highway 12; then west on U.S. Highway 12 to the Mayfield Lake bridge; then southwest down Mayfield Lake and the Cowlitz River to Interstate 5 and point of beginning. (See Washington Atlas & Gazetteer)

GMU 522-LOO-WIT (Cowlitz and Skamania counties): Beginning on the North Fork Toutle River at the mouth of Hoffstadt Creek; then southeast up the North Fork Toutle River to the Weyerhaeuser 3001 Road; then southeast along the 3001, 3000, and 3090 Roads to the headwaters of the South Fork Castle Creek; then due south to the South Fork Toutle River; then east along South Fork Toutle to its headwaters and Mount St. Helens crater edge; then east along the crater edge to the headwaters of Ape Canyon; then down Ape Canyon Creek to the USFS Smith Creek Trail then north up USFS Smith Creek Trail to USFS 99 Road; then north along USFS 99 Road to USFS 26 Road; then north to Strawberry Lake Creek; then west down Strawberry

Lake Creek to the Green River; then across the Green River to Grizzly Creek; then up Grizzly Creek to Grizzly Lake; then west up the western inlet to its headwaters; then west to the headwaters of Coldwater Creek; then west down Coldwater Creek to Coldwater Lake; then southwest along the northwest shore to the old Weyerhaeuser 3500 Road; then west along the 3500, 3530, 3540, 3130, and 3120 Roads to the intersection with Hoffstadt Creek; then down Hoffstadt Creek to the North Fork Toutle River and point of beginning. (See Gifford Pinchot National Forest map)

GMU 524-MARGARET (Cowlitz, Skamania and Lewis counties): Beginning on the North Fork Toutle River at the mouth of the Green River; then southeast up the North Fork Toutle River to the mouth of Hoffstadt Creek; then up Hoffstadt Creek to the 3120 Road; then east along the 3120, 3130, 3540, 3530 and 3500 Roads to Coldwater Lake; then northeast along the northwest shoreline to Coldwater Creek; then up Coldwater Creek to its headwaters and east to the headwaters of Grizzly Lake; then east down the west inlet creek to Grizzly Lake; then down Grizzly Creek to the Green River and the mouth of Strawberry Lake Creek; then up Strawberry Lake Creek to the USFS 26 Road (Ryan Lake Road); then north on the USFS 26 Road to the USFS 2612 Road; then west on USFS 2612 Road to the Green River; then down the Green River to its mouth and point of beginning. (See Gifford Pinchot National Forest map)

GMU 530-RYDERWOOD (Cowlitz, Lewis and Wahkiakum counties): Beginning south of the Town of Doty on State Highway 6; then east on State Highway 6 to Chehalis and Interstate 5; then south on Interstate 5 to the Cowlitz River; then south along the Cowlitz River to Castle Rock and the PH 10 Road (Four Corners); then west on the PH 10 Road to State Highway 411; then south on State Highway 411 to Delameter Road (Woodside Drive); then southwest on Delameter Road to the 2000 Road; then west on the 2000 Road to the 2200 Road; then north and west on the 2200 Road to the International Paper 1050 Road; then west on the International Paper 1050 Road to the International Paper 1000 Road; then south on the International Paper 1000 Road to the Germany Creek Road; then south on the Germany Creek Road to State Highway 4; then west on State Highway 4 to Germany Creek; then south along Germany Creek to its mouth at the Columbia River; then west along the Columbia River and the Cathlamet Channel to the Puget Island Bridge on State Highway 409; then north on State Highway 409 to State Highway 4; then west on State Highway 4 to State Highway 407 (Elochoman Valley Road); then northwest on State Highway 407 (Elochoman Valley Road) to the 500 Road; then west on the 500 Road to the 1800 Road; then north on the 1800 Road to the International Paper 1000 Road; then north on the International Paper 1000 Road to the Muller Road; then north on Muller Road to Pe Ell and State Highway 6; then north on State Highway 6 to south of Doty and the point of beginning. (See Washington Atlas & Gazetteer, Forest Protection map "Willapa Hills")

GMU 550-COWEEMAN (Cowlitz County): Beginning at the mouth of the Cowlitz River; then north to the Toutle River; then east along the Toutle River to the South Fork Toutle River; then up the South Fork Toutle to the 4950

Road; then south and east on the 4950 Road to the 235 Road; then south on the 235, 200, 245, 134, 133, 130 and 1680 Roads to the 1600 Road; then southeast along the 1600 and 1400 Roads to the Kalama/Coweeman Summit; then south along the 1420 Road to the 1425 Road; then southwest along the 1425 Road to the 6400 Road; then southwest down the 6400 Road to the 6000 Road; then east to the 6450 Road; then southeast approximately one mile on the 6450 Road to the Arnold Creek Road; then southeast on Arnold Creek Road to Dubois Road; then to State Highway 503; then west on State Highway 503 to Cape Horn Creek; then down Cape Horn Creek to Merwin Reservoir and the Lewis River; then down the Lewis River to the Columbia River; then down the Columbia River to the mouth of the Cowlitz River and point of beginning. (See Washington Atlas & Gazetteer)

GMU 554-YALE (Cowlitz County): Beginning on State Highway 503 at its crossing of Cape Horn Creek; then east on State Highway 503 to 6690 Road (Rock Creek Road); then northeast on the 6690 and 6696 Roads to West Fork Speelyai Creek; then down Speelyai Creek to State Highway 503; then northeast on State Highway 503 to Dog Creek; then down Dog Creek to Yale Reservoir; then south and west down Yale Reservoir, Lewis River, and Merwin Reservoir to Cape Horn Creek; then up Cape Horn Creek to State Highway 503 and point of beginning. (See Washington Atlas & Gazetteer)

GMU 556-TOUTLE (Cowlitz County): Beginning on State Highway 503 (Lewis River Road) and USFS 81 Road (Merril Lake Road) intersection; then north on USFS 81 Road to Weyerhaeuser 7200 Road; then northeast on the 7200 Road to the 7400 Road; then northwest on the 7400 Road to the 5500 Road; then east and north on the 5500 and 5670 Roads to the South Fork Toutle River; then east up the South Fork Toutle River to a point due south of the headwaters of the South Fork Castle Creek (Section 1, T8N, R4E); then north to the headwaters of South Fork Castle Creek; then down South Fork Castle Creek to Weyerhaeuser 3092 Road; then west on the 3092 Road to 3090 Road; then northwest on the 3090, 3000 and 3001 Roads to the North Fork Toutle River; then down the North Fork Toutle River to the South Fork Toutle River; then southeast up the South Fork Toutle River to the 4950 Road; then south on the 4950, 235, 200, 245, 243A, 134, 133, 130, and 1680 Roads to the 1600 Road; then southeast on the 1600 and 1400 Roads to the Kalama/Coweeman Summit; then south on the 1420 Road to the 1425 Road; then southwest along the 1425 Road to the 6400 Road; then southwest on the 6400 Road to the 6000 Road; then east up the 6000 Road to the 6450 Road; then southwest on the 6450 Road approximately one mile to the Arnold Creek Road; then southeast on Arnold Creek and Dubois Roads to State Highway 503; then east on State Highway 503 to the 6690 Road (Rock Creek Road); then northeast on the 6690 and 6696 Roads to the West Fork Speelyai Creek; then down Speelyai Creek to State Highway 503; then northeast on State Highway 503 to USFS 81 Road and point of beginning. (See Washington Atlas & Gazetteer)

GMU 558-MARBLE (Cowlitz and Skamania counties): Beginning on State Highway 503 (Lewis River Road) and USFS 81 Road intersection; then north on USFS 81 Road to

Weyerhaeuser 7200 Road; then northeast on the 7200 Road to the 7400 Road; then northwest on the 7400 Road to the 5500 Road; then east and north on the 5500 and 5670 Roads to the South Fork Toutle River; then east up the South Fork Toutle River to Mount St. Helens crater and along crater to headwaters of Ape Canyon; then east down Ape Canyon Creek to USFS Smith Creek Trail then north up USFS Smith Creek Trail to USFS 99 Road; then northeast on USFS 99 Road to USFS 25 Road; then south on USFS 25 Road to the Muddy River; then south down the Muddy River to the North Fork Lewis River; then west down the North Fork Lewis River, Swift Reservoir to Yale Reservoir and Dog Creek; then north up Dog Creek to State Highway 503; then southwest to USFS 81 Road and point of beginning. (See Gifford Pinchot National Forest map)

GMU 560-LEWIS RIVER (Skamania, Klickitat, Yakima and Lewis counties): Beginning at Trout Lake, north to the USFS 80 Road; then north to USFS 17 Road (Mt. Adams Recreational Road); then northeast to USFS 82 Road; then northeast on the USFS 82 Road to the Yakima Indian Reservation Boundary (Section 16, T7N, R11E); then north along reservation boundary (Cascade Crest) to USFS 5603 Road; then west to the USFS 56 Road; then west to the Cispus River; then northwest down the Cispus River to the USFS 26 Road (Ryan Lake Road); then west and south on the USFS 26 Road to USFS 99 Road; then northeast to the USFS 25 Road; then south to Muddy River; then south down the Muddy River to the North Fork Lewis River; then west to the USFS 90 Road bridge (Eagle Cliff); then east on USFS 90 Road to USFS 51 Road; then southeast to USFS 30 Road; then northeast on the USFS 30 Road to USFS 24 Road; then southeast to the State Highway 141; then northeast on State Highway 141 to Trout Lake and point of beginning. (See Gifford Pinchot National Forest map)

GMU 564-BATTLE GROUND (Clark and Skamania counties): Beginning on the Interstate 5 at the Lewis River Bridge and the Lewis River; then northeast along the Lewis River (Cowlitz-Clark County line) to the Merwin Dam; then on a southeast line to the transmission line; then south on the transmission line to ~~((the County Road 20; then southeast on County Road 20 to the Pup Creek Road; then southeast on Pup Creek Road to County Road 16; then southeast on County Road 16 through Yacolt to County Road 12; then southeast on County Road 12))~~ N.E. Grinnel Road; N.E. Grinnel Road to N.E. Pup Creek Road; N.E. Pup Creek Road to N.E. Cedar Creek Road through Amboy and Yacolt to Railroad Avenue; southeast to Sunset Falls Road; east to Dole Valley Road; then south on the Dole Valley Road to Rock Creek Road; then southeast and south on the DNR 1000 Road to DNR 1500 Road; then east on DNR 1500 Road to N.E. 412th Avenue; then south on N.E. 412th Avenue to Skye Road; then east and south on the Skye Road to Washougal River Road; then south on Washougal River Road to State Highway 140; then southeast on State Highway 140 to Cape Horn Road; then south on Cape Horn Road to the Columbia River; then west down the Columbia River (including islands in Washington) to the Lewis River; then north along the Lewis River to the Interstate 5 Bridge and the point of beginning. (See Washington Atlas & Gazetteer, Forest Protection map "St. Helens West")

GMU 568-WASHOUGAL (Clark and Skamania counties): Beginning at Merwin Dam on the Lewis River and Lake Merwin; then northeast along Lake Merwin (Cowlitz-Clark County line) to Canyon Creek; then southeast along Canyon Creek to N.E. Healy Road; then east on N.E. Healy Road to USFS Road 54; then east on USFS Road 54 to USFS Road 37; then northwest on USFS Road 37 to USFS Road 53; then south on USFS Road 53 to USFS Road 4205 (Gumboat Road); then south on USFS Road 4205 to USFS Road 42 (Green Fork Road); then southwest on USFS Road 42 to USFS Road 41 (Sunset Hemlock Road) at Sunset Falls; then east on USFS Road 41 to USFS Road 406 at Lookout Mountain; then southeast on USFS Road 406 to the boundary of the Gifford Pinchot National Forest; then due east on the National Forest Boundary to Rock Creek; then southeast along Rock Creek to Stevenson and the Columbia River; then west down the Columbia River (including the islands in Washington) to the Cape Horn Road; then north on the Cape Horn Road to State Highway 140; then west on State Highway 140 to the Washougal River Road; then northwest on the Washougal River Road to the Skye Road; then northwest on the Skye Road to N.E. 412th Avenue; then northwest on DNR 1500 Road to DNR 1000 Road; then north and west on DNR 1000 Road to Dole Valley Road; then north on the Dole Valley Road to ~~((County Road 12; then northwest on County Road 12 to Moulton and County Road 16; then northwest on County Road 16 through Yacolt and Amboy to the Pup Creek Road; then northwest on the Pup Creek Road to County Road 20; then north on County Road 20))~~ Sunset Falls Road; then northwest to Railroad Avenue through Yacolt; then northwest on N.E. Cedar Creek Road through Amboy to N.E. Pup Creek Road; Pup Creek Road to N.E. Grinnel Road to the transmission lines; then north on the transmission line to Merwin Dam on the Lewis River and the point of beginning. (See Gifford Pinchot National Forest map and Washington Atlas & Gazetteer)

GMU 572-SIOUXON (Skamania and Clark counties): Beginning at the Yale Dam and Yale Lake; then north along Yale Lake (Cowlitz-Clark County line) to the North Fork Lewis River and Lewis River (old river bed); then northeast along the Lewis River to the Swift Creek Reservoir; then east along the Swift Creek Reservoir to Eagle Cliff Bridge and USFS Road 90; then east on USFS Road 90 to USFS 51 Road (Curly Creek Road); then southeast on USFS Road 51 to USFS Road 30; then north on USFS Road 30 to USFS Road 24 (Twin Butte Road); then south on USFS Road 24 to USFS Road 60 (Carson Guler Road); then southwest on USFS Road 60 to USFS Road 65 (Panther Creek Road); then southwest on USFS Road 65 to the Wind River Highway; then northwest on the Wind River Highway to Stabler; then west on Hemlock Road to USFS Road 41 (Sunset-Hemlock Road); then west on the USFS Road 41 to Sunset Falls and USFS Road 42 (Green Fork Road); then northeast on USFS Road 42 to USFS Road 4205 (Gunboat Road); then north on USFS Road 4205 to USFS Road 53; then northwest on USFS Road 53 to USFS Road 54 (N.E. Healy Road); then west on USFS Road 54 to Canyon Creek; then north along Canyon Creek to the Lewis River; then northeast along the Lewis River to the Yale Dam and the point of beginning. (See Gifford Pinchot National Forest map, and Forest Protection map "St. Helens West")

GMU 574-WIND RIVER (Skamania County): Beginning at Little Lookout Mountain on USFS Road 41 (Sunset-Mowich Butte); then east on USFS Road 41 to Stabler; then east on the Hemlock Road to the Wind River Road; then southeast on the Wind River Road to USFS Road 65 (Panther Creek Road); then north on USFS Road 65 to Old State Road; then east to the USFS Road 60 (Carson-Guler Road); then northeast on USFS Road 60 to USFS Road 24 and State Highway 141 to USFS Road 86; then south on USFS Road 86 to USFS Road 1840; then south on USFS Road 1840 to USFS Road 18 (Oklahoma Road); then south on USFS Road 18 to Willard and the Little White Salmon River; then south on the Little White Salmon River to the Columbia River; then west along the Columbia River to the mouth of Rock Creek; then northwest along Rock Creek through Stevenson to the south boundary of Gifford Pinchot National Forest; then on the south boundary of Gifford Pinchot National Forest due west to USFS Road 4100-406; then northwest on USFS Road 4100-406 to USFS Road 41 and the point of beginning. (See Washington Atlas & Gazetteer, Gifford Pinchot National Forest map)

GMU 576-WHITE SALMON (Klickitat, Yakima and Skamania counties): Beginning at the mouth of the Klickitat River (Lyle) to the Fisher Hill Bridge; then north along the Fisher Hill Road (P-2000) to the Gravel Pit Road; then west to the B-Z Corners-Glenwood Road; then southwest to State Highway 141 (B-Z Corners); then north to Trout Lake; then west on State Highway 141 to USFS 86 Road; then south to the USFS 1840 Road; then south on the USFS 1840 Road to the USFS 18 Road (Oklahoma Road); then south on the USFS 18 Road to Willard and the Little White Salmon River; then south down the Little White Salmon River to the Columbia River; then east up the Columbia River to the Klickitat River and point of beginning. (See Washington Atlas & Gazetteer)

GMU 580-SIXPRONG (Klickitat and Yakima counties): Beginning on State Highway 14 at Sundale; then east to the Goldendale-Goodnoe Hills Road; then northwest along Goldendale-Goodnoe Hills Road to Dot Road; then north along the Dot Road to Cleveland; then along the Goldendale-Bickleton Road to the Yakima County line; then east along the Yakima County line to Alderdale Road; then southeast along the Alderdale Road to State Highway 14 and Columbia River; then west along the state line to Sundale and the point of beginning. (See Washington Atlas & Gazetteer)

GMU 584-GOODNOE (Klickitat County): Beginning at the U.S. Highway 97 bridge on the Columbia River (Maryhill); then north on U.S. Highway 97 to Satus Pass and the Yakima Indian Reservation; then east along south reservation boundary to the Yakima County line; then east to Goldendale/Bickleton Road; then southwest to Cleveland and Dot Road; then south to Goldendale/Goodnoe Hills Road; then southeast to State Highway 14; then west to Sundale and mouth of Chapman Creek; then west down the Columbia River to U.S. Highway 97 bridge and point of beginning. (See Washington Atlas & Gazetteer)

GMU 586-GLENWOOD (Klickitat County): Beginning at B-Z Corners and State Highway 141; then north on State Highway 141 to Trout Lake and the USFS 80 Road; then north to the USFS 17 Road; then northeast to USFS 82

Road; then northeast on USFS 82 Road, to the Yakima Indian Reservation Boundary (Section 16, T7N, R11E); then south along the reservation boundary to King Mountain and the southwest corner of the reservation (Section 27, T7N, R11E); then east along boundary (approximately one mile) to the end of King Mountain Road; then north to the northern boundary of the reservation at Section 2, T7N, R11E; then east to the northeastern corner of Section 4, T7N, R12E; then southeast along boundary to Summit Creek Primary Road; then south to the Glenwood/Goldendale Road; then northwest on the Glenwood/Goldendale Road to the Gravel Pit Road; then south on the Lakeside Road to the B-Z Corners/Glenwood Road; then southwest to B-Z Corners and point of beginning. (See Washington Atlas & Gazetteer and DNR Mt. Adams Quadrangle map)

GMU 588-GRAYBACK (Klickitat County): Beginning at U.S. Highway 97 bridge across Columbia River (Maryhill); then west down the Columbia River to Lyle and the mouth of the Klickitat River; then up the Klickitat River to the Fisher Hill Bridge; then north along the Fisher Hill Road (P-2000) to the Lakeside Road; then north on the Lakeside Road to the Gravel Pit Road; then northwest to the Glenwood/Goldendale Road; then east and southeast on the Glenwood/Goldendale Road to the Summit Creek Primary Road; then northeast to the Yakima Indian Reservation Boundary; then east along the southern boundary of the reservation to U.S. Highway 97 (Satus Pass Highway); then south on U.S. Highway 97 to Maryhill and point of beginning. (See Washington Atlas & Gazetteer)

AMENDATORY SECTION (Amending Order 94-140, filed 1/10/95, effective 2/10/95)

WAC 232-28-02210 Game management units (GMUs)—Special game areas—Boundary descriptions—Deer area descriptions.

Deer Area No. 001 Champion North (Pierce County): Beginning at the point where the Bonneville Power Transmission Line crosses the Carbon River (about 14 miles northwest of Carbonado); then south and west up the Carbon River to where it intersects State Highway 165; then south and east along State Highway 165 to where it intersects the Mt. Rainier National Park Boundary; then south along said boundary to where it intersects the North Fork Puyallup River; then north and west down the North Fork Puyallup River and the Puyallup River to where it intersects the Bonneville Power Transmission Line (about three miles south of Orting); then north and east along said power transmission line to the point of beginning. (See Washington Atlas & Gazetteer)

Deer Area No. 002 Champion South (Pierce County): Beginning at the point where Champion's 1 Road crosses the Puyallup River (approximately 1 1/2 miles northeast of Kapowsin) then southeast up the Puyallup River to the confluence with Deer Creek; then south up Deer Creek to where it intersects the 243 Road; then northwest along the 243 Road to where it intersects the 24 Road; then southwest along the 24 Road to where it intersects the 3270 Road; then west along the 3270 Road to where it intersects the 327 Road; then southwest along the 327 Road to where it crosses Busy Wild Creek (near Lake Lorraine); then west down the

Busy Wild Creek to its confluence with the North Fork Mashel River; then up the North Fork Mashel River (about 1 mile) to the point nearest the southernmost extension of the 311 Road (T16N, R6E, Section 19, S.W. 1/2 of S.W. 1/2); then in a line to the 311 Road; then along 311 Road to where it intersects the 3113 Road; then north along the 3113 Road to where it intersects the 843 Road; then along the 843 Road to where it intersects the 84 Road; then along the 84 Road to where it intersects the 8 Road; then north along the 8 Road to where it intersects the 82 Road; then along the 82 Road to where it intersects the township line between Townships 16 & 17 North, W.M.; then west on said line to where it intersects the range line between Ranges 4 & 5 East, W.M.; then north on said line to northwest corner of Section 31, T17N, R5E; then east on section line between Sections 30 and 31, T17N, R5E to 1/4 corner (Champion ownership); then north from said corner along ownership line to the point closest to the southernmost extension of the 0-100 Road (approx. 3/4 mile); then in a northwest line to the 0-100 Road; then along the 0-100 Road to where it intersects with Ohop Creek; then northwest along Ohop Creek to where it empties into Lake Kapowsin; then northeast along the east shore of Lake Kapowsin to the point closest to the start of the 1 Road; then along the 1 Road to point of beginning. (See Washington Atlas & Gazetteer)

Deer Area No. 010 Pyramid (Chelan County): That part of GMUs 306 and 304 beginning at the Glacier Peaks Wilderness and Lake Chelan; then south along Lake Chelan to Corral Creek Campground; then west to the intersection of Trail 1433 and Butte Trail 1440; then northwest along Butte Trail 1440 to South Pyramid Trail 1439; then southwest to intersection of Trail 1437; then due west to Trail 1434; then northwest to Trail 1435; then south to Trail 1400; then southeast to Garland Creek; then west to Garland Peak; then north along Trail 1408 to Trail 1515; then south to Trail 1530; then west to Trail 1509; then south to Trail 1527; then north to Estes Butte and continuing along the Glacier Peaks Wilderness Boundary to beginning. (See Wenatchee National Forest map)

Deer Area No. 031 Patterson (Benton and Klickitat counties): Beginning at the junction of Highway 14 at Patterson; then west on Highway 14 to Alderdale Road; then north on Alderdale Road (including Section 22 of Township 5N, R23E) to Smith Road; then east on Smith Road to McKinley Springs Road; then northeast on McKinley Springs Road to Horrigan Road; then east on Horrigan Road to Highway 221; then south on Highway 221 to Highway 14 and point of beginning. (See Washington Atlas & Gazetteer)

Deer Area No. 040 Foss River (King County in the Alpine Lakes Wilderness Area): Beginning at the intersection of the Dingford Creek Trail (USFS Trail 1005) and the Alpine Lakes Wilderness Area Boundary; then north along USFS Trail 1005 to Little Myrtle Lake; then in a northeast line approximately one-half mile to Marlene Lake; then down the tributary from Marlene Lake to its intersection with USFS Trail 1072 near Lake Dorothy; then north along USFS Trail 1072 to its intersection with the Alpine Lakes Wilderness Area Boundary; then north and east along the wilderness boundary to the Pacific Crest Trail at Hope Lake; then south along the Pacific Crest Trail to Ridge Lake; then

in a northwest direction approximately one-half mile to Gravel Lake; then down the Gravel Lake tributary to Goat Creek; then down Goat Creek to its intersection with Alpine Lakes Wilderness Area Boundary; then north and west along the wilderness area boundary to the point of beginning. (See Washington Atlas & Gazetteer)

Deer Area No. 041 Pilchuck (Snohomish and King counties): Beginning at the mouth of the Stillaguamish River; then up the Stillaguamish River to Arlington; then northeast along Highway 530 to a point in Section 10, T32N, R7E where it intersects with the City of Seattle power transmission line; then southwest along the transmission line to the point where it crosses the divide between Jim Creek and the North Fork of Canyon Creek (Section 11, T31N, R7E); then down the North Fork of Canyon Creek and Canyon Creek to the South Fork Stillaguamish River; then down the Stillaguamish River to Jordan Road; then along Jordan Road to Granite Falls; then south along Menzel Lake Road to the Pilchuck River Road (P-5000); then east on P-5000 Road to Culmback Dam (Spada Lake); then southeast on Culmback Dam Road to Sultan Basin Road at Olney Pass; then south on Sultan Basin Road to Kellogg Lake Road to U.S. Highway 2 east of Sultan; then west on U.S. Highway 2 to Monroe; then south on Highway 203 to Duvall; then north down the Snoqualmie River to the Snohomish River and down the Snohomish River to Puget Sound; then north along the shore of Puget Sound to the mouth of the Stillaguamish River and the point of beginning. (See Washington Atlas & Gazetteer or Mount Baker/Snoqualmie National Forest map)

Deer Area No. 042 Tolt (King and Snohomish counties): Beginning at intersection of Highway 202 and the Tokul Creek Road S.E. (near Snoqualmie Falls); then north on Tokul Creek Road S.E. and onto S.E. 53rd Way then onto the S.E. 53rd Road; then along S.E. 53rd Road to its junction with the Weyerhaeuser mainline; then north on Weyerhaeuser mainline road through Gate 4 onto the Weyerhaeuser mainline truck road; then north on Weyerhaeuser mainline truck road (approximately 23 miles) to its junction with Proctor Creek Road; then north on Proctor Creek Road to its junction with Highway 2; then west on U.S. Highway 2 to its junction with Highway 203 at Monroe; then south on Highway 203 to its junction with Highway 202; then east along Highway 202 to the point of beginning. (See Washington Atlas & Gazetteer or Weyerhaeuser Recreational map and Thomas Brothers Guide)

Deer Area No. 060 Olympic Wilderness (Clallam, Jefferson, Grays Harbor and Mason counties): The Buckhorn, Colonel Bob, Mt. Skokomish, the Brothers and Wonder Mountain Wilderness areas of Olympic National Forest. (See Olympic National Forest map for these primitive roadless areas)

Deer Area No. 061 Marrowstone Island (Jefferson County): Marrowstone Island in Jefferson County. (See Washington Atlas & Gazetteer)

AMENDATORY SECTION (Amending WSR 95-11-035, filed 5/10/95, effective 6/10/95)

WAC 232-28-02220 Game management units (GMUs)—Special game areas—Boundary descriptions—Elk area descriptions.

Elk Area No. 001 Trinidad (Grant, Douglas, Okanogan, Adams and Franklin counties): All of Douglas, Grant, Okanogan, Adams, and Franklin counties except closed in the corridor described as follows: Beginning at East Wenatchee and Highway 28 and proceeding along Highway 28 to Road "U" N.W. in Grant County; then south on Road "U" N.W. to Road "9" N.W.; then west on Road "9" N.W. to Ancient Lake Road; then south on the Ancient Lake Road to the northwest corner of Section 8, T19N, R23E W.M. (yellow cattle guard); then west to midstream of the Columbia River; then north up midstream of the Columbia River to East Wenatchee and the point of beginning. (See official road map of Douglas and Grant counties)

Elk Area No. 002 Caribou (Kittitas County): Beginning at the Highline Canal; then north along the Reecer Creek Road and USFS 35 Road to the junction at the USFS 3517 Road; then east and south along USFS 3517 Road and Lillard Hill Road to the Bonneville Powerlines; then east along the Bonneville Powerlines to the Colockum Pass-Brushy Road (cattle guard); then east along the Brushy Road to the Crossover Road; then south along the Crossover Road to the Perkins/Caribou junction; then east along the Perkins Road to the Beacon Ridge Road; then south along the Beacon Ridge Road to the Old Vantage Highway; then south along a county service road to Interstate 90; then west along Interstate 90 to the Highline Canal near the Stevens Road; then northwest along the Highline Canal to the point of beginning. (See Department of Fish and Wildlife map)

Elk Area No. 003 Kingsbury (Chelan and Kittitas counties): That portion of GMU 314 which lies east of the Stemilt Creek, Stemilt Creek Road, Stemilt Hill Road, Stemilt Loop Road and Jump Off Ridge Road. (See Washington Atlas & Gazetteer)

Elk Area No. 004 Wenatchee (Chelan, Kittitas and Okanogan counties): GMUs 300, 304, 306, 308, 316, that portion of 302 which lies in Chelan County; and that portion of 314 which lies west of the following boundaries: Beginning at the mouth of the Stemilt Creek at the Columbia River, south up Stemilt Creek to the Stemilt Creek Road to the Stemilt Hill Road; then east and south along the Stemilt Hill Road to the Stemilt Loop Road; then east along the Jump Off Road to the Jump Off Ridge Road (Bonneville Powerlines); then south along the Jump Off Ridge Road to the Naneum Ridge Road. (See Washington Atlas & Gazetteer)

Elk Area No. 010 South Spokane (Spokane County) the following portion of game management units 127 and 130: Beginning at Tyler near the junction of Tyler Road (State Highway 904) and I-90; then northeast along I-90 to the Idaho state line; then south along the Washington-Idaho line to Elder Road; then west along Elder Road to Hangman Creek; then north along Hangman Creek to State Highway 195 at Hatch Road; then south along State Highway 195 to the Cheney Spangle Road; then west along the Cheney

Spangle Road to Cheney; then west along Tyler Road (State Highway 904) to the point of beginning. (See Washington Atlas & Gazetteer)

Elk Area No. 025 Backbone (Lewis County): Beginning at State Highway No. 12 at the Pacific Crest Trail; then northwest and southwest along State Highway No. 12 to Coal Creek in Section 1, T13N, R9 E.W.M.; then north along the range line between Ranges 9 and 10 E.W.M., across the Cowlitz River to the Gifford Pinchot National Forest Boundary in the N.E. corner of Section 1, T13N, R9 E.W.M.; then southwest along the National Forest Boundary to the Skate Creek Road (first contact) in Section 9, T13N, R9 E.W.M.; then northwest along the Skate Creek Road to the mouth of Horse Creek and the south boundary of Mt. Rainier National Park; then east along the south park boundary to the Pacific Crest Trail; then south along the Pacific Crest Trail to State Highway 12 and the point of beginning. (See Gifford Pinchot National Forest map)

Elk Area No. 029 Toledo (Lewis and Cowlitz counties): Beginning at Interstate 5 and State Highway 505 junction; then east along State Highway 505 through the City of Toledo to the Layton Road; then north along the Layton Road to the Evans Road; then east along the Evans Road to the Weyerhaeuser 1800 line to the Weyerhaeuser 1890 line to State Highway 504; then west along State Highway 504 to the Tower Road; then west on Tower Road to the junction of Tower Road and State Highway 504; then west on State Highway 504 to Interstate 5; then north on Interstate 5 to the junction with State Highway 505 and point of beginning. (See Washington Atlas & Gazetteer)

Elk Area No. 030 Reecer Creek (Kittitas County): Beginning at the Highline Canal; then north along the Reecer Creek Road and USFS 35 Road to the junction of the USFS 3517 Road; then east and south along the USFS 3517 Road and Lillard Hill Road to the Wilson Creek Road to the Highline Canal; then west along the Highline Canal to the point of beginning. (See Wenatchee National Forest map)

Elk Area No. 031 Shushuskin (Kittitas County): Beginning at (~~Demon~~) Umtanum Road and the Yakima River; then west along (~~Demon~~) Umtanum Road to Manastash Road; then (~~west~~) north on Manastash Road to Cove Road; then south and west on Cove Road to Hanson Road and Umtanum Creek; then east (downstream) along Umtanum Creek to the Yakima River; then north (upstream) along the Yakima River to the point of beginning. (See Washington Atlas & Gazetteer)

Elk Area No. 032 Malaga (Kittitas and Chelan counties): Beginning at the power line on the Columbia River (approximately 3/4 mile downstream from Colockum Creek); then west and south along the Powerline Road to the intersection with the North Fork Tarpiscan Creek Road (Section 9, T20N, R21E); then north and west along North Fork of Tarpiscan Creek Road to Colockum Pass Road (Section 9, T20N, R21E); then south and west on Colockum Pass Road to section line between Sections 8 and 9 as well as Sections 4 and 5 (T20N, R21E) and Sections 32 and 33 (T21N, R21E); to Mose Carr Road; then west and north on Mose Carr Road to Jump Off Road; then south and west on Jump Off Road to Shaller Road; then north and west on Shaller

Road to Upper Basin Loop Road; then north and west on Upper Basin Loop Road to Wheeler Ridge Road; then north on Wheeler Ridge Road to the Basin Loop Road (pavement) in Section 10 (T21N, R20E); then north on the Basin Loop Road to Wenatchee Heights Road; then west on Wenatchee Heights Road to Squilchuck Road; then south on Squilchuck Road to Beehive Road (USFS Road 9712); then northwest on Beehive Road to USFS Road 7100 near Beehive Reservoir; then north and west on USFS Road 7100 to Peavine Canyon Road (USFS Road 7101); then north and east on Peavine Canyon Road to Number Two Canyon Road; then north on Number Two Canyon Road to Crawford Street in Wenatchee; then east on Crawford Street to the Columbia River; then south and east along the Columbia River to the powerline south of Colockum Creek and point of beginning. (See Washington Atlas & Gazetteer)

Elk Area No. 033 Peshastin (Chelan County): Beginning at Crawford Street and the Columbia River in Wenatchee; then west on Crawford Street and Number Two Canyon Road to USFS 7101 Road (Peavine Canyon); then west on USFS 7101 Road to Mission Creek Road; then north on Mission Creek Road to USFS 7104 Road (Sand Creek); then west on USFS 7104 Road (Sand Creek) to Camas Creek; then west up Camas Creek to where Camas Creek crosses USFS 7200 Road, T22N, R18E, Section 4; then north along USFS 7200 Road to U.S. Highway 97; then north on U.S. Highway 97 to USFS 7300 Road (Mountain Home Road); then north on the USFS 7300 Road to the Wenatchee River at Leavenworth; then down the Wenatchee River and Columbia River to the point of beginning. (See Washington Atlas & Gazetteer)

Elk Area No. 034 Parke Creek (Kittitas County): Beginning at the Highline Canal on Parke Creek Road; then north to the BPA Powerlines; then west along BPA Powerlines (through Sections 22, 16, 8, 5, and 6) to the Cook Canyon Road; then north on Cook Canyon Road to Bonneville Powerlines (Section 19); then west along Bonneville Powerlines to Wilson Creek Road; then south on the Wilson Creek Road to the Highline Canal; then southeast along the Highline Canal to point of beginning. (See Department of Fish and Wildlife map)

Elk Area No. 035 Brushy (Kittitas County): Beginning at the mouth of Brushy Creek on the Columbia River; then west up Brushy Creek to Road 14; then north on Road 14 to the top of the hill in Section 13, T19N, R21E; then northeast to the end of the open road in Tekison Creek (Section 6, T19N, R21E); then east along Tekison Road and Tekison Creek to the Columbia River; then south along the Columbia River to Brushy Creek and point of beginning.

Elk Area No. 039 Backbone (Lewis County): Legal description same as Elk Area No. 025 (Backbone). (See Gifford Pinchot National Forest map)

Elk Area No. 050 Curtis (Lewis County): Beginning at the Boistfort Road, State Highway 6 intersection; then west to the Mauerman Road; then west and southwest on the Mauerman Road to the Pe Ell/McDonald Road; then south and east on the Pe Ell/McDonald Road to the Lost Valley Road; then south and southeast on the Lost Valley Road to the Boistfort Road; then east and north along the Boistfort

Road to State Highway 6 and point of beginning. (See Washington Atlas & Gazetteer)

Elk Area No. 051 Doty (Lewis and Pacific counties): Beginning on State Highway 6 at the Town of Adna; then west on Highway 6 to Stevens Road; then northwest on Stevens Road to Elk Creek Road (Doty); then west on Elk Creek Road to the 7000 Road; then west on the 7000 Road to the 7800 Road; then west on the 7800 Road to the 720 Road; then northeast on the 720 Road to Garrard Creek Road, east on Garrard Creek Road to Manners Road; then south on Manners Road to Lincoln Creek Road; then east along Lincoln Creek Road to Ingalls Road; then south and east on Ingalls and Bunker Creek Roads to the Town of Adna and point of beginning. (See Washington Atlas & Gazetteer)

Elk Area No. 052 Mayfield (Lewis County): Beginning at the junction of Highway 12 and the Winston Creek Road; then southeast and north along the Winston Creek Road, Longbell, Perkins, Green Mountain roads to Riffe Lake; then west and northwest along the shoreline of Riffe Lake to the Cowlitz River; then west along the Cowlitz River to Highway 12; then west along Highway 12 to the Winston Creek Road and the point of beginning. (See Washington Atlas & Gazetteer)

Elk Area No. 053 Randle (Lewis County): Beginning at State Highway 12 and the Cispus Road in the Town of Randle; then east along Highway 12 to the Bennett Road approximately one mile east of Cora Bridge; then west on Bennett and Cline Roads to the Cispus Road; then north on said road to the Town of Randle and the point of beginning. (See Gifford Pinchot National Forest map)

Elk Area No. 054 Boistfort (Lewis County): Beginning at the Town of Vader; then west along State Highway 506 to the Wildwood Road; then north along the Wildwood Road to the Abernathy 500 line gate (Section 20, T11N, R3W, Willamette Meridian); then northwest along the 500, 540, and 560 lines to the Weyerhaeuser 813 line; then northwest along the 813, 812, 5000J, 5000 and 4000 lines to the Pe Ell/McDonald Road (Section 15, T12N, R4W); then west along the Pe Ell/McDonald Road to the Lost Valley Road; then northeast along the Lost Valley Road to the Boistfort Road; then north along the Boistfort Road to the King Road; then east along the King Road to the town of Winlock and State Highway 603; then south along Highway 603 to the Winlock/Vader Road; then south along said road to the Town of Vader and the point of beginning. (See Washington Atlas & Gazetteer)

Elk Area No. 055 East Valley (Wahkiakum County): Within one mile on either side of the line beginning at Wilson Creek Park on East Valley Road; then west on East Valley Road to the junction with Middle Valley Road (4.5 miles); then north along Middle Valley Road to the junction of Oat Field Road (2.5 miles). (See Washington Atlas & Gazetteer)

Elk Area No. 057 Carlton (Lewis County): That part of GMU 514 (Tatoosh) lying east of Highway 123 and north of Highway 12. (See Gifford Pinchot National Forest map)

Elk Area No. 058 West Goat Rocks (Lewis County): Goat Rocks Wilderness west of the Cascade Crest Trail. (See Gifford Pinchot National Forest map)

Elk Area No. 059 Mt. Adams Wilderness (Skamania and Yakima counties): The Mt. Adams Wilderness. (See Gifford Pinchot National Forest map)

Elk Area No. 061 Mt. Tebo (Mason County): Beginning at the junction of the North Fork and South Fork of the Skokomish River; then northwest along the South Fork to the boundary of Olympic National Park; then east along the National Park boundary to the North Fork of the Skokomish River; then southeast down the North Fork of the Skokomish River through Lake Cushman; then south down the North Fork of the Skokomish River to the South Fork of the Skokomish River and the point of beginning. (See Olympic National Forest map and Washington Atlas & Gazetteer)

Elk Area No. 063 South Elma (Grays Harbor County): That portion of GMU 660 (Minot Peak) described as follows: Beginning at Highway 12 and Wakefield Road Junction (South Elma); south on Wakefield Road, across the Chehalis River to the South Bank Road; then southeast on the South Bank Road to the Delezene Road; then south on the Delezene Road to the K Line Road to the A Line Road; then south on the A Line Road to the T Line Road; then south on the T Line Road to the Oakville-Brooklyn Road; then east on the Oakville-Brooklyn Road to Oakville and Highway 12; then northwest on Highway 12 to Wakefield Road to Elma and the point of beginning. (Contact Montesano Office for map of the area.)

Elk Area No. 062 South Bank (Grays Harbor County): That portion of GMU 660 (Minot Peak) described as follows: Beginning at Highway 12 and Wakefield Road Junction (South Elma); south on Wakefield Road, across the Chehalis River to the South Bank Road; then southeast on the South Bank Road to Delezene Road; then south on the Delezene Road to a point one mile from the South Bank Road; then southeast along a line one mile southwest of the South Bank Road to the Oakville-Brooklyn Road; then east on the Oakville-Brooklyn Road to Oakville and Highway 12; then northwest on Highway 12 to Wakefield Road to Elma and the point of beginning. (Contact Montesano Office for map of area.)

Elk Area No. 065 Willapa Valley (Pacific County): That part of Pacific County within two miles of State Highway 6 between Menlo and the easternmost junction of Elk Prairie Road and State Highway 6. (See Washington Atlas & Gazetteer)

Elk Area No. 066 Twin Valley (Grays Harbor County): Beginning in the City of Hoquiam at the junction of U.S. Highway 101 and the East Hoquiam Road; then north on the East Hoquiam Road to its junction with the East Hoquiam-Wishkaw Cutoff Road in Section 21, T19N, R9 W.W.M.; then east on the East Hoquiam-Wishkaw Cutoff Road to its junction with the Wishkah Road; then south on the Wishkah Road to its junction with the Wishkah-Wynoochee Crossover Road in Section 35, T19N, R9 W.W.M.; then east on the Wishkah-Wynoochee Crossover Road to its junction with the Donovan Corkery A line; then north on the A line to its junction with the A 2200; then east on the A 2200 Road to

its junction with the A 2210; then south on the A 2210 Road to a point crossed by the township line between T20N and R19N; then east on the township line to its junction with the Wynoochee River Road; then south along the Wynoochee River Road to U.S. Highway No. 12; then west along U.S. Highway 12 to its junction with U.S. Highway No. 101 in the City of Aberdeen; then west on U.S. Highway 101 to the City of Hoquiam and junction with the East Hoquiam Road and the point of beginning. (See Weyerhaeuser Clemons Tree Farm Hunting map)

Elk Area No. 067 South Willapa (Pacific County): Beginning in the City of South Bend at the junction of U.S. Highway 101 and the Skidmore Slough C-line; then south on the Skidmore Slough C-line to its junction with the B-line in Sec. 11, T13N, R9 W.W.M.; then southeast on the B-line to its junction with the A-line in Sec. 18, T13N, R8 W.W.M.; then east and north on the A-line to its junction with the South Fork Willapa Road; then east along the South Fork Willapa Road to State Highway No. 6, Sec. 10, T13N, R8 W.W.M.; then northwest on State Highway No. 6 to its junction with U.S. Highway 101; then southwest on U.S. Highway 101 to its junction with the Skidmore Slough C-line and the point of beginning. (See Forest Protection map "Willapa Hills")

Elk Area No. 069 Chinook (Pacific County): Beginning at the junction of U.S. Highway 101 and Lingenfelter Road west of the town of Chinook; then northwest on Prest Road to its junction with Chinook Valley Road; then west on Chinook Valley Road to its intersection with the east branch of the Wallacut River; then north along the Wallacut River to its intersection with Highway 101; then west on Highway 101 to the junction of Highway 101 alternate; then south on Highway 101 alternate to Highway 101; then east on Highway 101 to Prest Road and the point of beginning. (See Washington Atlas & Gazetteer and Forest Protection Hunting map "Willapa Hills")

AMENDATORY SECTION (Amending Order 94-57, filed 8/31/94, effective 10/1/94)

WAC 232-28-02240 Game management units (GMUs)—Special game areas—Boundary descriptions—Muzzleloader area descriptions.

Muzzleloader Area No. 908 Acme (Whatcom County): Same as Bow Area No. 808. (See Washington Atlas & Gazetteer)

Muzzleloader Area No. 910 Cle Elum (Kittitas County): Beginning at Easton; then southeast along the main BPA Powerlines to ~~((the Fowler Creek Road (4517); southeast on Spur Road 117))~~ Big Creek; then west and south on the Big Creek Trail to its junction with USFS Road 4517; then east on Road 4517 to its junction with Spur Road 117 (at the powerlines); then to Granite Creek Trail 1326; then south on Granite Creek Trail 1326 to the top of South Cle Elum Ridge; then east along the ridge on Granite Creek Trail 1326 to Spur Road 111; then east on Road 111 to the Peoh Point Road (3350); then southeast on Road 3350 to the junction with Road 3352; then east on Road 3352 to the Cedar Creek Road; then south on the Cedar Creek Road to the Morrison Canyon Road; then southeast on the Morrison Canyon Road

to Interstate Highway 90; then east on I-90 to Exit 106 and junction with U.S. Highway 97; then north on U.S. Highway 97 to Hungary Junction Road and east on Hungary Junction Road to Look Road; then ~~((north)) south~~ on Look Road ((and east on Alford Road)) to Brick Mill Road; then east on Brick Mill Road to Venture Road to Lyons Road; then east on Lyons Road to Fox Road; then south on Fox Road to Christensen Road; then east on Christensen Road to Parke Creek Road; then east and north on Parke Creek Road to the BPA powerlines (Section 22, T18N, R20E) north of Parke Creek Group Home; then northwest along BPA Powerlines to Colockum Pass Road; then north on the Colockum Pass Road to upper powerlines (Section 16, T19N, R20E); then west along BPA powerlines to the Wilson Creek Road; then north on Wilson Creek Road to the Lillard Hill Road; northwest on Lillard Hill Road to USFS Road 3517; then northwest on USFS Road 3517 to the Reecer Creek Road, USFS Road 35; then south on USFS Road 35 to USFS Road 3507 and then northwest on USFS Road 3507 to Spur Road 120 (Snowshoe Ridge Road); then west on Spur Road 120 (Snowshoe Ridge Road) to Spur Road 114; then north and south on Spur Road 114 to Spur Road 116; then north on Spur Road 116 to USFS Road 9718 (Cougar Gulch Road); then southwest on USFS Road 9718 ~~((Cougar Gulch Road))~~ through the town of Liberty to U.S. Highway 97; then north on U.S. Highway 97 to USFS 9738, Blue Creek; then west on USFS 9738 to USFS 9702 Dickey Creek; then west on USFS Road 9702 to the North Teanaway Road; then south to the junction with Middle Fork Teanaway Road; then west on Middle Fork Road 1/4 mile to Teanaway Campground; then south up #17 Canyon Road to Cle Elum Ridge Road; then west along Cle Elum Ridge Road and south to the bottom of #5 Canyon Road; then south to Highway 903 and Bullfrog Road (Sportland Mini-Mart); then south on Bullfrog Road to Interstate Highway 90; then west on Interstate Highway 90 to Easton and point of beginning. (See Wenatchee National Forest map and Washington Atlas & Gazetteer)

Muzzleloader Area No. 921 Baleville (Pacific County): Beginning at the junction of the Hammond Road and U.S. Highway 105; then north on the Hammond Road to the radio towers; continue north on the D 2100 line to its junction with the D-line; then northwest along the D-line (also known as the Rayonier 2720) to its junction with the Rayonier 2700 line; then southwest on the Rayonier 2700 line to its junction with Highway 105; then east on Highway 105 to the Hammond Road and point of beginning. (See Washington Atlas & Gazetteer)

Muzzleloader Area No. 925 Ritzville (Adams County): Beginning at the junction of Interstate 90 and S.R. 261 near the Town of Ritzville; then south along S.R. 261 to S.R. 26; then east on S.R. 26 to the Whitman County line; then north along the Adams, Whitman County line to where it intersects the Lincoln, Adams County line; then north along the Adams, Lincoln County line to Interstate 90; then west along Interstate 90 to point of beginning. (See Washington Atlas & Gazetteer)

Muzzleloader Area No. 926 Guemes (Skagit County): That part of GMU 405 (Chuckanut) on Guemes Island.

Muzzleloader Area No. 940 Coal Creek (Skagit County): Beginning at the point where State-Highway 20 crosses Childs Creek approximately one mile west of Lyman; then north up said creek to Crown Pacific 110 Road; then west along said road to Crown Pacific 130 Road; then west along said road to Crown Pacific 132 Road; then continue west along said road to where it crosses Hanson Creek; then south down Hanson Creek to State Highway 20 to Childs Creek and point of beginning.

Muzzleloader Area No. 944 Clemen (Yakima County): That portion of GMU 342 beginning at the junction of Highway 410 and USFS Road 1701 (Big Bald Mountain Road); then north to USFS Road 1712; then east on USFS Road 1712 (Clemen Ridge Road) to the east edge of Meyster Canyon; then along the east side of Meyster Canyon to the elk fence; then west along the elk fence to Waterworks Canyon and Highway 410 and to point of beginning. (See Wenatchee National Forest map)

Muzzleloader Area No. 950 Toutle Mountain (Cowlitz County): Beginning at the confluence of the South Fork Toutle River and the North Fork Toutle River; then up the South Fork Toutle River to Johnson Creek; then up Johnson Creek to the Weyerhaeuser Company 4400 Road; then northeast on the 440 Road to the 2421 Road; then north to the 2400 Road; then east on the 2400 Road to Alder Creek; then north down Alder Creek to the North Fork Toutle River; then west down the North Fork Toutle River to the confluence with the South Fork Toutle River and point of beginning. (See Washington Atlas & Gazetteer)

Muzzleloader Area No. 961 Hoko River (Clallam County): Within one mile of the Hoko County Road between Highway 112 and the Olympic National Park Boundary near Lake Ozette. (See Olympic National Forest map)

Muzzleloader Area No. 962 Elwha (Clallam County): Beginning at the U.S. Highway 101 Bridge on the Elwha River; then south on the Elwha River to the Olympic National Park Boundary; then along Olympic National Park Boundary to the section line between Sections 32 and 33 of T30N, R7 W.W.M.; then north on the section lines to U.S. Highway 101; then east on U.S. Highway 101 to Elwha River and point of beginning. (See Washington Atlas & Gazetteer)

Muzzleloader Area No. 963 Quinault Valley (Grays Harbor and Jefferson counties): That portion of GMU 638 (Quinault) beginning at the junction of Wright Canyon Road and South Shore Road; then north to the shoreline of Lake Quinault; then north along Lake Quinault to the Olympic National Park (ONP) boundary; then east along ONP-boundary to its intersection with the South Shore Road and U.S. Forest Service boundary; then west along the U.S. Forest Service boundary to the Wright Canyon Road Junction with the South Shore Road and point of beginning.

AMENDATORY SECTION (Amending Order 649, filed 5/10/94, effective 6/10/94)

WAC 232-28-02250 Game management units (GMUs)—Special game areas—Boundary descriptions—Goat units.

Goat Unit 2-1 Mount Chopaka: Permit Area: Okanogan County within the following described boundary: Beginning where the Similkameen River crosses the Canadian boundary near Mt. Chopaka; then south down the Similkameen River and up Palmer Lake and Sinlahekin Creek to Toats Coulee Creek; then west up Toats Coulee Creek and north up the North Fork Toats Coulee Creek; then up Snowshoe Creek to Snowshoe Mountain; then north to the Canadian boundary; then east along the Canadian boundary to the Similkameen River and point of beginning; EXCEPT CLOSED in T39N, R25EWM, which includes Grandview Mountain.

Goat Unit 2-2 Methow Area: Permit Area: Okanogan County within the following described boundary: Beginning at the Town of Twisp, westerly along the Twisp River Road (County Road 4440) to Roads End; west up the Twisp Pass Trail 432 to Twisp Pass and the Okanogan County line; northerly along the Okanogan County line through Washington Pass to Harts Pass; southeast down Harts Pass (Road 5400) to Lost River; then along the Lost River-Mazama Road to Mazama; then southwest to State Highway 20; then southeasterly along State Highway 20 to Twisp and the point of beginning.

Goat Unit 3-1 East Stevens Pass: Permit Area: Chelan County within the following described boundary: Beginning at Stevens Pass; then north along the Cascades Summit to Cady Pass and the source of the Little Wenatchee River; then down the Little Wenatchee River, Lake Wenatchee and the Wenatchee River to U.S. Highway 2; then north and west along U.S. Highway 2 to Stevens Pass and point of beginning EXCEPT those lands within 1/2 mile of Alpine Lookout.

Goat Unit 3-2 North Wenatchee Mountains: Permit Area: Chelan County south of the Stevens Pass Highway, west of the Blewett Pass Highway, and north of Ingalls Creek, and Kittitas County north of the following described line: Beginning at Ingalls Peak; then down Fortune Creek to the Cle Elum River; then up the Cle Elum River to the Cascade Summit at Deception Pass.

Goat Unit 3-3 Goat and Davis Mountains: Permit Area: Kittitas County west of the Cle Elum River, north of the Waptus River, and east and south of Trail Creek Trail.

Goat Unit 3-4 Snoqualmie: Permit Area: Kittitas County within the following described boundary: Beginning at Snoqualmie Pass; then north along the Cascade Crest to Deception Pass and the headwaters of the Cle Elum River; then south along the Cle Elum River to the Trail Creek Trail 1322; then southwest along the Trail Creek Trail to the Waptus River Trail 1310; then southeast along the Waptus River Trail to the Cle Elum River at the Salmon la Sac campground; then south along the Cle Elum River to the Cooper Pass Road (USFS Road 4600); then west along the Cooper Pass Road, through Cooper Pass to the road end near the Kachess River; then south along the Kachess River and Kachess Lake to Interstate Highway 90; then west along Interstate Highway 90 to Snoqualmie Pass and point of beginning.

Goat Unit 3-5 Cle Elum: Permit Area: Kittitas and Chelan counties within the following described boundary: Beginning at the point where Interstate Highway 90 crosses the

Cle Elum River; then north along the Cle Elum River to Fortune Creek; then east along Fortune Creek to Ingalls Peak and the headwaters of Ingalls Creek; then south and east along Ingalls Creek to U.S. Highway 97; then south along U.S. Highway 97 and State Highway 970 to Interstate 90 at Cle Elum; then west along Interstate 90 to the Cle Elum River and point of beginning.

Goat Unit 3-6 Naches Pass: Permit Area: Yakima and Kittitas counties within the following described boundary: Beginning at Chinook Pass; then north along the Pacific Crest Trail to Naches Pass; then east to USFS Road 19 and continuing to State Highway 410; then west along State Highway 410 to Chinook Pass and point of beginning.

Goat Unit 3-7 Bumping River: Permit Area: Yakima County within the following described boundary: Beginning at White Pass and the Pacific Crest Trail; then north to Forest Trail 980; then north to USFS Road 18; then north to State Highway 410; then east to State Highway 12; then west along State Highway 12 and back to point of beginning; EXCEPT Timberwolf Mountain, which is closed.

Goat Unit 3-8 Bumping River: Permit Area: Yakima County within the following described boundary: Beginning at White Pass and the Pacific Crest Trail; then north to Forest Trail 980; then north to USFS Road 18; then north to State Highway 410; then east to State Highway 12; then west along State Highway 12 and back to point of beginning; EXCEPT Timberwolf Mountain, which is closed.

Goat Unit 3-9 Tieton River: Permit Area: Yakima County within the following described boundary: Beginning at White Pass and Pacific Crest Trail; then south to the Yakima Indian Reservation Boundary; then east to USFS Jeep Trail 1137; then west to USFS Road 1070-578 Spur; then west to Road 1000; then north to USFS Road 12; then north to State Highway 12; then west on State Highway 12 to point of beginning.

Goat Unit 3-10 Blazed Ridge: Permit Area: Kittitas and Yakima counties within the following described boundary: Beginning at the mouth of Cabin Creek on the Yakima River; then west along Cabin Creek to the headwaters near Snowshoe Butte; then south along the Cascade Crest separating the Green and Yakima river drainage to Pyramid Peak; then southeast along the North Fork; Little Naches, and Naches River to the Yakima River; then north along the Yakima River to the mouth of Cabin Creek and point of beginning.

Goat Unit 3-11 Kachess Ridge: Permit Area: Kittitas County within the following described boundary: Beginning at the mouth of the Kachess River on the Yakima River; then north along the Kachess River and Kachess Lake to USFS Road 4600; then east on USFS Road 4600 to the Cle Elum River; then south along the Cle Elum River and Lake Cle Elum to the Yakima River; then northwest along the Yakima River to the mouth of the Kachess River and point of beginning.

Goat Unit 4-1 Ruth Creek Area: Permit Area: Whatcom County within the Mt. Baker Wilderness of the Mt. Baker-Snoqualmie National Forest north of the North Fork Nooksack River.

Goat Unit 4-3 Chowder Ridge: Permit Area: Whatcom County within the following described boundary: Beginning where Wells Creek intersects the North Fork Nooksack River; then up Wells Creek to Bar Creek; then southwest up Bar Creek to the Mazama Glacier; then continue southwest up Mazama Glacier to the summit of Mt. Baker; then northwest between Roosevelt Glacier and Coleman Glacier to Kulshan Cabin and the headwaters of Kulshan Creek and Grouse Creek to Smith Creek; then north down Smith Creek to Glacier Creek; continue north down Glacier Creek to the North Fork Nooksack River; then east along the North Fork Nooksack River to Wells Creek and the point of beginning.

Goat Unit 4-4 Lincoln Peak: Permit Area: Whatcom County within the following described boundary: Beginning where Glacier Creek intersects with the Mt. Baker Highway (State Highway 547); then south up Glacier Creek to Smith Creek; then south up Smith Creek to Grouse Creek; then continue up Grouse Creek in a south direction to Kulshan Creek; then southeast up Kulshan Creek to Kulshan Cabin; then continue southeast between Roosevelt Glacier and Coleman Glacier to the summit of Mt. Baker; then south down Eastern Glacier to Baker Pass and the Baker Pass Trail 603 (5,000 ft.); then west along Baker Pass Trail 603 to the Ridley Creek Trail (690); then northwest on the Ridley Creek Trail to Ridley Creek; then down Ridley Creek to the Middle Fork Nooksack River; then west down the Middle Fork Nooksack River to the Mosquito Lake Road; then north on the Mosquito Lake Road to the Mt. Baker Highway (State Highway 542); then north and east on Mt. Baker Highway (State Highway 542) to Glacier Creek and the point of beginning.

Goat Unit 4-6 Dillard Creek: Permit Area: Whatcom County within the following described boundary: Beginning at the intersection of USFS Road 3725 and the Baker Lake Road (USFS Road 394); then west along USFS Road 3725 to Sulphur Creek; then northwest up Sulphur Creek to the Baker Pass Trail (603) to Baker Pass (5,000 ft. elevation); then northeast up Eastern Glacier to the summit of Mt. Baker; then southeast down Park Glacier to the headwaters of Park Creek; then continue southeast down Park Creek to the Baker Lake Road (USFS Road 394); then south along the Baker Lake Road (USFS Road 394) to USFS Road 3725 and the point of beginning.

Goat Unit 4-7 Avalanche Gorge: Permit Area: Whatcom County within the following described boundary: Beginning at the intersection of the Baker Lake Road (USFS Road 394) and Park Creek; then northwest up Park Creek to Park Glacier; then continue northwest up Park Glacier to the summit of Mt. Baker; then northeast down Mazama Glacier to the 6,500 ft. elevation; then east to the Portals; then continue east along the ridge line to Coleman Pinnacle; then northeast along the Camp Kiser Trail 683 (Ptarmigan Ridge) to the extreme southeast extension of Kulshan Ridge; then due east to the Lake Ann Trail 600; then east along the Lake Ann Trail 600 to the boundary of North Cascades National Park; then south and east along the park boundary to the Baker River and down the Baker River to the Baker Lake Road (USFS Road 394); then west along the Baker Lake Road (USFS Road 394) to Park Creek and the point of beginning.

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Goat Unit 4-8 East Ross Lake: Permit Area: Whatcom County within the following described boundary: Beginning at the point the U.S.-Canada boundary meets the east boundary of North Cascades National Park; then south along the park boundary to Stetattle Creek; then south down Stetattle Creek to Gorge Lake; then southwest along Gorge Lake to State Highway 20; then east and north along State Highway 20 to Ross Dam; then north along the east shoreline of Ross Lake (Note: Exclude Ruby Arm) to Devil's Creek; then east up Devil's Creek to a tributary extending south to ridge line between Jerry Lakes and a pinnacle of Jack Mountain (7,292 ft. elevation); continue south over this ridge line into the Crater Creek Basin and Crater Creek; then down Crater Creek to its confluence with Ruby Creek; then east up Ruby Creek to Granite Creek; then continue east up Granite to the Cascades Summit; then north along the Cascades Summit to the U.S.-Canada boundary; then west along the Canadian line to the east boundary of North Cascades National Park and the point of beginning. (Notice: Jack Mountain not included in Goat Unit 4-8, East Ross Lake. See description for Goat Unit 4-9, Jack Mountain.)

Goat Unit 4-9 Jack Mountain: Permit Area: Whatcom County within the following described boundary: Beginning at the confluence of Ruby Creek and Crater Creek; then north up Crater Creek to the ridge line between Jerry Lakes and a pinnacle of Jack Mountain (7,292 ft. elevation); continue due north to Devil's Creek; then west down Devil's Creek to Ross Lake; then south along the east shoreline of Ross Lake to Ruby Arm; then easterly up Ruby Arm and Ruby Creek to the confluence of Crater Creek and the point of beginning.

Goat Unit 4-10 Majestic Mountain: Permit Area: Whatcom and Skagit counties within the following described boundary: Beginning at the intersection of Pyramid Creek and State Highway 20; then south up Pyramid Creek to the North Cascades National Park Boundary; then east along the park boundary to the Cascades Summit; then north along the Cascades Summit to Granite Creek; then west down Granite Creek to Ruby Creek and Ruby Arm; then continue west along Ruby Arm to Ross Lake and Ross Dam; then southwest from Ross Dam to State Highway 20; then southwest and northwest along State Highway 20 to Pyramid Creek and the point of beginning.

Goat Unit 4-12 Mt. Tommy Thompson: Permit Area: Skagit County within the following described boundary: Beginning at the confluence of Illabot Creek on the Skagit River; then east up Illabot Creek to its headwaters; then continue east over the ridge line to the northernmost extension of Buck Creek; then north over the ridge line at 6,921 foot elevation to the southernmost extension of Muchler Creek; then northeast down Muchler Creek to Kindy Creek; then north down Kindy Creek to the Cascade River; then north and west down the Cascade River to the Skagit River; then west down the Skagit River to Illabot Creek and the point of beginning.

Goat Unit 4-14 Mt. Buckindy: Permit Area: Skagit and Snohomish counties within the following described boundary: Beginning at the confluence of Buck Creek on the Suiattle River; then east up the Suiattle River to Sulphur Creek; then continue east up Sulphur Creek to Dome Creek;

then north to Sinister Mountain and the Cascades Summit; then north along the Cascades Summit to Mt. Formidable; continue north into the headwaters at the Middle Fork Cascade River; then west down the Middle Fork Cascade River to the main Cascade River; continue west along the Cascade River to Kindy Creek; then south up Kindy Creek to Muchler Creek; then southwest up Muchler Creek to its southernmost extension; then continue southwest over the ridgetop at 6,921 foot elevation to the northernmost extension of Buck Creek; then continue southwest down Buck Creek to the Suiattle River and the point of beginning.

Goat Unit 4-16 Glacier Peak: Permit Area: Snohomish County within the following described boundary: Beginning at Tenpeak Mountain on the Cascades Crest; then northeast to three lakes (approximately 1.75 miles northeast of Tenpeak Mountain); then north and west down the Suiattle River to Mill Creek; then up the Mill Creek Trail (790) and the Pacific Crest Trail (2000) to Mica Lake, Fire Creek Pass, and Glacier Creek; continuing down Glacier Creek to the White Chuck River; then up the White Chuck River to White Mountain at the Cascade Crest; then northeast along Cascade Crest to Tenpeak Mountain and the point of beginning.

Goat Unit 4-18 Sauk River: Permit Area: Snohomish County within the following described boundary: Beginning at the confluence of the Whitechuck River and Pugh Creek; then south up Pugh Creek to Round Lake; then south to USFS Trail 646; then west and south down this trail to the North Fork Sauk River; then east up said river to Sloan Creek; then up Sloan Creek to June Mountain; then due south to USFS Trail 1051; then east along said trail to the Pacific Crest Trail (2000); then north along the Pacific Crest Trail past White Mountain; then down the Whitechuck River to the confluence with Pugh Creek and the point of beginning.

Goat Unit 4-21 Liberty Mountain: Permit Area: Snohomish County within the following described boundary: Beginning at the Boulder River bridge on the Darrington-Arlington Highway (State Highway 530) to the town of Darrington; then south along the Darrington-Clear Creek Road (USFS Road 20) to the bridge over Clear Creek; then south up Clear Creek to the confluence with Helena Creek and southeast up Helena Creek to Windom Lake; then southeast over an unnamed ridge to Independence Lake and down USFS Trail 712 to intersection with USFS Road 4060; then south down said road to the South Fork Stillaguamish River; then west down said river to Canyon Creek; then northeast up Canyon Creek, North Fork Canyon Creek and Meadow Creek to Tupso Creek; then east up Tupso Creek to its easternmost point; then continue northeast to Boulder River; then north down Boulder River to the bridge on State Highway 530 and the point of beginning.

Goat Unit 4-23 Twin Peaks: Permit Area: Snohomish County within the following described boundary: Beginning at the intersection of Falls Creek and the Mt. Loop Highway (USFS Road 322); then west up Falls Creek and along USFS Trail 645 to USFS Road 4060; then south down said road to the Mountain Loop Highway (Forest Road 20); then east and north on said highway to Falls Creek and the point of beginning.

Goat Unit 4-24 Sloan Peak: Permit Area: Snohomish County with the following described boundary: Beginning at the confluence of the South Fork and the North Fork of the Sauk River; then east up to the North Fork Sauk River to Sloan Creek; then south and southeast up Sloan Creek to June Mountain; then due south to USFS Trail 1051; then southwest along said trail to USFS Road 63; then continue southwest on said road to Silver Creek; then north up Silver Creek to Silver Lake; then north on USFS Trail 708 to Glacier Creek; then west along said creek to the South Fork Sauk River; then north down the South Fork Sauk River to the confluence of the North Fork Sauk River and the point of beginning.

Goat Unit 4-25 Vesper Peak: Permit Area: Snohomish County within the following described boundary: Beginning at the Mountain Loop Highway bridge over Bear Creek (approximately three miles east of Verlot); then east up said highway to USFS Trail 707; then southwest on said trail (between Sperry Peak and Morning Star Peak) to the Sultan River; then west down said river and Spada Lake to Culmback Dam; then north up unnamed creek to the Pilchuck-Sultan divide; then northwest along said divide to Ritz Creek; then northeast down Ritz Creek to the Pilchuck River; then northwest down said river to Wilson Creek; then northwest up Wilson Creek to Ashland Lakes on the Pilchuck-Stillaguamish divide; then north down Black Creek and Bear Creek drainage to the Mountain Loop Highway bridge over Bear Creek and the point of beginning.

Goat Unit 4-30 Tolt River: Permit Area: King and Snohomish counties within the following described boundary: Beginning at the point the Tolt River intersects the Weyerhaeuser Mainline Truck Road (approximately one mile west of the Tolt River South Fork Reservoir); then north along said road to the junction with State Highway 2; then east along said highway to the junction with the South Fork Skykomish River; then east and south up said river to the confluence of Money Creek; then west up Money Creek to Lake Elizabeth; then west to the headwaters of the South Fork Tolt River near Lake Elizabeth; then west down the South Fork Tolt River to the point of beginning. Except closed: All of the Mount Index and Mount Persis as follows: Beginning at confluence of South Fork Skykomish River and Index Creek; then west up said creek and its northern fork to Ink Lake; then west up the ridge to the 4,915 elevation point; then southwest down the ridge (approximately one and one-half miles) to the confluence of Titacae Creek and the North Fork Tolt River; then west along said river to the Weyerhaeuser Mainline Truck Road; then north along said road to State Highway 2; then east along said highway to where it intersects the South Fork Skykomish River; then east along said river to the point of beginning.

Goat Unit 4-32 Foss River: Permit Area: King and Snohomish counties within the following described boundary: Beginning at intersection of U.S. Highway 2 and the King County line at Stevens Pass; then south along the King County line to the headwaters of the Middle Fork Snoqualmie River near Dutch Miller Gap; then west and south down said river to the confluence with the Dingford Creek; then north and east up said creek to its headwaters

intersection with USFS Trail 1005; then north up said trail to Little Myrtle Lake; then west and north to Marlene Lake (approximately 4 miles); then north down the stream outlet from Marlene Lake to the junction with USFS Trail 1002 near Dorothy Lake; then north along said trail to the junction with the East Fork Miller River headwaters; then north down said river to the confluence with the South Fork Skykomish River; then east up said river to the junction with U.S. Highway 2; then east along said highway to the point of beginning.

Goat Unit 4-34 Pratt River: Permit Area: King County within the following described boundary: Beginning at the point where the Weyerhaeuser Mainline Truck Road intersects the Middle Fork Snoqualmie River (near the confluence of the North Fork and Snoqualmie Rivers); then northeast up the Middle Fork Snoqualmie to its headwaters near Dutch Miller Gap at the King County line; then south along the King County line to Snoqualmie Pass and the intersection with Interstate 90; then west along Interstate 90 to the point nearest the Middle Fork Snoqualmie River (approximately one mile east of North Bend); then north and east up the Middle Fork Snoqualmie River and to the point of beginning. Except closed: Snoqualmie Mountain and the watersheds of Denny Creek and South Fork of the Snoqualmie above Denny Creek.

Goat Unit 4-38 Corral Pass: Permit Area: Pierce County within the following described boundary: Beginning where Goat Creek intersects the Corral Pass Road; then southeast up Goat Creek to the Cascade Crest; then north along the Crest to USFS Trail 1188; then northwest along said trail to USFS Trail 1176; then north along said trail to Corral Pass; then west along Corral Pass Road to its intersection with Goat Creek and the point of beginning.

Goat Unit 5-2 Tatoosh: Permit Area: Lewis County within the following described boundary: Beginning at the junction of the southern Mount Rainier National Park Boundary and State Highway 123; then south along State Highway 123 to U.S. Highway 12; then southwest along said highway to Skate Creek Road (USFS Road 52); then northwest along said road to the junction of Morse Creek Road (old road to Longmire Campground); then north along said road to the Mount Rainier National Park Boundary; then east along the southern park boundary to the point of beginning.

Goat Unit 5-3 Smith Creek: Permit area: Lewis County within the following described boundary: Beginning at the Town of Randle; then east along U.S. Highway 12 to USFS Road 21; then southeast along USFS Road 21 to USFS Road 22; then northeast and northwest along USFS Road 22 to USFS Road 23; then east and northwest on USFS Road 23 to USFS Road 25; then north along USFS Road 25 to Randle and point of beginning.

Goat Unit 5-4 Goat Rocks: Permit Area: Lewis County south of the White Pass Highway (U.S. Highway 12) and east of the Johnson Creek Road (USFS Road 1302).

Goat Unit 6-1 Elwha River: Permit Area: Clallam and Jefferson counties outside Olympic National Park and west of the Dungeness River.

Goat Unit 6-2 Quilcene River: Permit Area: Clallam and Jefferson counties outside Olympic National Park, east of the Dungeness River and north of the Dosewallips River.

Goat Unit 6-3 Hamma Hamma River: Permit Area: Jefferson and Mason counties outside Olympic National Park and south of the Dosewallips River.

AMENDATORY SECTION (Amending Order 651, filed 5/10/94, effective 6/10/94)

WAC 232-28-02270 Game management units (GMUs)—Special game areas—Boundary descriptions—Bighorn sheep units.

Sheep Unit 1 Okanogan: Permit Area: Okanogan County west of the Okanogan River.

Sheep Unit 2 Vulcan Mountain: Permit Area: Ferry County north of the Kettle River.

Sheep Unit 3 Tucannon River: Permit Area: The Tucannon River drainage in Columbia and Garfield counties.

Sheep Unit 5 Umtanum: Permit Area: That part of Yakima County north of Wenas Creek and that part of Kittitas County south of U.S. Highway 90 and west of Yakima River.

Sheep Unit 6 Murray: Permit Area: That part of Yakima County north of Wenas Creek and that part of Kittitas County south of U.S. Highway 90.

Sheep Unit 7 Clemon Mountain: Permit Area: Yakima County within the following described area: Beginning at the mouth of Wenas Creek on the Yakima River; then Northwest up Wenas Creek to Malloy Road; then west on Malloy Road to USFS Road 1701; then west on USFS Road 1701 to State Highway 410; then southeast on Highway 410 to U.S. Highway 12; then southeast on Highway 12 to the Yakima River at Yakima; then north on the Yakima River to the mouth of Wenas Creek and point of beginning.

Sheep Unit 8 Mountainview: Permit Area: That part of Asotin County within the following described boundary: Beginning at Anatone; then west along the main Big Butte-Mount Misery Road to its junction with the Mountain Road (40); then south along the Mountain Road to the West Fork of Grouse Creek; then southeast down Grouse Creek to the Oregon-Washington boundary; then east along said boundary to State Highway 129; then north along State Highway 129 to Anatone and point of beginning.

Sheep Unit 9 Blackbutte: Permit Area: That part of Asotin County within the following described boundary: All of GMU 184 (Joseph), 185 (Blackbutte), and that part of GMU 181 (Couze) that drains into the Grande Ronde River between the mouth of the Grande Ronde River and State Highway 129.

Sheep Unit 10 Mt. Hull: Permit Area: That part of Okanogan County within the following described boundary: Beginning at Oroville; then south along U.S. Highway 97 to the Swanson's Mill Road (old Mt. Hull Road) near Lake Andrews; then east to the Dry Gulch Road; then north to the Oroville-Toroda Creek Road (Molson Grade Road); then west to Oroville and the point of beginning.

Sheep Unit 11 Wenaha Wilderness: Permit Area: The Crooked Creek drainage in Asotin, Garfield, and Columbia counties within the boundary of GMU 169.

AMENDATORY SECTION (Amending Order 94-141, filed 1/10/95, effective 2/10/95)

WAC 232-28-02280 Game management units (GMUs)—Special game areas—Boundary descriptions—Cougar areas.

COUGAR PERMIT AREA DESCRIPTIONS

Unit	Description
1	Pend Oreille—GMU 113
2	Colville—GMUs 108, 111, 118, and 119
3	Republic—GMUs 100, 103, 105, 200, and 206
4	Spokane—GMUs 121 and 124
5	Blue Mountains—GMUs 145-154, 160-166 and 172-185
6	Wenaha—GMU 169
7	Okanogan—GMUs 203, 209-242, and 300
8	Chelan—GMUs 301-335
9	Yakima—GMUs 336-372
10	Nooksack—GMUs 417, 418
11	Skagit—GMUs 426, 433, 440-448, and 450
12	Snoqualmie—GMUs 454, 460, 466, 472, and 490
13	North Olympic Peninsula—GMUs 601-615, that portion of GMU 621 north of the Dosewallips River, and GMU 624
14	South Olympic Peninsula—GMUs 618, 636, 638, 642, 648, and that portion of GMU 621 south of the Dosewallips River
15	Rainier—GMUs 478 (including PLWMA 401, 484 (including PLWMA 401), 505, 510, 512, 514, 516((T)), and 667
16	South Puget Sound—GMUs 627, 633, 651, 663, and 666
17	Cowlitz—GMUs 520, 550, 556, and 558
18	Skamania—GMUs 560, 568, 572, 574, and 576
19	Pacific—GMUs 658, 660, 669, 672, 678, 681, and 684

AMENDATORY SECTION (Amending Order 653, filed 5/10/94, effective 6/10/94)

WAC 232-28-02290 Game management units (GMUs)—Special game areas—Boundary descriptions—Private lands wildlife management areas.

Area Description

PLWMA 201 - Wilson Creek (Grant County): This area surrounds Billy Clapp Lake directly north of the town of

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Stratford and northwest of the town of Wilson Creek. The legal description is T22N, R29E; North 1/2 of Section 3, Section 4* except southeast 1/4 of southeast 1/4; Sections 5, 6, 8, and 9. T23N, R29E, Sections 5, 7, 8, 13, 14, 17, and 18; Section 19 except for northwest 1/4 of the southwest 1/4; Sections 20, 21, 22, 23, 24, 25, 26, 27, 28, and 29; southeast 1/4 of Section 30; Sections 31, 32, 33, 34, and 35. T23N, R28E, Section 2, Section 3 except west 1/4; Section 4 except southwest 1/4 and east 1/2 of southeast 1/4; Section 5; Section 6 except west 1/4; Sections 7 and 8; Section 9 except east 1/2 of southeast 1/4; north 1/2 of Section 10 except west 1/4; Section 11 except south 1/4; Section 15; Section 16 except northeast 1/4; Sections 17, 18, 19, 20, 21, 22, and 23; west 1/4 of Section 24*; Sections 26, 27, 28, 29, 30, and 33; west 1/2 of Section 34 except south 1/4; Section 35. T24N, R29E, west 1/2 of Section 32. T24N, R28E, Section 35. Public lands within the external boundaries are not part of the PLWMA.

PLWMA 401 - Champion (Pierce County): Beginning at the intersection of Champion haul road (Champion 1 Rd.) and the Camp One Road near the town of Kapowsin; then southwest along Champion 1 Rd. to east side of Lake Kapowsin; then along east side of Lake Kapowsin to Ohop Creek; then up Ohop Creek to Champion ownership line; then along ownership line to N.W. corner Section 31, T17N, R5E; then south along section line to 1/4 corner Section 6, T16N, R5E; then easterly along Weyerhaeuser/Champion ownership line to intersection with Busy Wild Creek; then up Busy Wild Creek to intersection with Champion ownership on the section line between Sections 10 & 15, T15N, R6E; then west and south along DNR/Champion ownership line and Plum Creek Timber Co./Champion ownership line to most southerly point of Champion ownership (northwest of Ashford, WA); then easterly along Champion ownership line to DNR/Champion ownership line; then north and east to USFS/Champion ownership line; then north along USFS/Champion ownership line to S.W. corner Section 31, T16N, R7E; then east along USFS/Champion ownership line to S.E. corner Section 31, T16N, R7E; then north along USFS/Champion ownership line to N.W. corner Section 32, T16N, R7E; then east along Plum Creek Timber Co./USFS ownership line to N.E. corner Section 32, T16N, R7E; then south along USFS/Champion ownership line to S.E. corner Section 32, T16N, R7E; then east along USFS/Champion ownership line to Mount Rainier National Park Boundary; then north along Mount Rainier National Park Boundary to N.E. corner Section 33 T17N, R7E; then following north and east along USFS/Champion ownership line to intersection with SR 165 near the N.E. corner Section 24, T17N, R7E; then northwest along SR 165 to intersection with Carbon River; then down Carbon River to the ~~((Carbonado/Electron powerline; then south and west along the powerline to Champion's 12 road))~~ BPA Transmission Line; then south and west along the ~~((12 road))~~ powerline to the Fisk Road; then south along the Fisk Road to the King Creek Gate; then north and west along the Brooks Road BPA Transmission line; then southwest along BPA Transmission line to the Puyallup River (excluding all small, private ownership); then up Puyallup River to intersection with Champion haul road bridge; then south along Champion haul road to point of beginning. Another portion of

PLWMA 401 Champion is the Buckley block (Kapowsin North described as follows: Beginning at the intersection of the BPA Transmission line and South Prairie Creek; then up South Prairie Creek to East Fork South Prairie Creek; then up East Fork South Prairie Creek to Plum Creek Timber Co./Champion ownership line (on south line of Section 33, T19N, R7E); then along Champion ownership line to center line of Section 34, T19N, R7E; then north and east along DNR/Champion ownership line to S.W. corner Section 27, T19N, R7E; then north along Weyerhaeuser/Champion ownership line to White River; then down White River to where it crosses west line Section 6, T19N, R7E; then south and west along Champion ownership line to intersection with South Prairie Creek; then up South Prairie Creek to point of beginning.

PLWMA 401A - Kapowsin North (Buckley): That portion of PLWMA 401 description which includes the Buckley block.

PLWMA 401B - Kapowsin Central (King Creek): That portion of PLWMA 401 description which lies to the north of the Puyallup River, excluding the Buckley block.

PLWMA 401C - Kapowsin South (Kapowsin): That portion of PLWMA 401 description which lies to the south of the Puyallup River.

AMENDATORY SECTION (Amending Order 94-142, filed 1/10/95, effective 2/10/95)

WAC 232-28-240 1994-95, 1995-96, 1996-97 Deer and bear hunting seasons and regulations.

DEER

Bag Limit: One (1) deer per hunter during an annual (July 1-March 31) hunting season. The fish and wildlife commission may authorize two doe permits for damage areas. Any multiple doe permits will be identified by special permit.

Hunting Method: Hunters must select one of the hunting methods (modern firearm, archery, muzzleloader).

Buck Deer Seasons: Open only to the taking of male deer with visible antlers (buck fawns illegal).

Definition: Visible antler is a horn-like growth projecting above the hairline.

Branched Antler Restriction GMUs: APPLIES TO ALL HUNTERS DURING ANY OPEN SEASON! Buck deer taken in these GMUs must meet minimum antler point requirements. Minimum antler point requirements are antler points on one side only. Antler points include eye guards but all antler points must be at least one inch long. The following GMUs have 2 or 3 point minimum requirements on buck deer taken.

2 Point GMUs: 433, 478, 558, 574, 576, 584, 586, 588, 636, 681, and GMU 485 (by permit only).

3 Point GMUs: 127, 130, 133, 136, 139, 142, 145, 148, 151, 154, 160, 161, 163, 166, 169, 172, 175, 178, 181, 184, 185, 203, 231, 306, and 450.

Modern Firearm Deer Seasons

Tag Required: Deer hunter must have a current, valid, unaltered, unnotched modern firearm deer tag on his/her person.

Hunting Method: Modern firearm deer tag hunters may use rifle, handgun, shotgun, bow or muzzleloader, but only during modern firearm seasons.

High Buck Hunt

Tag Required: Deer hunter must have a current, valid, unaltered, unnotched modern firearm deer tag on his/her person.

GMUs	1994 Dates	1995 Dates	1996 Dates	Legal Deer
203, 301, 302, 450	Sept. 15-25	Sept. 15-25	Sept. 15-25	3 pt. min.
Deer Areas 010, 040, 060	Sept. 15-25	Sept. 15-25	Sept. 15-25	3 pt. min.

General Modern Firearm Deer Seasons

Tag Required: Deer hunter must have a current, valid, unaltered, unnotched modern firearm deer tag on his/her person.

GMUs	1994 Dates	1995 Dates	1996 Dates	Legal Deer
Northeastern				
100-124 (See late buck for extended whitetail season).	Oct. 15-31	Oct. 14-31	Oct. 12-31	Buck only*
Southeastern				
127-185 Except closed in 157	Oct. 15-23	Oct. 14-22	Oct. 12-20	3 pt. min.*
Okanogan & Chelan				
200-242	Oct. 15-31	Oct. 14-27	Oct. 12- (31) 25	Buck only except 3 pt. min. in GMUs 203 and 231.
300-316	Oct. 15-31	Oct. 14-31	Oct. 12-31	Buck only except 3 pt. min. in GMU 306
Columbia Basin				
248-278, 284	Oct. 15-21	Oct. 14-20	Oct. 12-18	Buck only
281	Oct. 15-23	Oct. 14-22	Oct. 12-20	Either sex
Colockum and Central				
(328-) 334	Oct. 15-25	Oct. 14-25	Oct. 12-25	Buck only
<u>328, 329, 330, 371</u>			<u>Oct. 12-20</u>	<u>Buck only</u>
335- 368 , 372	Oct. 15-31	Oct. 14-31	Oct. 12-31	Buck only
Western				
405**-572, 580, 601-684. Closed in GMU 522. Permit only in GMU 485.	Oct. 15-31	Oct. 14-31	Oct. 12-31	Buck only except either sex in GMUs 410, 480, and 564; and 2 pt. min. in GMUs 433, 478, 558, 636, and 681; and 3 pt. min. in GMU 450.
574, 576, 584, 586, 588	Oct. 15-Nov. 6	Oct. 14-Nov. 14	Oct. 12-Nov. 6	2 pt. min. .

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*Hunters meeting the requirements of disabled, senior or youth may hunt antlerless whitetail during the general buck season in GMUs 100-140.

****Modern firearm deer hunting on Guemes Island is by permit only.**

Late Buck Season

Tag Required: Deer hunter must have a current, valid, unaltered, unnotched modern firearm deer tag on his/her person.

GMUs	1994 Dates	1995 Dates	1996 Dates	Legal Deer
105-124	Nov. 1-20	Nov. 1-19	Nov. 1-24	Whitetail buck only
All 400, 500, & 600 Except closed in: GMUs 480, 485, 522, 574, 576, 580, 584, 586, 588	Nov. 17-20	Nov. 16-19	Nov. 21-24	Buck only except 2 pt. min. in GMUs 433, 478, 558, 636, and 681 and 3 pt. min. in GMU 450 and either sex in GMU 410 and 564

Archery Deer Seasons

Tag Required: Deer hunter must have a current valid, unaltered, unnotched archery deer tag on his/her person.

Special Notes: Archery tag holders can only hunt with archery equipment during archery seasons.

Early Archery

GMUs	1994 Dates	1995 Dates	1996 Dates	Legal Deer
100-118, 121, 124, 215, 233, 300, 316	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Buck only Either sex
127, 130 133	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	3 pt. min. 3 pt. min. or antlerless
136-154, 160-169, 175-185, 231, 306	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	3 pt. min. 3 pt. min. or antlerless
200, 206, 218, 224, 239, 248-284, 308,	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Buck only Either sex, <u>except buck only in GMU 371</u>
335-340, 352, 356, 364, 371, 372, 405-426, 440, 442, 454-472, 490, 504, 505, 510, 512, 514, 516, 520, 524, 530, 550, 554, 556, 560, 568, 572, 580, 601, 602, 607, 615, 618, 621, 627*, 633, 638, 642-658, 663, 667, 669, 678				
433, 478, 558, 574, 576, 584, 586, 588, 681	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	2 pt. min. 2 pt. min. or antlerless
328-334, 480	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Buck only Either sex, <u>except buck only in GMUs 328, 329 and 330</u>
203, 301, 302, 450	Sept. 15-30	Sept. 15-30	Sept. 15-30	3 pt. min. or antlerless

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172	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	3 pt. min. 3 pt. min. or antlerless
119, 242, 304, 360, 448, 484, 564, 603, 612, 624, 666, 672, 684	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Buck only Either sex
636	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	2 pt. min. 2 pt. min. or antlerless
660	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	2 pt. min. 2 pt. min. or antlerless
501, 506	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Buck only Either sex
Deer Areas 010, 040, 060	Sept. 15-30	Sept. 15-30	Sept. 15-30	3 pt. min. or antlerless
Bow Area 802	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Buck only Either sex

Late Archery

GMUs	1994 Dates	1995 Dates	1996 Dates	Legal Deer
103	Nov. 14-Dec. 15	Nov. 14-Dec. 15	Nov. 14-Dec. 15	Whitetail only, either sex
118, 121, 124	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	Whitetail only; either sex
127, 166, 178	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	3 pt. min. or antlerless
209, 215, 233, 242, 272, 300, 304, 316, 346, 352, 364	Nov. 23-Dec. 8	Nov. 22-Dec. 8	Nov. 27-Dec. 8	Either sex
558, 584, 588, 636, 681	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	2 pt. min or antlerless
417, 418, 426, 440, 448, 460, 466, 480, 510, 512, 514, 516, 520, 524, 530, 556, 560, 572, 601, 607, 612, 615, 618, 638, 648, 669, 678	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	Either sex
450	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	3 pt. min
Bow Areas	1994 Dates	1995 Dates	1996 Dates	Legal Deer
802	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	Either sex
806, 807	Nov. 23-Dec. 8	Nov. 22-Dec. 8	Nov. 27-Dec. 8	Either sex
820	Dec. 24-Jan. 8, 1995	Dec. 24-Jan. 8, 1996	Dec. 24-Jan. 8, 1997	Either sex

Extended Late Archery

GMUs	1994 Dates	1995 Dates	1996 Dates	Legal Deer
405, 410, 442, 454, 484, 505, 506, 564, 568, 603, 624, <u>625</u> ,	Nov. 23-Dec. 31	Nov. 22-Dec. 31	Nov. 27-Dec. 31	Either sex

627*, 642, 660, 663,
666, 667, 672, and
Deer Areas 041 and
042

433	Nov. 23-Dec. 31	Nov. 22-Dec. 31	Nov. 27-Dec. 31	2 pt. min. or antlerless
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* Submarine Base Bangor within GMU 627 is open for archers with disabilities by permit from the Navy. For information on this hunting opportunity call Tom James at (206) 396-5097. Special restrictions: U.S. citizenship is required by the Navy.

Muzzleloader Deer Seasons

Tag Required: Deer hunter must have a current, valid, unaltered, unnotched muzzleloader deer tag on his/her person.

Hunting Method: Muzzleloader only.

Special Notes: Muzzleloader tag holders can only hunt during muzzleloader seasons and must hunt with muzzleloader equipment. Muzzleloader deer tag holders may apply for all either sex, antlerless only, and branched antler deer special hunting permits except on Private Lands Wildlife Management Area 201.

High Buck Hunt

GMUs	1994 Dates	1995 Dates	1996 Dates	Legal Deer
203, 301, 302, 450	Sept. 15-25	Sept. 15-25	Sept. 15-25	3 pt. min.
Deer Areas 010, 040, 060	Sept. 15-25	Sept. 15-25	Sept. 15-25	3 pt. min.

Early Muzzleloader

GMUs	1994 Dates	1995 Dates	1996 Dates	Legal Deer
119, 242, 564, 666	Oct. 1-12	Oct. 1-11	Oct. 1-9	Either sex
506	Oct. 6-12	Oct. 5-11	Oct. 3-9	Buck only
209	Sept. 29-Oct. 12	Sept. 28-Oct. 11	Sept. 26-Oct. 9	Either sex
302, 368	Sept. 29-Oct. 12	Sept. 28-Oct. 11	Sept. 26-Oct. 9	Buck only
304, 360, 484, 603, 612, 624, 672	Oct. 1-12	Oct 1-11	Oct. 1-9	Buck only

Late Muzzleloader

GMUs	1994 Dates	1995 Dates	1996 Dates	Legal Deer
113	Nov. 23-Dec. 8	Nov. 22-Dec. 8	Nov. 27-Dec. 8	Whitetail only, either sex
130, 133, 136, 139, 181	Nov. 23-Dec. 8	Nov. 22-Dec. 8	Nov. 27-Dec. 8	3 pt. min. or antlerless
304	Nov. 12-20	Nov. 11-19	Nov. 10-18	Buck only
410	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	Either sex
478	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	2 pt. min. or antlerless
501, 504, 550	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	Either sex
580	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	Buck only
576, 586	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	2 pt. min.
602, 633, 651, 684	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	Either sex
666	Nov. 23-Dec. 31	Nov. 22-Dec. 31	Nov. 27-Dec. 31	Either sex
<u>Muzzleloader Area</u>				
925	Dec. 1-31	Dec. 1-31	Dec. 1-31	Antlerless only
926	Nov. 24-Dec. 15	Nov. 24-Dec. 15	Nov. 24-Dec. 15	Either sex

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Firearm Restricted Deer Hunts Open To All Deer Hunters

Tag Required: Deer hunter must have a current, valid, unaltered, unnotched modern firearm, archery or muzzleloader deer tag on his/her person.

Hunting Method: Must use weapon in compliance with tag. Firearm restrictions apply in some GMUs.

GMUs	Weapon Permitted	1994 Dates	1995 Dates	1996 Dates	Legal Deer
410 & 480	Archery, Shotgun, Muzzleloader	Oct. 15-31	Oct. 14-31	Oct. 12-31	Either sex
564	Archery, Shotgun, Muzzleloader	Nov. 17-Dec. 31	Nov. 16-Dec. 31	Nov. 21-Dec. 31	Either sex
625, 627*	Archery, Shotgun, Muzzleloader	Oct. 15-31	Oct. 14-31	Oct. 12-31	Either sex

*Only that portion of GMU 627 (Kitsap) on Vashon and Maury Islands.

Private Lands Wildlife Management Opportunities

Kapowsin Tree Farm (PLWMA 401 - Champion)

Hunting Method	1994 Open Season	1995 Open Season	1996 Open Season	Special Restrictions
Archery	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 30-Oct. 11	Sept. ((1-14)) 1-13 Sept. 28-Oct. 9	((2 pt. min.)) <u>either sex</u> ((2 pt. min. or antlerless)) <u>either sex</u>
Modern Firearm General ((Late Buck	Oct. 15-31 Nov. 17-20	Oct. 14-31 Nov. 16-19	Oct. ((12-31)) 12-27 Nov. 21-24	((2)) <u>3 pt. min.</u> 2 pt. min.))
Muzzleloader	Nov. 23-Dec. 8	Nov. 22-Dec. 8	Nov. 27-Dec. 8	((Antlerless or 2)) <u>3 pt. min.</u>

BLACK BEAR

Bag Limit: Fall General - One (1) black bear.

Tag Sale Deadline: Bear tags must be purchased by midnight of the day preceding modern firearm deer season opener. Actual dates are: Oct. 14, 1994; Oct. 13, 1995; Oct. 11, 1996.

PURSUIT ONLY SEASON

It is lawful to pursue or tree black bears during established pursuit-only seasons, provided any bear pursued or treed is NOT killed or injured. Hunters participating in a pursuit only season for black bear must have a valid hound stamp, and hunting license. A bear tag is not required to pursue black bear during the pursuit only season.

Aug. 1-31, 1994, 1995, and 1996, in GMUs 100-111, GMU 113 outside of Selkirk Grizzly Bear Recovery Zone*, GMUs 118-124 and GMUs 200 and 206.

The following regulations apply to the practice of HUNTING BLACK BEAR WITH BAIT.

Definition of Bait: A bait shall be defined as any substance placed with the intent of attracting bear.

Bait Types: It is unlawful to hunt bear with the aid of any bait other than unprocessed plant and plant parts including fruit, inedible parts of legally obtained food fish, game fish, and game animals; carcasses of legally trapped furbearing

animals (hide removed); carcasses of unclassified fish and unclassified wildlife, and parts of domestic livestock carcasses.

Baits may not contain paper, cardboard, plastic, glass, aluminum, tin, steel, or styrofoam, or other packaging materials.

All other baits are illegal.

Placement of Bait: Baits for black bear may not be placed in an area until five days prior to the start of that area's established bear harvest season.

A bait may not be placed within fifty yards of any body of water (lake, pond, reservoir, stream, river, and spring), and not within two hundred yards of any road open to vehicular traffic or publicly maintained trail.

A bait may not be placed within one-half mile of any publicly designated administrative site, campground, picnic area, landfill or dump site, and not within one-quarter mile of any permanent residence or seasonal dwelling (except that private landowners may bait on their property within one-quarter mile of their own residence or seasonal dwelling when such baiting does not violate any of the aforementioned distance requirements with adjacent landholders).

Bait Containers: Bait must be contained within an excavated pit, or within a confine constructed of materials located at the site. Such containment structures might include, but not

PROPOSED

be restricted to, log cubbies, rock piles and stumps. Containers may also be used to hold bait, but if used, must be securely fastened (to tree, ground, post, etc.).

Any items used to contain or to fasten bait containment materials such as metal drums, nails, screws, bolts, rope, reinforcing rod, and spikes shall be removed from the area within 48 hours of the close of the bear harvest season. Excavated pits shall be filled and the area returned to pre-baiting condition. Tree stands and materials used to construct and erect tree stands shall be removed within the same 48-hour period (except that tree stands may be left on private property with landowner's permission).

All hunters who hunt bear with bait shall affix their bear tag number at their bear baiting sites in such a manner that it remains conspicuous and legible for the duration of the bear season.

OPEN SEASON

(Bear may be killed.)

Eastern Washington*

Sept. 7-Oct. 31, 1994, Sept. 6-Oct. 31, 1995, Sept. 4-Oct. 31, 1996. except

Sept. 7-Nov. 6, 1994; Sept. 6-Nov. 5, 1995; Sept. 4-Nov. 10, 1996 in GMUs 145-154, 160-185, except in Walla Walla and Columbia counties, bear season outside of Umatilla National Forest is open to boot hunters only (no hounds or bait may be used to hunt bear).

* Use of hounds and bait to hunt black bear prohibited in that part of GMU 113 within the Selkirk Grizzly Bear Recovery Zone(**).

~~**Selkirk Grizzly Bear Recovery Zone~~): (Pend Oreille County): Defined as beginning at the junction of the Canadian-Washington border and State Route 31 by Boundary Lake; then east along the Canadian border to the Idaho border; then south along the Idaho-Washington border to the ridge top between Bath Creek and Lamb Creek at Section 1, Township 35 North, Range 45 East; then west along said ridge top to USFS Road 310; then west along USFS Road 310 to the peak of Gleason Mountain; then west along USFS Trail 162 to Hungry Mountain; then south and west along the ridge top between Fourth of July Creek and Middle Creek to the mouth of LeClerc Creek; then north along the ridge top between the Pend Oreille River and the West Branch LeClerc Creek (Dry Canyon Ridge) to Sullivan Lake Road; then north and east along Sullivan Lake Road to Sullivan Lake; then north along the east shoreline of Sullivan Lake to Sullivan Lake Road; then north and west along Sullivan Lake Road to State Route 31; then north along State Route 31 to the point of beginning. (See Washington Atlas & Gazetteer or Colville National Forest map.)

Selkirk Grizzly Bear Recovery Zone - Special Regulations.

The use of bait to hunt black bear is prohibited in GMUs 105, 108, 111, and 113.

or

Hunters using bait to hunt black bear outside of the Selkirk Grizzly Bear Recovery Zone but within GMUs 105, 111, or 113, are required to be an AHE graduate or to obtain a bait

hunter education certificate from the Washington department of fish and wildlife.

~~((Draft))~~ North Cascades Grizzly Bear Recovery Zone ~~((D)NCCBRZ--))~~ (Special Regulations - Hunting (etc.))

Hunting black bear with the use or aid of bait is prohibited in wilderness areas of the North Cascades National Park Complex, and in the following National Forest wilderness areas: Mount Baker, Pasayten, Noisy Diobud, Glacier Peak, Lake Chelan-Sawtooth, Boulder River, Henry M. Jackson, and Alpine Lakes.

Hunters using bait north of Interstate 90, and west of U.S. Highway 97 within the external boundaries of the Mount Baker-Snoqualmie, Okanogan, and Wenatchee National Forests, and on all lands outside these National Forests within GMUs 215-242, 417, 418, 433, 440, and 448 are required to be an Advanced Hunter Education graduate (AHE), or to obtain a bait hunter education certificate from the Washington Department of Fish and Wildlife.

Western Washington

Aug. 1-Oct. 31, 1994; Aug. 1-Oct. 31, 1995; Aug. 1-Oct. 31, 1996, EXCEPT Sept. 1-Oct. 31, 1994, Sept. 1-Oct. 31, 1995, and Sept. 1-Oct. 31, 1996, in Bow Area 802. CLOSED in GMUs 485 and 522.

HOUND HUNTING CLOSURES

Use of hounds is prohibited in GMU 684, and Bow Area 802.

TOOTH SUBMITTAL

Bear: Each hunter who takes a bear must submit the small premolar tooth behind the canine tooth of upper or lower jaw for age determination. Tooth envelopes are available from Department of Fish and Wildlife regional offices.

REPORT CARDS

Each successful hunter must fill out and return a Game Harvest Report Card to the Department of Fish and Wildlife within ten days after taking a deer or bear.

AMENDATORY SECTION (Amending Order 94-143, filed 1/10/95, effective 2/10/95)

WAC 232-28-241 1994-95, 1995-96, and 1996-97 Official hunting hours and small game seasons.

1994-95 OFFICIAL HUNTING HOURS FOR MIGRATORY GAME BIRDS*

September 1, 1994 to January 31, 1995

PROPOSED

Dates (Inclusive)	West Slope Zone (Seattle times)		Coastal Zone (Tatoosh Is. times)	
	A.M. to	P.M.	A.M. to	P.M.
Daylight Savings Time				
Thurs. Sept. 1 - Sun. Sept. 4	6:00	7:45	6:10	8:00
Mon. Sept. 5 - Sun. Sept. 11	6:05	7:35	6:15	7:45
Mon. Sept. 12 - Sun. Sept. 18	6:15	7:20	6:25	7:30
Mon. Sept. 19 - Sun. Sept. 25	6:25	7:10	6:35	7:20
Mon. Sept. 26 - Sun. Oct. 2	6:35	6:55	6:45	7:05
Mon. Oct. 3 - Sun. Oct. 9	6:45	6:40	6:55	6:50
Mon. Oct. 10 - Fri. Oct. 14	6:55	6:25	7:05	6:35
Opening Sat. Oct. 15	7:00	6:20	7:10	6:30
Weekend** Sun. Oct. 16	7:00	6:20	7:10	6:30
Mon. Oct. 17 - Sun. Oct. 23	7:05	6:10	7:15	6:20
Mon. Oct. 24 - Sat. Oct. 29	7:15	6:00	7:25	6:10
Pacific Standard Time				
Sun. Oct. 30	6:20	4:55	6:30	5:00
Mon. Oct. 31 - Sun. Nov. 6	6:25	4:50	6:40	4:55
Mon. Nov. 7 - Sun. Nov. 13	6:35	4:40	6:50	4:45
Mon. Nov. 14 - Sun. Nov. 20	6:45	4:30	7:00	4:40
Mon. Nov. 21 - Sun. Nov. 27	6:55	4:25	7:10	4:30
Mon. Nov. 28 - Sun. Dec. 4	7:05	4:20	7:20	4:25
Mon. Dec. 5 - Sun. Dec. 11	7:15	4:20	7:25	4:25
Mon. Dec. 12 - Sun. Dec. 18	7:20	4:20	7:35	4:25
Mon. Dec. 19 - Sun. Dec. 25	7:25	4:20	7:40	4:25
Mon. Dec. 26 - Sun. Jan. 1	7:25	4:25	7:40	4:30
Mon. Jan. 2 - Sun. Jan. 8	7:25	4:30	7:40	4:40
Mon. Jan. 9 - Sun. Jan. 15	7:25	4:40	7:35	4:45
Mon. Jan. 16 - Sun. Jan. 22	7:20	4:50	7:30	4:55
Mon. Jan. 23 - Sun. Jan. 29	7:15	5:00	7:25	5:10
Mon. Jan. 30 - Tues. Jan. 31	7:10	5:05	7:20	5:15

Dates (Inclusive)	East Slope Zone (Yakima times)		Far East Zone (Spokane times)	
	A.M. to	P.M.	A.M. to	P.M.
Daylight Savings Time				
Thurs. Sept. 1 - Sun. Sept. 4	5:55	7:40	5:40	7:30
Mon. Sept. 5 - Sun. Sept. 11	6:00	7:30	5:50	7:15
Mon. Sept. 12 - Sun. Sept. 18	6:10	7:15	5:55	7:05
Mon. Sept. 19 - Sun. Sept. 25	6:20	7:00	6:05	6:50
Mon. Sept. 26 - Sun. Oct. 2	6:30	6:45	6:15	6:35
Mon. Oct. 3 - Sun. Oct. 9	6:35	6:30	6:25	6:20
Mon. Oct. 10 - Fri. Oct. 14	6:45	6:20	6:35	6:05
Opening Sat. Oct. 15	6:50	6:15	6:40	6:00
Weekend** Sun. Oct. 16	6:50	6:15	6:40	6:00
Mon. Oct. 17 - Sun. Oct. 23	6:55	6:05	6:45	5:55
Mon. Oct. 24 - Sat. Oct. 29	7:05	5:55	7:55	5:40
Pacific Standard Time				
Sun. Oct. 30	6:10	4:50	6:00	4:35
Mon. Oct. 31 - Sun. Nov. 6	6:15	4:45	6:05	4:30
Mon. Nov. 7 - Sun. Nov. 13	6:25	4:35	6:15	4:20
Mon. Nov. 14 - Sun. Nov. 20	6:35	4:25	6:30	4:10
Mon. Nov. 21 - Sun. Nov. 27	6:45	4:20	6:40	4:05
Mon. Nov. 28 - Sun. Dec. 4	6:55	4:15	6:45	4:00
Mon. Dec. 5 - Sun. Dec. 11	7:00	4:15	6:55	4:00
Mon. Dec. 12 - Sun. Dec. 18	7:10	4:15	7:00	4:00

PROPOSED

Mon.	Dec. 19	-	Sun.	Dec. 25	7:15	4:20	7:05	4:00
Mon.	Dec. 26	-	Sun.	Jan. 1	7:15	4:20	7:10	4:05
Mon.	Jan. 2	-	Sun.	Jan. 8	7:15	4:30	7:10	4:15
Mon.	Jan. 9	-	Sun.	Jan. 15	7:15	4:40	7:05	4:20
Mon.	Jan. 16	-	Sun.	Jan. 22	7:10	4:45	7:00	4:30
Mon.	Jan. 23	-	Sun.	Jan. 29	7:00	4:55	6:55	4:40
Mon.	Jan. 30	-	Tues.	Jan. 31	7:00	5:05	6:50	4:50

West Slope Zone: East from I-5 to the Pacific Crest Trail.
Coastal Zone: From the west coast of Washington, east to I-5.
East Slope Zone: East from the Pacific Crest Trail to Highway 21 where it intersects with the Canadian border, south on Highway 21 to its junction with Highway 395, south on Highway 395 to the Oregon border.
Far East Zone: From the East Slope Zone boundary (Highway 21 from Canadian border to its junction with Highway 395, south on Highway 395 to Oregon border) to the Idaho border.

* Migratory game birds include ducks, geese, coots, snipe, and mourning doves. The lawful hunting hours for game animals and all other game birds during established seasons are one-half hour before sunrise to one-half hour after sunset. For these species, hunters can use the Hunting Hour table for AM time and just add 30 minutes for PM time.
 ** Opening Day - In Eastern Washington, upland bird, duck, goose, coot, and snipe seasons open at noon. In Western Washington, upland bird, duck, goose, coot, and snipe seasons open at 8:00 a.m.

- Exceptions:
- 1) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. on designated pheasant release sites.
 - 2) Western Washington - Cottontail and snowshoe hare (Washington hare) hunting hours are 8:00 a.m. to 4:00 p.m. during the pheasant hunting season on designated pheasant release sites.
 - 3) Bobcat and raccoons are exempt from hunting hour restrictions during established bobcat and raccoon season except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to one-half hour after sunset.
 - 4) Hunting hours for falconry seasons are exempt from these hunting hours except on designated pheasant release sites.

Bobcat
 Bag and Possession Limits: No limit.

Bobcat may be killed during archery deer or elk seasons with archery equipment if valid license and tags are in possession for deer or elk seasons, respectively. Archers may not kill bobcat with use of hounds during early archery seasons.

Bobcat may be killed during muzzleloader deer or elk seasons with muzzleloader equipment if valid license and tags are in possession for deer or elk seasons, respectively. Muzzleloaders may not kill bobcat with use of hounds during early muzzleloader seasons.

Eastern Washington

PURSUIT-ONLY SEASON
 (Bobcat may not be killed or injured.)
 Sept. 1-30, Nov. 23-Dec. 14, 1994 and Jan. 16-31, 1995; Sept. 1-30, Nov. 22-Dec. 14, 1995 and Jan. 16-31, 1996; Sept. ((1-30)) 4-30, Nov. 27-Dec. 14, 1996 and Jan. 16-31, 1997; except closed to hound hunting in Walla Walla and Columbia counties outside of Umatilla National Forest Sept. 1-Oct. 14, 1994; Sept. 1-Oct. 13, 1995; and Sept. ((+)) 4-Oct. 11, 1996.

OPEN SEASON
 (Bobcat may be killed)
 Oct. 15-31, 1994 and Dec. 15, 1994-Jan. 15, 1995; Oct. 14-31, 1995 and Dec. 15, 1995-Jan. 15, 1996; Oct. 12-31, 1996 and Dec. 15, 1996-Jan. 15, 1997.

Western Washington

PURSUIT-ONLY SEASON
 (Bobcat may not be killed or injured.)
 Aug. 1-Oct. 14, 1994; Aug. 1-Oct. 13, 1995; Aug. 1-Oct. 11, 1996; except CLOSED in GMU 522.

OPEN SEASON
 (Bobcat may be killed.)
 Oct. 15, 1994-Mar. 15, 1995; Oct. 14, 1995-Mar. 15, 1996; Oct. 12, 1996-Mar. 15, 1997; except CLOSED in GMU 522.

Hound Hunting During Deer and Elk Hunting Seasons

It is unlawful to hunt any wildlife at night or wild animals with dogs (hounds) during the months of September, October, or November in any area open to a center-fire rifle deer or elk season EXCEPT for the following areas and dates. (This does not permit the hunting of deer or elk with the use of hounds.)

Eastern Washington

	<u>1994</u>	<u>1995</u>	<u>1996</u>
GMUs 100-124.	Oct. 5-12	Oct. 4-11	Oct. 2-9
GMUs 127-185.	Nov. 10-17	Nov. 9-16	Nov. 14-21
Yakima County within two (2) miles of the Yakima River below Union Gap.	Oct. 29- Nov. 13	Oct. 28- Nov. 12	Oct. 26- Nov. 10

Western Washington

Oct. 15-Nov. 20, 1994; Oct. 14-Nov. 19, 1995; Oct. 12-Nov. 24, 1996; in GMU 405 (west of Highway 9), GMUs 454, 627, 633, and the Columbia River Floodplain of Clark and Cowlitz counties with boundaries described as follows: beginning at the Longview/Columbia River Bridge, then

north and west on Oregon Way (Highway 432) to Tennant Way (Highway 432) to Interstate Highway 5, then south on I-5 to State Highway 14 to the Skamania County line, then south on county line to the Columbia River on state line to the Longview Bridge and point of beginning.

RACCOON

Bag and Possession Limits: No Limit.

Raccoon may be killed during archery deer or elk seasons with archery equipment if valid license and tags are in possession for deer or elk seasons, respectively. Archers may not kill raccoon with use of hounds during early archery seasons.

Raccoon may be killed during muzzleloader deer or elk seasons with muzzleloader equipment if valid license and tags are in possession for deer or elk seasons, respectively. Muzzleloaders may not kill raccoon with use of hounds during early muzzleloader seasons.

Eastern Washington

PURSUIT-ONLY SEASON

(Raccoon may not be killed or injured).

Sept. 1-Oct. 14, 1994; Sept. 1-Oct. 13, 1995; Sept. 1-Oct. 11, 1996; except CLOSED to hound hunting in Walla Walla and Columbia counties outside of Umatilla National Forest.

OPEN SEASON

(Raccoon may be killed)

Oct. 15, 1994-Jan. 15, 1995; Oct. 14, 1995-Jan. 15, 1996; Oct. 12, 1996-Jan. 15, 1997.

Western Washington

PURSUIT-ONLY SEASON

(Raccoon may not be killed or injured).

Aug. 1-Oct. 14, 1994; Aug. 1-Oct. 13, 1995; Aug. 1-Oct. 11, 1996; except CLOSED on Long Island within Willapa National Wildlife Refuge and GMU 522.

OPEN SEASON

(Raccoon may be killed).

Oct. 15, 1994-Mar. 15, 1995; Oct. 14, 1995-Mar. 15, 1996; Oct. 12, 1996-Mar. 15, 1997; except CLOSED on Long Island within Willapa National Wildlife Refuge and GMU 522.

FOX

Bag and Possession Limits: No limits.

Statewide: Oct. 15, 1994-Mar. 15, 1995; Oct. 14, 1995-Mar. 15, 1996; Oct. 12, 1996-Mar. 15, 1997, except CLOSED within the exterior boundaries of the Mount Baker/Snoqualmie, Okanogan, Wenatchee, and Gifford Pinchot National Forests and GMUs 405, 410, and 522.

COYOTE

Coyote may be taken year around EXCEPT that coyote may only be killed and/or pursued with hounds during the following periods:

Eastern Washington

Sept. 1-Jan. 31, 1994-95; Sept. 1-Jan. 31, 1995-96; Sept. 1-Jan. 31, 1996-97; except year around in Grant, Adams, Benton, and Franklin counties.

Western Washington

Aug. 1-Mar. 15, 1994-95; Aug. 1-Mar. 15, 1995-96; Aug. 1-Mar. 15, 1996-97.

Coyote may not be taken by any means from September 15 to November 30 in the following closed areas: Pasayten Wilderness, GMUs 426 and 450, and those portions of GMUs 218, 304, and 448 within external boundaries of the Mount Baker-Snoqualmie, Okanogan and Wenatchee national forests.

FOREST GROUSE (BLUE, RUFFED, AND SPRUCE)

Bag and Possession Limits: Three (3) grouse per day, with a total of nine (9) grouse in possession at any time; straight or mixed bag.

Statewide: Sept. 1-Dec. 31 during 1994, 1995, and 1996; except CLOSED in GMU 522.

PTARMIGAN

Season closed statewide.

UPLAND BIRDS

Eastern Washington

Ring-necked Pheasant

Bag and Possession Limits: Three (3) cock pheasants per day, with a total of fifteen (15) cock pheasants in possession at any time.

Noon Oct. 15-Dec. 31, 1994; Noon Oct. 14-Dec. 31, 1995; Noon Oct. 12-Dec. 31, 1996.

Chukar Partridge

Bag and Possession Limits: Six (6) chukar per day, with a total of eighteen (18) chukar in possession at any time.

Early season in Asotin and Garfield counties; in that part of Whitman County south of the Washtucna - Colfax - Moscow Highway; in that part of Columbia County that is north and east of the Tucannon River: Sept. 24-Oct. 14, 1994; Sept. 22-Oct. 13, 1995; Sept. 21-Oct. 11, 1996.

Regular Season: Noon Oct. 15, 1994 - Jan. 15, 1995; Noon Oct. 14, 1995 - Jan. 7, 1996; Noon Oct. 12, 1996 - Jan. 12, 1997.

Gray (Hungarian) Partridge

Bag and Possession Limits: Six (6) gray partridges per day, with a total of eighteen (18) gray partridges in possession at any time.

Early season in Asotin and Garfield counties; in that part of Whitman County south of the Washtucna - Colfax - Moscow Highway; in that part of Columbia County that is north and east of the Tucannon River: Sept. 24-Oct. 14, 1994; Sept. 22-Oct. 13, 1995; Sept. 21-Oct. 11, 1996.

Regular Season: Noon Oct. 15, 1994-Jan. 15, 1995; Noon Oct. 14, 1995-Jan. 7, 1996; Noon Oct. 12, 1996-Jan. 12, 1997.

Mountain Quail

Bag and Possession Limits: Two (2) mountain quail per day, with a total of four (4) mountain quail in possession at any time.

Noon Oct. 15, 1994-Jan. 15, 1995; Noon Oct. 14, 1995-Jan. 7, 1996; Noon Oct. 12, 1996-Jan. 12, 1997.

Valley and Bobwhite Quail

Bag and Possession Limits: Ten (10) quail per day, with a total of thirty (30) quail in possession at any time, straight or mixed bag.

Noon Oct. 15, 1994-Jan. 15, 1995; Noon Oct. 14, 1995-Jan. 7, 1996; Noon Oct. 12, 1996-Jan. 12, 1997.

Yakama Indian Reservation: The 1994-95 Upland Bird Season within the Yakama Indian Reservation shall be the same as the season established by the Yakama Indian Nation.

Western Washington

Ring-necked Pheasant

Bag and Possession Limits: Two (2) pheasants of either sex per day on designated release sites, EXCEPT two (2) cock pheasants per day on other than designated release sites, with a total of fifteen (15) pheasants in possession at any time.

Early season: Sept. 24-30, 1994; Sept. 23-29, 1995; and Sept. 21-27, 1996 for juvenile hunters under 15 and senior hunters 65 years of age or older. Juvenile hunters must be accompanied by an adult.

Oct. 1-Nov. 30, 1994; Sept. 30-Nov. 30, 1995; and Sept. 28-Nov. 30, 1996; 8 a.m. to 4 p.m.; except Voice of America site (Clallam County) starting Oct. 15, 1994; Oct. 14, 1995; Oct. 12, 1996; except CLOSED in GMU 522.

A Western Washington Upland Bird Permit is required to hunt pheasant, quail, and partridge in western Washington, in addition to a current hunting license. Pheasant kills only must be recorded. Upon taking a pheasant, the holder of a Western Washington Upland Bird Permit must immediately enter on the corresponding space the date and location of kill.

There are three options available for the 1994, 1995, 1996 hunting season:

- (1) Full Season Option: Allows the harvest of ten (10) pheasants.
- (2) Juvenile (under 15): Allows the harvest of six (6) pheasants.
- (3) 2-Day Option: Allows the harvest of four (4) pheasants during two consecutive days.

Every person possessing a Western Washington Upland Bird Permit must by December 31, return the permit to the Department of Fish and Wildlife. The number of permits purchased per person is not limited.

A hunter shall select one valid option at the time they purchase their Western Washington Upland Bird Permit.

Special Restriction: Steelshot must be used in a shotgun to hunt pheasant on the Skagit Wildlife Area. Hunting is restricted on weekend mornings at Lake Terrell (all units including ARCO and INTELCO), Tennant Lake, Snoqualmie (including Stillwater, Cherry Valley, and Two Rivers segments) and Skagit (including headquarters and Smith Farm segments) Wildlife Areas. Only hunters with western

Washington upland bird permits marked "odd" may hunt these sites from 8:00 a.m. until 12:00 noon on odd numbered weekend days. Only hunters with Western Washington Upland Bird Permits marked "even" may hunt these sites from 8:00 a.m. until 12:00 noon on even numbered weekend days. Hunters that select the two day option and juvenile hunters 14 years of age or younger may hunt during either weekend day morning. Juvenile hunters must be accompanied by an adult with an appropriately marked upland bird permit.

Mountain Quail

Bag and Possession Limits: Two (2) mountain quail per day, with a total of four (4) mountain quail in possession at any time.

Oct. 15-Nov. 30, 1994; Oct. 14-Nov. 30, 1995; Oct. 12-Nov. 30, 1996; except CLOSED in GMU 522.

Valley and Bobwhite Quail

Bag and Possession Limits: Ten (10) valley or bobwhite quail per day, with a total of thirty (30) valley or bobwhite quail in possession at any time; straight or mixed bag.

Oct. 15-Nov. 30, 1994; Oct. 14-Nov. 30, 1995; Oct. 12-Nov. 30, 1996; except CLOSED in GMU 522.

TURKEY

Spring Season

Gobblers and Turkeys with Visible Beards Only.

Statewide: April 15-May 15, 1995; April 15-May 15, 1996; [and] April 15-May 15, 1997.

Fall Season

Either Sex

Klickitat and Skamania counties: Nov. 18-22, 1994; Nov. 17-21, 1995; Nov. 22-26, 1996.

Asotin, Columbia, Garfield, and Walla Walla counties: Nov. 18-22, 1994; Nov. 17-21, 1995; Nov. 22-26, 1996. Only hunters that successfully complete the Department of Fish and Wildlife's Advanced Hunter Education (AHE) program will be eligible to hunt turkeys during this season. A certification card will be issued to all AHE graduates and must be in possession in addition to a valid hunting license and turkey tag while hunting in this area.

OFFICIAL HUNTING HOURS/BAG LIMITS:

Bag and Possession Limit: One turkey per calendar year for 1994. One turkey per day, with a total of three (3) per year; only one turkey from each subspecies may be killed per year in 1995 and 1996. Subspecies are defined by county of kill.

Eastern Wild Turkey: All of western Washington excluding Skamania and Klickitat counties.

Rio Grande Wild Turkey: All of eastern Washington excluding Klickitat, Ferry, Pend Oreille, and Stevens counties.

Merriam's Wild Turkey: Skamania, Klickitat, Pend Oreille, Ferry and Stevens counties.

Tag Sale Cutoff: To purchase multiple turkey tags, hunters shall send the appropriate tag fee (resident or non-resident) for each additional tag and their original 1995, 1996, or 1997 turkey tag to: Upland Bird Program, Washington Department of Fish and Wildlife, 600 Capitol Way N., Olympia, WA 98501-1091. All multiple tag requests must be received by March 31, each year; a single statewide tag may be purchased at any time.

Hunting Hours: One-half hour before sunrise to one-half hour after sunset during spring and fall seasons.

SPECIAL REGULATIONS:

1. Turkey season is open for shotgun and bow-and-arrow hunting only.
2. A turkey tag is required for hunting turkey.
3. Each successful hunter must complete and return a game harvest report card to the Department of Fish and Wildlife within ten days after taking a turkey.
4. It is unlawful to use dogs to hunt turkeys.

Sage and Sharp-tailed Grouse

Season Closed Statewide, 1994, 1995, 1996.

BIRD DOG TRAINING SEASON Aug. 1, 1994-Mar. 15, 1995; Aug. 1, 1995-Mar. 15, 1996; and Aug. 1, 1996-Mar. 15, 1997, except from Oct. 1-Nov. 30, 1994, Sept. 30-Nov. 30, 1995, and Sept. 28-Nov. 30, 1996, dog training is prohibited except from 8:00 a.m. to 4:00 p.m. on designated western Washington pheasant release sites.

Dog training may be conducted year around on posted portions of: Region One - Espanola (T 24 N, R 40 E, E1/2 of Sec. 16); Region Two - Wahluke Wildlife Area north of Highway 24; Region Three - South L.T. Murray Wildlife Area; Region Four - Fort Lewis Military Base, Skagit Wildlife Area, Lake Terrell Wildlife Area, and Snoqualmie Wildlife Area; Region Six - Scatter Creek Wildlife Area.

CANADA GOOSE SEPTEMBER SEASON

Early September Canada Goose season for portions of Clark, Cowlitz, Pacific, and Wahkiakum counties.

Bag and Possession Limits: Three (3) Canada geese per day with a total of six (6) in possession at any time.

Sept. 1-12, 1994; Sept. 1-12, 1995; Sept. 1-12, 1996.

Open Area: Those portions of Clark, Cowlitz, Pacific, and Wahkiakum counties within the following boundary: Beginning at the Washington-Oregon border on the Interstate 5 bridge near Vancouver, Washington, north on Interstate 5 to Kelso, west on Highway 4 from Kelso to Highway 401, south and west on Highway 401 to Highway 101 at the Astoria/Megler Bridge, then west on SR 101 to the city of Ilwaco, then west on Gray Drive to Canby Road, then southwest on Canby Road to the north jetty, then southwest on the north jetty to its end, then southeast to the Washington-Oregon state line, then upstream along the Washington/Oregon border to the point of origin.

Steel Shot Requirement: No person shall hunt Canada geese in the open area of the September Canada goose season

while using or possessing shotshells loaded with metal other than steel.

BAND-TAILED PIGEON

Closed Season Statewide, 1994, 1995, 1996.

MOURNING DOVE

Bag and possession limits: Ten (10) mourning doves per day with a total of twenty (20) mourning doves in possession at any time.

Statewide: Sept. 1-15 1994; Sept. 1-15, 1995; and Sept. 1-15, 1996; except CLOSED in GMU 522.

RABBIT AND HARE

Cottontail, Snowshoe Hare (or Washington Hare), and White-tailed Jackrabbit.

Bag and Possession Limits: Ten (10) rabbits or hares per day, with a total of thirty (30) in possession at any time; straight or mixed bag.

Statewide: Sept. 1, 1994-Mar. 15, 1995; Sept. 1, 1995-Mar. 15, 1996; Sept. 1, 1996-Mar. 15, 1997; except CLOSED in GMU 522.

Black-tailed Jackrabbit

Bag and Possession Limits: Ten (10) Black-tailed jackrabbits per day, with a total of thirty (30) in possession at any time.

Statewide: Year-around.

FALCONRY SEASONS

Upland Game Bird - Falconry

Daily bag: Two (2) pheasants (either sex), six (6) partridge, five (5) quail, and three (3) forest grouse (blue, ruffed, spruce) per day.

Statewide: Sept. 1, 1994-Mar. 15, 1995; Sept. 1, 1995-Mar. 15, 1996; Sept. 1, 1996-Mar. 15, 1997.

Mourning Dove - Falconry

Daily Bag: Three (3) mourning doves per day straight bag or mixed bag with snipe, coots, ducks, and geese during established seasons.

Statewide: Sept. 1-15 and Oct. 1-Dec 31, 1994; Sept. 1-15 and Oct. 1-Dec. 31, 1995; Sept. 1-15 and Oct. 1-Dec. 31, 1996.

Rabbit and Hare - Falconry

Daily bag: Ten (10) rabbits or hares per day; straight or mixed bag.

Statewide: Aug. 1, 1994-Mar. 15, 1995; Aug. 1, 1995-Mar. 15, 1996; Aug. 1, 1996-Mar. 15, 1997, for cottontail, snowshoe hare (or Washington hare), white-tailed and black-tailed jackrabbits.

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.

PROPOSED

AMENDATORY SECTION (Amending Order 94-144, filed 1/10/95, effective 2/10/95)

WAC 232-28-242 1994-95, 1995-96, 1996-97 Elk hunting seasons and regulations.

ELK SEASONS

Bag Limit: One (1) elk per hunter during the annual (July 1-March 31) hunting season.

Hunting Method: Elk hunters must select one of the hunting methods (modern firearm, archery, muzzleloader).

Tag Required: Elk hunters must choose one of the four elk hunting areas (Blue Mountains, Yakima, Colockum or Western Washington) to hunt in and buy the appropriate tag for that area.

Bull Elk Seasons: Open only to the taking of male elk with visible antlers (bull calves are illegal).

Definition: Visible Antler is defined as a horn-like growth projecting above the hairline.

Spike Bull Restriction GMUs: Bull elk taken in these GMUs must have at least one antler that is a spike above the ears (does not branch above ears). An animal with branched antlers on both sides is illegal but an animal with a spike on one side is legal in spike only units.

Spike Only GMUs: 145-154, 160-185, 314-329, 335-~~(368)~~ 371, and 472.

Branched Antler Restriction GMUs: Bull elk taken in these GMUs must meet minimum antler point requirements. Minimum antler point requirements are antler points on one side only. Antler points may include eye guards but antler points on the lower half of either main beam must be at least four (4) inches long, measured from tip to nearest edge of beam. All other antler points must be at least one inch long. Antler restrictions apply to all hunters during any open season.

3 Point GMUs: 418, 460, 466, 478, 490, 506, 512, 524, 530, 556, 558, 572, 601, 602, 607, 621, 636, 638, 681; and GMUs 157 and 485 by permit only.

Special Permits: Only hunters with elk tags identified in the Special Elk Permits tables may apply for special bull or antlerless permits. Please see permit table for tag eligibility. Hunters drawn for a special permit may hunt only with a weapon in compliance with their tag and during the dates listed for the hunt.

Modern Firearm Elk Information

Modern firearm elk hunters have early and late hunts in all elk areas. Those who buy the B tag have the first opportunity to hunt bulls (~~(+but)~~). Only those who buy the C tag are able to apply for special elk permits.

Tag Required: Elk hunter must have a current, valid, unaltered, unnotched modern firearm elk tag as listed below on his/her person.

Hunting Method: May use rifle, bow and arrow, or muzzleloader, but only during modern firearm seasons.

Modern Firearm Elk Seasons

Legal Elk: Male elk with visible antlers are legal throughout the state except in GMUs 145-154, 160-185, 314-329, 335-368, and 472 spike bull restrictions apply and in branched antler areas branched antler restrictions apply.

Blue Mountains - Open Area: 100 series GMUs; GMUs 127(~~(-)~~) and 130(~~(-)~~) are permit only for modern firearm hunters; and GMU 157 limited (~~(+)~~) by permit to all hunters (~~(only)~~). GMUs 145-154, 160-185 are spike bull only, except by permit.

- BA - Blue Mountains Archery Tag
- BB - Blue Mountains Bull Tag
- BC - Blue Mountains Permit Applicant Tag
- BM - Blue Mountains Muzzleloader Tag

Colockum - Open Area: Chelan County portion of GMU 302 and GMUs 300, 301, 304, 306, 308, 314, 316, 328, 329, 330 (permit only in GMU 330), and the portion of GMU 334 north of I-90 (modern firearm restrictions in GMU 334). GMUs 302, 314-329 are spike bull only, except by permit.

- CA - Colockum Archery Tag
- CB - Colockum Bull Tag
- CC - Colockum Permit Applicant Tag
- CM - Colockum Muzzleloader Tag

Yakima - Open Area: Kittitas County portion of GMU 302 and GMUs 335, 336, 340, 342, 346, 352, 356, 360, 364, 366, 368, 371, and 372. GMUs 302, 335-~~(368)~~ 371 are spike bull only, except by permit.

- YA - Yakima Archery Tag
- YB - Yakima Bull Tag
- YC - Yakima Permit Applicant Tag
- YM - Yakima Muzzleloader Tag

Western Washington - Open Area: All 400, 500, and 600 GMUs except closed in GMU 417, 522, ~~((621))~~ and modern firearm restrictions in portion of GMU 660. GMU(~~(s)~~) 417 (Bald Mountain) (~~and 621 (Olympic) are~~) is closed to all elk hunting as a Conservation Closure. Permit only in GMUs 485, 524, 554, 556, and 602. GMU 472 is spike bull only, except by permit.

- WA - Western Washington Archery Tag
- WB - Western Washington Bull Tag
- WC - Western Washington Permit Applicant Tag
- WM - Western Washington Muzzleloader Tag

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PROPOSED

	<u>1994</u>	<u>1995</u>	<u>1996</u>
Blue Mountains			
BB - Blue Mountains Bull Elk Tag	Oct. 26-Nov. 6	Oct. 25-Nov. 5	Oct. 30-Nov. 10
BC - Blue Mountains Permit Applicant Elk Tag	Oct. 29-Nov. 6	Oct. 28-Nov. 5	Nov. 2-10
Colockum			
CB - Colockum Bull Elk Tag	Oct. 26-Nov. 3	Oct. 26-Nov. 3	Oct. 26-Nov. 3
CC - Colockum Permit Applicant Elk Tag	Oct. 29-Nov. 3	Oct. 29-Nov. 3	Oct. 29-Nov. 3
Yakima			
YB - Yakima Bull Elk Tag	Nov. 5-15	Nov. 5-15	Nov. 5-15
YC - Yakima Permit Applicant Elk Tag	Nov. 8-15	Nov. 8-15	Nov. 8-15
Western Washington			
WB - Western Washington Bull Elk Tag	Nov. 2-13	Nov. 1-13	Nov. 6-17
WC - Western Washington Permit Applicant Elk Tag	Nov. 5-13	Nov. 4-13	Nov. 9-17

Archery Elk Seasons

Tag Required: Elk hunter must have a current, valid, unaltered, unnotched archery elk tag on his/her person.

Hunting Method: Bow and arrow only.

Special Notes: Archery tag holders can hunt only during archery seasons. Only archery elk hunters with tags identified in the Special Permits tables may apply for special bull permits. Please see permit table for tag eligibility.

Early Archery Elk Seasons

Tag Required: Elk hunter must have a current, valid, unaltered, unnotched archery elk tag on his/her person for the area hunted: Blue Mountains (BA), Colockum (CA), Yakima (YA), or Western Washington (WA).

GMUs	Elk Tag	1994 Dates	1995 Dates	1996 Dates	Legal Elk
100-((119)) 124, ((124)) 130-142	BA	Sept. 1-14	Sept. 1-14	Sept. 1-14	Either sex
145-154, 160- 169, 175, 178, 181-185	BA	Sept. 1-14	Sept. 1-14	Sept. 1-14	Spike bull only
300, 306, 308, 316, 334 (North of I-90)	CA	Sept. 1-14	Sept. 1-14	Sept. 1-14	Either sex
328, 329, 330	CA	Sept. 1-14	Sept. 1-14	Sept. 1-14	Spike or antlerless
334 (South of I-90), 371, 372	YA	Sept. 1-14	Sept. 1-14	Sept. 1-14	Either sex
335, 336, 340, 352, 356, 364	YA	Sept. 1-14	Sept. 1-14	Sept. 1-14	Spike or antlerless
405-410, 426- 454, 504, 505, 510, 514, 516, 520, 550, 554, 560, 568, 574, 576, 586, 588, 615, 618, 642- 658, 660, 663, 667, 669, 672, 678	WA	Sept. 1-14	Sept. 1-14	Sept. 1-14	Either sex

460, 466, 478, 490, 512, 530, 558, 572, 601, 607, 638, 681	WA	Sept. 1-14	Sept. 1-14	Sept. 1-14	3 pt. min. or antlerless
472	WA	Sept. 1-14	Sept. 1-14	Sept. 1-14	Spike or antlerless
484	WA	Sept. 1-14	Sept. 1-14	Sept. 1-14	Either sex
418	WA	Sept. 1-14	Sept. 1-14	Sept. 1-14	3 pt. min.
607	WA	No Season	Sept. 1-14	No Season	3 pt. min.
612	WA	Sept. 1-14	No Season	Sept. 1-14	Either sex
Bow Area 802	WA	Sept. 1-14	Sept. 1-14	Sept. 1-14	Either sex

Late Archery Elk Seasons

Tag Required: Elk hunter must have a current, valid, unaltered, unnotched archery elk tag on his/her person for the area hunted.

GMUs	Elk Tag	1994 Dates	1995 Dates	1996 Dates	Legal Elk
103, 118, 121, 124, ((427)) 133	BA	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	Either sex
166, 178	BA	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	Spike bull only
328	CA	Nov. 23-Dec. 8	Nov. 22-Dec. 8	Nov. 21-Dec. 8	Spike or antlerless
335, 336, 346, 352	YA	Nov. 23-Dec. 8	Nov. 22-Dec. 8	Nov. 21-Dec. 8	Spike or antlerless
405, 433, 454, 484, 505, 520, 564, 588, 603, 612, 615, 648, 672	WA	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	Either sex
506, 530, 638, 681*	WA	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	3 pt. min. or antlerless
636	WA	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	3 pt. min.
Bow Areas					
802	WA	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	Either sex
806, 807	YA	Nov. 23-Dec. 8	Nov. 22-Dec. 8	Nov. 27-Dec. 8	Spike or antlerless
841	WA	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	Either sex

* Except closed between U.S. Highway 101 and the Columbia River from Astoria-Megler toll bridge to the Wallicut River.

Muzzleloader Elk Seasons

Tag Required: Elk hunter must have a current, valid, unaltered, unnotched muzzleloader elk tag as listed below on his/her person.

Hunting Method: Muzzleloader only.

Special Notes: Muzzleloader tag holders can only hunt during the muzzleloader seasons and must hunt with muzzleloader equipment. Only hunters with tags identified in the Special Elk Permits tables may apply for special elk permits.

Early Muzzleloader Elk Seasons

Tag Required: Elk hunter must have a current, valid, unaltered, unnotched muzzleloader elk tag as designated below on his/her person.

GMUs	Elk Tag	1994 Dates	1995 Dates	1996 Dates	Legal Elk
172	BM	Oct. 6-12	Oct. 5-11	Oct. 3-9	Spike bull only

302	CM, YM	Oct. 6-12	Oct. 5-11	Oct. 3-9	Bull only
314*	CM	Oct. 6-12	Oct. 5-11	Oct. 3-9	Spike bull only
342	YM	Oct. 6-12	Oct. 5-11	Oct. 3-9	Antlerless only
368	YM	Oct. 6-12	Oct. 5-11	Oct. 3-9	Spike bull only
603	WM	Oct. 6-12	Oct. 5-11	Oct. 3-9	Bull only
607	WM	Oct. 6-12	No Season	Oct. 3-9	3 pt. min.
612	WM	No Season	Oct. 5-11	No Season	Bull only
460, 506, 636	WM	Oct. 6-12	Oct. 5-11	Oct. 3-9	3 pt. min.
484, 501, 564, 684	WM	Oct. 6-12	Oct. 5-11	Oct. 3-9	Either sex
Muzzleloader					
Area 910	YM	Oct. 1-12	Oct. 1-11	(Oct. 1-9) Sept. 1-30	Spike bull or antlerless

* The portion of GMU 314 bordered by the Colockum Pass Road (Road 10), Naneum Ridge Road (Road 9), and Ingersol Road (Road 1) is closed. See Naneum Green Dot Map.

Late Muzzleloader Elk Seasons

Tag Required: Elk hunter must have a current, valid, unaltered, unnotched muzzleloader elk tag as designated below on his/her person.

GMUs	Elk Tag	1994 Dates	1995 Dates	1996 Dates	Legal Elk
127, 130, 133, 136, 139	BM	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	Either sex
184	BM	Nov. 23-Dec. 15			Antlerless only
346	YM	Nov. 16-19	Nov. 16-19	Nov. 16-19	Spike bull or antlerless
484	WM	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	Either sex
501, 568, 574, 576, 586	WM	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	Either sex
505	WM	Nov. 15-20	Nov. 14-19	Nov. 19-24	Either sex
504, 550	WM	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	Bull only
601	WM	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	3 pt. bull min.
684	WM	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	Either sex
Muzzleloader Areas					
910	YM	Nov. 16-Dec. 8	Nov. 16-Dec. 8	Nov. 16-Dec. 8	Spike bull or antlerless
944	YM	Nov. 16-19	Nov. 16-19	Nov. 16-19	Spike bull or antlerless

Special Elk Hunts Open to Specified Tag Holders

Tag Required: Proper elk tags are listed with each GMU below.

Hunting Method: Hunters must use method listed on their tag, except in Firearm Restriction Areas, where some types of weapons are banned from use. See elk tag required, dates, and legal elk in table below.

[Anterless or] Either Sex Elk Hunts

GMUs	Elk Tag	1994 Dates	1995 Dates	1996 Dates	Legal Elk
100, 103, 105, 108, 121, 124	BB, BC	Oct. 29-Nov. 6	Oct. 28-Nov. 5	Nov. 2-10	Either sex

PROPOSED

west of SR 395,
133, 136, 139

178	BB, BC	Nov. 5-6			Either sex
((374)) 372	CM, YB, YC, YM	Nov. 5-13	Nov. 5-15	Nov. 5-15	Either sex
564*	WA, WM, WB, WC	Nov. 2-13	Nov. 1-13	Nov. 6-17	Either sex
501, 568, 574, 576, 586, 588	WB, WC	Nov. 2-13	Nov. 1-13	Nov. 6-17	Either sex
300, 304, 306, 308, 316 east of Highway 2	CB, CC, CM	Dec. 9-18	Dec. 9-17	Dec. 9-16	Either sex
Elk Area 001	Any Elk Tag	Nov. 1-15	Nov. 1-15	Nov. 1-15	Either sex
Elk Area 010	BA, BB, BC, BM**		Oct. 20-Nov. 20	Oct. 20-Nov. 20	Either sex

* Archery or Muzzleloader Equipment Only. Modern Firearm elk tag holders may hunt but must use primitive weapons.
** Advanced Hunter Education hunters only.

Private Lands Wildlife Management Opportunities

Kapowsin Tree Farm (PLWMA 401 - Champion)

Hunting Method	Elk Tag	1995 Open Season	1996 Open Season	Special Restrictions
Archery	WA	Sept. 1-14	Sept. ((1-14)) 1-13	Spike Bull or Antlerless
((Modern Firearm	WB	Nov. 1-13	Nov. 6-17	Spike Bull Only
	WC	Nov. 4-13	Nov. 9-17	Spike Bull Only
Muzzleloader	WM	Nov. 22-Dec. 5	Nov. 27-Dec. 5	Spike Bull Only))

Report Cards

Each successful hunter must fill out and return a Game Harvest Report Card to the Department of Fish and Wildlife within 10 days after taking an elk.

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 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 95-11-037, filed 5/10/95, effective 6/10/95)

WAC 232-28-246 ((1995-96)) 1996-97 Deer and elk permit hunting seasons.

((Application Instructions

NOTE: Hunt numbers and GMU numbers are not the same.

~~A permit gives a hunter additional opportunity but it does not give him/her an extra deer or elk.~~

~~To apply for Special Deer Permit: You must have a valid 1995 Washington hunting license and a modern firearm or muzzleloader deer tag. Only those hunters with a Washington Disabled Hunter Permit or Washington Blind or Visually Handicapped Hunter Permit may apply for Special Hunts for Disabled, Blind or Visually Impaired. You may submit one~~

~~(only one) special deer permit application for 1995. A permit hunter can take only one deer unless otherwise specified by the permit hunt.~~

~~If you were drawn for a Blue Mountains Foothills A or B deer permit in 1994, you may not submit a deer permit application in 1995 or 1996 for the Blue Mountains Foothills A or Blue Mountains Foothills B hunts.~~

~~To apply for Special Elk Permit: You must have a valid 1995 Washington hunting license and a valid modern firearm, muzzleloader, or archery elk tag. Each hunter must have the proper tag (identified in the tables) to apply for an elk permit. Only those hunters with a Washington Disabled Hunter Permit or Washington Blind or Visually Handicapped Hunter Permit may apply for the Special Hunts for Disabled, Blind or Visually Impaired. You may submit one (only one) special permit application for elk. You may not submit an elk permit application if you were drawn for an elk permit during 1993 or 1994. Those hunters drawing a special hunting season elk permit for hunts designated for disabled, blind/visually impaired, and muzzleloader only are exempt from the two-year waiting period. Permit hunters may hunt only with a weapon in compliance with their tag.~~

~~Application Deadline: To qualify for the drawing all applications must be postmarked no later than March 31, 1995 or received no later than 5:00 p.m. on March 31, 1995 at the Department of Fish and Wildlife headquarters in~~

PROPOSED

Olympia or at any of the regional Department of Fish and Wildlife offices.

- Permits will be drawn by random computer selection.
- There are no refunds or exchanges for deer or elk tags for persons applying for special permits.

Special Hunting Season Permits

You MUST have a valid hunting license and tag to apply for any special hunting season set by the Fish and Wildlife Commission. (Special hunting seasons do not include hunts open to all hunters.))

**SPECIAL DEER PERMIT HUNTING SEASONS
(Open to Permit Holders Only)**

MODERN FIREARM PERMIT HUNTS (Muzzleloaders may apply.)
Use the FOUR DIGIT HUNT NUMBER on your application.

Hunt No.	Hunt Name	Permit Season	Special Restrictions	Boundary Description
1001	Curlow	Oct. 7-13	Whitetail, Antlerless Only	GMU 100
1002	Boulder	Oct. 7-13	Whitetail, Antlerless Only	GMU 103
1003	Kelly Hill	Oct. 7-13	Whitetail, Antlerless Only	GMU 105
1004	Douglas	Oct. 7-13	Whitetail, Antlerless Only	GMU 108
1005	Aladdin A	Oct. 7-13	Whitetail, Antlerless Only	GMU 111
1006	Aladdin B	Nov. 22-26	Whitetail, Either Sex	GMU 111
1007	Selkirk	Oct. 7-13	Whitetail, Antlerless Only	GMU 113
1008	Chevelah	Oct. 7-13	Whitetail, Antlerless Only	GMU 118
1009	Boyer A	Oct. 7-13	Whitetail, Antlerless Only	GMU 119
1010	Boyer B	Nov. 22-26	Whitetail, Either Sex	GMU 119
1011	Huckleberry	Oct. 7-13	Whitetail, Antlerless Only	GMU 121
1012	Mt. Spokane	Oct. 7-13	Whitetail, Antlerless Only	GMU 124
1013	Cheney	Oct. 7-13	Antlerless Only	GMU 130
1014	Roosevelt	Oct. 7-13	Antlerless Only	GMU 133
1015	Harrington	Nov. 8-19	Antlerless Only	GMU 136
1016	Steptoe	Nov. 8-19	Antlerless Only	GMU 139
1017	Almota	Nov. 8-19	Antlerless Only	GMU 142
1018	Mayview A	Oct. 1-8	Antlerless Only	GMU 145
1019	Mayview B	Nov. 8-19	Antlerless Only	GMU 145
1020	Starbuck	Nov. 8-19	Antlerless Only	GMU 148
1021	Eureka	Nov. 8-19	Antlerless Only	GMU 151
1022	Blue Creek A	Nov. 8-19	Whitetail, Antlerless Only	GMU 154
1023	Touchet	Nov. 8-19	Whitetail, Antlerless Only	GMU 160
1024	Eckler	Nov. 8-19	Whitetail, Antlerless Only	GMU 161
1025	Marengo A	Nov. 8-19	Whitetail, Antlerless Only	GMU 163
1026	Marengo B	Nov. 8-19	Antlerless Only	GMU 163
1027	Peola	Nov. 8-19	Antlerless Only	GMU 178
1028	Couse	Nov. 8-19	Whitetail, Antlerless Only	GMU 181
1029	Blue Mtns. -Foothills A	Nov. 8-21	Whitetail, 3 Pt. Min. or Antlerless	GMUs 148, 151, 154, 160, 161, 163, 166
1030	Blue Mtns. -Foothills B	Nov. 8-21	Whitetail, 3 Pt. Min. or Antlerless	GMUs 145, 172, 175, 178, 181
1031	East Okanogan	Dec. 6-13	Whitetail, Either Sex	GMUs 200, 206
1032	West Okanogan	Dec. 6-13	Whitetail, Either Sex	GMUs 209, 218, 224, 231, 233
1033	Wannacut A	Oct. 30 -Nov. 5	Antlerless Only	GMU 209
1034	Sinlahekin A	Oct. 30 -Nov. 5	Whitetail, Antlerless Only	GMU 215
1035	Sinlahekin B	Dec. 6-13	Whitetail, Either Sex	GMU 215

Hunters must purchase a hunting license and deer tag prior to purchase of a permit application. Only modern firearm deer tag holders and muzzleloader deer tag holders may apply for the following permit hunts.

PERMIT QUOTAS

((1995)) 1996 Permit quotas are unknown at this time. Permit quotas may be greater or less than permits authorized in ((1994)) 1995 depending on winter survival. Please do not call Department offices for permit quotas. Quotas will be established at the April 20, 1996, Fish and Wildlife Commission meeting.

PROPOSED

1036	Chewuch	Oct. 30	Antlerless Only	GMU 218
		–Nov. 5		
1037	Pearrygin	Oct. 30	Antlerless Only	GMU 224
		–Nov. 5		
1038	Gardner	Oct. 30	Antlerless Only	GMU 231
		–Nov. 5		
1039	Pogue	Oct. 30	Antlerless Only	GMU 233
		–Nov. 5		
1040	Big Bend A	Oct. 16-22	Antlerless Only	GMU 248
1041	Badger	Oct. 16-22	Antlerless Only	GMU 266
1042	Moses Coulee A	Oct. 16-22	Antlerless Only	GMU 269
1043	Beezley	Oct. 16-22	Antlerless Only	GMU 272
1044	Wenatchee A	Nov. 1-15	Antlerless Only	Portion of
				–GMU 314*
1045	Guemes Island A	Oct. 14-31	Either Sex	Guemes Island in
				–GMU 405
1046	Guemes Island B	Nov. 1-21	Either Sex	Guemes Island in
				–GMU 405
1047	Green River A	Oct. 21-27	Either Sex	GMU 485
1048	Green River B	Oct. 21-27	Antlerless Only	GMU 485
1049	Lincoln	Oct. 21-31	Either Sex	GMU 501
1050	Mossyrock	Oct. 21-31	Either Sex	GMU 505
1051	Willapa Hills	Oct. 21-31	Either Sex	GMU 506
1052	Stormking	Oct. 21-31	Either Sex	GMU 510
1053	Sawtooth	Oct. 21-31	Either Sex	GMU 512
1054	Packwood	Oct. 21-31	Either Sex	GMU 516
1055	Ryderwood	Oct. 21-31	Either Sex	GMU 530
1056	Coweeman	Oct. 21-31	Either Sex	GMU 550
1057	Lewis River	Oct. 21-31	Either Sex	GMU 560
1058	Siouxon	Oct. 21-31	Either Sex	GMU 572
1059	Hoko	Oct. 21-31	Either Sex	GMU 601
1060	Pysht	Oct. 21-31	Either Sex	GMU 603
1061	Soleduck	Oct. 21-31	Either Sex	GMU 607
1062	Goodman	Oct. 21-31	Either Sex	GMU 612
1063	Clearwater	Oct. 21-31	Either Sex	GMU 615
1064	Olympic	Oct. 21-31	Either Sex	GMU 621
1065	Coyle	Oct. 21-31	Either Sex	GMU 624
1066	Mason Lake	Oct. 21-31	Either Sex	GMU 633
1067	Skokomish	Oct. 21-31	2 Pt. Min. or Antlerless	GMU 636
1068	Wynoochee	Oct. 21-31	Either Sex	GMU 648
1069	North River	Oct. 21-31	Either Sex	GMU 658
1070	Minot Peak	Oct. 21-31	Either Sex	GMU 660
1071	Capitol Peak	Oct. 21-31	Either Sex	GMU 663
1072	Deschutes	Oct. 21-31	Either Sex	GMU 666
1073	Skookumchuck A	Oct. 21-31	Either Sex	GMU 667
1074	Palix	Oct. 21-31	Either Sex	GMU 669
1075	Fall River	Oct. 21-31	Either Sex	GMU 672
1076	Nemah	Oct. 21-31	Either Sex	GMU 678
1123	Entiat	Nov. 1-12	Antlerless Only	GMU 306, 308))
<u>1001</u>	<u>Curlew</u>	<u>Oct. 5-11</u>	<u>Whitetail, Antlerless Only</u>	<u>GMU 100</u>
<u>1002</u>	<u>Boulder</u>	<u>Oct. 5-11</u>	<u>Whitetail, Antlerless Only</u>	<u>GMU 103</u>
<u>1003</u>	<u>Kelly Hill</u>	<u>Oct. 5-11</u>	<u>Whitetail, Antlerless Only</u>	<u>GMU 105</u>
<u>1004</u>	<u>Douglas</u>	<u>Oct. 5-11</u>	<u>Whitetail, Antlerless Only</u>	<u>GMU 108</u>
<u>1005</u>	<u>Aladdin A</u>	<u>Oct. 5-11</u>	<u>Whitetail, Antlerless Only</u>	<u>GMU 111</u>
<u>1006</u>	<u>Aladdin B</u>	<u>Nov. 20-24</u>	<u>Whitetail, Either Sex</u>	<u>GMU 111</u>
<u>1007</u>	<u>Selkirk</u>	<u>Oct. 5-11</u>	<u>Whitetail, Antlerless Only</u>	<u>GMU 113</u>
<u>1008</u>	<u>Chewelah</u>	<u>Oct. 5-11</u>	<u>Whitetail, Antlerless Only</u>	<u>GMU 118</u>
<u>1009</u>	<u>Boyer A</u>	<u>Oct. 5-11</u>	<u>Whitetail, Antlerless Only</u>	<u>GMU 119</u>
<u>1010</u>	<u>Boyer B</u>	<u>Nov. 20-24</u>	<u>Whitetail, Either Sex</u>	<u>GMU 119</u>
<u>1011</u>	<u>Huckleberry</u>	<u>Oct. 5-11</u>	<u>Whitetail, Antlerless Only</u>	<u>GMU 121</u>
<u>1012</u>	<u>Mt. Spokane</u>	<u>Oct. 5-11</u>	<u>Whitetail, Antlerless Only</u>	<u>GMU 124</u>
<u>1013</u>	<u>Mica Peak</u>	<u>Oct. 5-11</u>	<u>Whitetail, Antlerless Only</u>	<u>GMU 127</u>

PROPOSED

<u>1014</u>	<u>Cheney</u>	<u>Oct. 5-11</u>	<u>Antlerless Only</u>	<u>GMU 130</u>
<u>1015</u>	<u>Roosevelt</u>	<u>Oct. 5-11</u>	<u>Antlerless Only</u>	<u>GMU 133</u>
<u>1016</u>	<u>Harrington</u>	<u>Nov. 6-17</u>	<u>Antlerless Only</u>	<u>GMU 136</u>
<u>1017</u>	<u>Steptoe</u>	<u>Nov. 6-17</u>	<u>Antlerless Only</u>	<u>GMU 139</u>
<u>1018</u>	<u>Almota</u>	<u>Nov. 6-17</u>	<u>Antlerless Only</u>	<u>GMU 142</u>
<u>1019</u>	<u>Mayview A</u>	<u>Oct. 22-29</u>	<u>Antlerless Only</u>	<u>GMU 145</u>
<u>1020</u>	<u>Mayview B</u>	<u>Nov. 13-24</u>	<u>Antlerless Only</u>	<u>GMU 145</u>
<u>1021</u>	<u>Starbuck A</u>	<u>Nov. 13-24</u>	<u>Antlerless Only</u>	<u>GMU 148</u>
<u>1022</u>	<u>Eureka</u>	<u>Nov. 13-24</u>	<u>Antlerless Only</u>	<u>GMU 151</u>
<u>1023</u>	<u>Blue Creek A</u>	<u>Nov. 13-24</u>	<u>Whitetail, Antlerless Only</u>	<u>GMU 154</u>
<u>1024</u>	<u>Touchet</u>	<u>Nov. 13-24</u>	<u>Whitetail, Antlerless Only</u>	<u>GMU 160</u>
<u>1025</u>	<u>Eckler</u>	<u>Nov. 13-24</u>	<u>Whitetail, Antlerless Only</u>	<u>GMU 161</u>
<u>1026</u>	<u>Marengo A</u>	<u>Nov. 13-24</u>	<u>Whitetail, Antlerless Only</u>	<u>GMU 163</u>
<u>1027</u>	<u>Marengo B</u>	<u>Nov. 13-24</u>	<u>Antlerless Only</u>	<u>GMU 163</u>
<u>1028</u>	<u>Peola</u>	<u>Nov. 13-24</u>	<u>Antlerless Only</u>	<u>GMU 178</u>
<u>1029</u>	<u>Couse</u>	<u>Nov. 13-24</u>	<u>Whitetail, Antlerless Only</u>	<u>GMU 181</u>
<u>1030</u>	<u>Blue Mtns.</u> <u>Foothills A</u>	<u>Nov. 13-26</u>	<u>Whitetail, 3 Pt. Min. or</u> <u>Antlerless</u>	<u>GMUs 148,</u> <u>151, 154,</u> <u>160, 161,</u> <u>163, 166</u>
<u>1031</u>	<u>Blue Mtns.</u> <u>Foothills B</u>	<u>Nov. 13-26</u>	<u>Whitetail, 3 Pt. Min. or</u> <u>Antlerless</u>	<u>GMUs 145,</u> <u>172, 175,</u> <u>178, 181</u>
<u>1032</u>	<u>East Okanogan</u>	<u>Dec. 4-11</u>	<u>Whitetail, Either Sex</u>	<u>GMUs 200, 206</u>
<u>1033</u>	<u>West Okanogan</u>	<u>Dec. 4-11</u>	<u>Whitetail, Either Sex</u>	<u>GMUs 209, 218,</u> <u>224, 231, 233</u>
<u>1034</u>	<u>Wannacut A</u>	<u>Nov. 4-10</u>	<u>Antlerless Only</u>	<u>GMU 209</u>
<u>1035</u>	<u>Sinlahekin A</u>	<u>Nov. 4-10</u>	<u>Whitetail, Antlerless Only</u>	<u>GMU 215</u>
<u>1036</u>	<u>Sinlahekin B</u>	<u>Dec. 4-11</u>	<u>Whitetail, Either Sex</u>	<u>GMU 215</u>
<u>1037</u>	<u>Chewuch</u>	<u>Nov. 4-10</u>	<u>Antlerless Only</u>	<u>GMU 218</u>
<u>1038</u>	<u>Pearrygin</u>	<u>Nov. 4-10</u>	<u>Antlerless Only</u>	<u>GMU 224</u>
<u>1039</u>	<u>Gardner</u>	<u>Nov. 4-10</u>	<u>Antlerless Only</u>	<u>GMU 231</u>
<u>1040</u>	<u>Pogue</u>	<u>Nov. 4-10</u>	<u>Antlerless Only</u>	<u>GMU 233</u>
<u>1041</u>	<u>Big Bend A</u>	<u>Oct. 14-20</u>	<u>Antlerless Only</u>	<u>GMU 248</u>
<u>1042</u>	<u>Badger</u>	<u>Oct. 14-20</u>	<u>Antlerless Only</u>	<u>GMU 266</u>
<u>1043</u>	<u>Moses Coulee A</u>	<u>Oct. 14-20</u>	<u>Antlerless Only</u>	<u>GMU 269</u>
<u>1044</u>	<u>Beezley</u>	<u>Oct. 14-20</u>	<u>Antlerless Only</u>	<u>GMU 272</u>
<u>1045</u>	<u>Wenatchee A</u>	<u>Nov. 1-15</u>	<u>Antlerless Only</u>	<u>Portion of</u> <u>GMU 314*</u>
<u>1046</u>	<u>Guemes Island A</u>	<u>Oct. 12-31</u>	<u>Either Sex**</u>	<u>Guemes Island in</u> <u>GMU 405</u>
<u>1047</u>	<u>Guemes Island B</u>	<u>Nov. 1-21</u>	<u>Either Sex**</u>	<u>Guemes Island in</u> <u>GMU 405</u>
<u>1048</u>	<u>Green River A</u>	<u>Oct. 19-25</u>	<u>Either Sex</u>	<u>GMU 485</u>
<u>1049</u>	<u>Green River B</u>	<u>Oct. 19-25</u>	<u>Antlerless Only</u>	<u>GMU 485</u>
<u>1050</u>	<u>Lincoln</u>	<u>Oct. 19-31</u>	<u>Either Sex</u>	<u>GMU 501</u>
<u>1051</u>	<u>Mossyrock</u>	<u>Oct. 19-31</u>	<u>Either Sex</u>	<u>GMU 505</u>
<u>1052</u>	<u>Willapa Hills</u>	<u>Oct. 19-31</u>	<u>Either Sex</u>	<u>GMU 506</u>
<u>1053</u>	<u>Stormking</u>	<u>Oct. 19-31</u>	<u>Either Sex</u>	<u>GMU 510</u>
<u>1054</u>	<u>Sawtooth</u>	<u>Oct. 19-31</u>	<u>Either Sex</u>	<u>GMU 512</u>
<u>1055</u>	<u>Packwood</u>	<u>Oct. 19-31</u>	<u>Either Sex</u>	<u>GMU 516</u>
<u>1056</u>	<u>Ryderwood</u>	<u>Oct. 19-31</u>	<u>Either Sex</u>	<u>GMU 530</u>
<u>1057</u>	<u>Coweeman</u>	<u>Oct. 19-31</u>	<u>Either Sex</u>	<u>GMU 550</u>
<u>1058</u>	<u>Lewis River</u>	<u>Oct. 19-31</u>	<u>Either Sex</u>	<u>GMU 560</u>
<u>1059</u>	<u>Siouxon</u>	<u>Oct. 19-31</u>	<u>Either Sex</u>	<u>GMU 572</u>
<u>1060</u>	<u>Hoko</u>	<u>Oct. 19-31</u>	<u>Either Sex</u>	<u>GMU 601</u>
<u>1061</u>	<u>Pysht</u>	<u>Oct. 19-31</u>	<u>Either Sex</u>	<u>GMU 603</u>
<u>1062</u>	<u>Soleduck</u>	<u>Oct. 19-31</u>	<u>Either Sex</u>	<u>GMU 607</u>
<u>1063</u>	<u>Goodman</u>	<u>Oct. 19-31</u>	<u>Either Sex</u>	<u>GMU 612</u>
<u>1064</u>	<u>Clearwater</u>	<u>Oct. 19-31</u>	<u>Either Sex</u>	<u>GMU 615</u>
<u>1065</u>	<u>Olympic</u>	<u>Oct. 19-31</u>	<u>Either Sex</u>	<u>GMU 621</u>
<u>1066</u>	<u>Coyle</u>	<u>Oct. 19-31</u>	<u>Either Sex</u>	<u>GMU 624</u>

<u>1067</u>	<u>Mason Lake</u>	<u>Oct. 19-31</u>	<u>Either Sex</u>	<u>GMU 633</u>
<u>1068</u>	<u>Skokomish</u>	<u>Oct. 19-31</u>	<u>2 Pt. Min. or Antlerless</u>	<u>GMU 636</u>
<u>1069</u>	<u>Wynoochee</u>	<u>Oct. 19-31</u>	<u>Either Sex</u>	<u>GMU 648</u>
<u>1070</u>	<u>North River</u>	<u>Oct. 19-31</u>	<u>Either Sex</u>	<u>GMU 658</u>
<u>1071</u>	<u>Minot Peak</u>	<u>Oct. 19-31</u>	<u>Either Sex</u>	<u>GMU 660</u>
<u>1072</u>	<u>Capitol Peak</u>	<u>Oct. 19-31</u>	<u>Either Sex</u>	<u>GMU 663</u>
<u>1073</u>	<u>Deschutes</u>	<u>Oct. 19-31</u>	<u>Either Sex</u>	<u>GMU 666</u>
<u>1074</u>	<u>Skookumchuck A</u>	<u>Oct. 19-31</u>	<u>Either Sex</u>	<u>GMU 667</u>
<u>1075</u>	<u>Palix</u>	<u>Oct. 19-31</u>	<u>Either Sex</u>	<u>GMU 669</u>
<u>1076</u>	<u>Fall River</u>	<u>Oct. 19-31</u>	<u>Either Sex</u>	<u>GMU 672</u>
<u>1077</u>	<u>Nemah</u>	<u>Oct. 19-31</u>	<u>Either Sex</u>	<u>GMU 678</u>
<u>1078</u>	<u>Entiat</u>	<u>Nov. 1-12</u>	<u>Antlerless Only</u>	<u>GMUs 306, 308</u>

*Successful applicants will be mailed a map of the hunt boundary.

*Two deer bag limit. Successful applicants may purchase a second deer tag at headquarters or regional offices.

DEER MUZZLELOADER ONLY

~~((Hunters must purchase a hunting license and muzzleloader deer tag prior to submitting an application for a muzzleloader permit hunt.))~~

Hunt No.	Hunt Name	Permit Season	Special Restrictions	Boundary Description
(1077)	Blue Creek B	Nov. 22 - Dec. 3	Whitetail, 3 Pt. Min. or Antlerless	GMU 154
1078	Wannacut B	Nov. 11-19	Mule Deer, Antlerless Only Whitetail, Either Sex	GMU 209
1079	Chiliwist	Nov. 11-19	Mule Deer, Antlerless Only Whitetail, Either Sex	GMU 239
1080	Alta	Nov. 11-19	Mule Deer, Antlerless Only Whitetail, Either Sex	GMU 242
1081	Moses Coulee B	Nov. 25 - Dec. 17	Antlerless Only	GMU 269
1082	Manson	Nov. 11-19	Either Sex	GMU 300
1083	Chiwawa	Nov. 11-19	Either Sex	GMU 304
1084	Pilchuck	Dec. 2-6	Antlerless Only	Deer Area 041
1085	Yale	Nov. 22 - Dec. 12))	Either Sex	GMU 554
<u>1079</u>	<u>Blue Creek B</u>	<u>Nov. 27- Dec. 8</u>	<u>Whitetail, 3 Pt. Min. or Antlerless</u>	<u>GMU 154</u>
<u>1080</u>	<u>Wannacut B</u>	<u>Nov. 9-17</u>	<u>Mule Deer, Antlerless Only Whitetail, Either Sex</u>	<u>GMU 209</u>
<u>1081</u>	<u>Chiliwist</u>	<u>Nov. 9-17</u>	<u>Mule Deer, Antlerless Only Whitetail, Either Sex</u>	<u>GMU 239</u>
<u>1082</u>	<u>Alta</u>	<u>Nov. 9-17</u>	<u>Mule Deer, Antlerless Only Whitetail, Either Sex</u>	<u>GMU 242</u>
<u>1083</u>	<u>Moses Coulee B</u>	<u>Nov. 23- Dec. 15</u>	<u>Antlerless Only</u>	<u>GMU 269</u>
<u>1084</u>	<u>Manson</u>	<u>Nov. 9-17</u>	<u>Either Sex</u>	<u>GMU 300</u>
<u>1085</u>	<u>Chiwawa</u>	<u>Nov. 9-17</u>	<u>Either Sex</u>	<u>GMU 304</u>
<u>1086</u>	<u>Pilchuck</u>	<u>Nov. 30- Dec. 4</u>	<u>Antlerless Only</u>	<u>Deer Area 041</u>
<u>1087</u>	<u>Yale</u>	<u>Nov. 20- Dec. 10</u>	<u>Either Sex</u>	<u>GMU 554</u>

YOUTH HUNTER OPPORTUNITY

~~((Applicants must be 16 years old or younger on opening day of the permit season. Juvenile hunters must be accompanied by an adult during the hunt.))~~

Hunt No.	Hunt Name	Permit Season	Special Restrictions	Boundary Description
(1086)	Northeast A	Oct. 14-31	Whitetail, Either Sex	GMUs 100-124
1087	Mica, Cheney	Oct. 14-22	3 Pt. Min. or Antlerless	GMUs 127, 130
1088	Davenport	Oct. 14-22	3 Pt. Min. or Antlerless	GMUs 133, 136

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1089	Whitman	Oct. 14-22	3 Pt. Min. or Antlerless	GMUs 139, 142
1090	Starbuck B	Oct. 1-8	Antlerless Only	GMU 148
1091	Marengo B	Oct. 1-8	Antlerless Only	GMU 163
1092	Blue Mtns. Foothills C	Oct. 14-22	3 Pt. Min. or Antlerless	GMUs 148, 151, 154, 160, 161, 163, 166
1093	Blue Mtns. Foothills D	Oct. 14-22	3 Pt. Min. or Antlerless	GMUs 145, 172, 175, 178, 181
1094	Big Bend B	Oct. 14-22	Either Sex	GMU 248
1095	Toutle	Oct. 14-29	Either Sex	GMU 556
1096	Wind River	Oct. 21	2 Pt. Min. or Antlerless	GMU 574
		Nov. 5		
1097	Satsop	Oct. 21-31	Either Sex	GMU 651
1098	Skookumehuck B	Oct. 21-31	Either Sex	GMU 667))
<u>1091</u>	<u>Whitman</u>	<u>Oct. 12-20</u>	<u>3 Pt. Min. or Antlerless</u>	<u>GMUs 139, 142</u>
<u>1092</u>	<u>Starbuck B</u>	<u>Oct. 1-8</u>	<u>Antlerless Only</u>	<u>GMU 148</u>
<u>1093</u>	<u>Marengo B</u>	<u>Oct. 1-8</u>	<u>Antlerless Only</u>	<u>GMU 163</u>
<u>1094</u>	<u>Blue Mtns. Foothills C</u>	<u>Oct. 10-20</u>	<u>3 Pt. Min. or Antlerless</u>	<u>GMUs 148, 151, 154, 160, 161, 163, 166</u>
<u>1095</u>	<u>Blue Mtns. Foothills D</u>	<u>Oct. 10-20</u>	<u>3 Pt. Min. or Antlerless</u>	<u>GMUs 145, 172, 175, 178, 181</u>
<u>1096</u>	<u>Big Bend B</u>	<u>Oct. 12-20</u>	<u>Either Sex</u>	<u>GMU 248</u>
<u>1097</u>	<u>Toutle</u>	<u>Oct. 12-20</u>	<u>Either Sex</u>	<u>GMU 556</u>
<u>1098</u>	<u>Wind River</u>	<u>Oct. 19-</u>	<u>2 Pt. Min. or Antlerless</u>	<u>GMU 574</u>
		<u>Nov. 3</u>		
<u>1099</u>	<u>Satsop</u>	<u>Oct. 19-31</u>	<u>Either Sex</u>	<u>GMU 651</u>
<u>1100</u>	<u>Skookumchuck B</u>	<u>Oct. 19-31</u>	<u>Either Sex</u>	<u>GMU 667</u>

SENIOR HUNTER OPPORTUNITY

((Applicants must be 65 years of age or older on opening day of the permit season.))

Hunt No.	Hunt Name	Permit Season	Special Restrictions	Boundary Description
(1099)	Northeast B	Oct. 14-31	Whitetail, Either Sex	GMUs 100-124
1100	Southeast	Oct. 14-22	3 Pt. Min. or Antlerless	GMUs 127-142
1101	Starbuck C	Oct. 1-8	Antlerless Only	GMU 148
1102	Marengo C	Oct. 1-8	Antlerless Only	GMU 163
1103	Blue Mtns. Foothills E	Oct. 14-22	3 Pt. Min. or Antlerless	GMUs 148, 151, 154, 160, 161, 163, 166
1104	Blue Mtns. Foothills F	Oct. 14-22	3 Pt. Min. or Antlerless	GMUs 145, 172, 175, 178, 181))
<u>1101</u>	<u>Starbuck C</u>	<u>Oct. 22-29</u>	<u>Antlerless Only</u>	<u>GMU 148</u>
<u>1102</u>	<u>Marengo C</u>	<u>Oct. 22-29</u>	<u>Antlerless Only</u>	<u>GMU 163</u>

ADVANCED HUNTER EDUCATION (AHE) PROGRAM

((Only hunters who have successfully completed the Department of Fish and Wildlife's Advanced Hunter Education (AHE) Program will be eligible to hunt deer in these seasons. A certification card will be issued to all AHE graduates and must be in possession while hunting during these seasons.))

Hunt No.	Hunt Name	Permit Season	Special Restrictions	Boundary Description
(1105)	Roosevelt A	Nov. 22-26	Whitetail, 3 Pt. Min. or Antlerless	GMU 133
1106	Almota	Nov. 22-26	Whitetail, 3 Pt. Min. or Antlerless	GMU 142
1107	Wenatchee	Nov. 15-29	Either Sex	Portion of GMU 314* Elk Area 059))
1108	Mt. Adams	Oct. 1-12	2 Pt. Min. or Antlerless	
<u>1103</u>	<u>Roosevelt A</u>	<u>Nov. 20-24</u>	<u>Whitetail, 3 Pt. Min. or Antlerless</u>	<u>GMU 133</u>
<u>1104</u>	<u>Almota</u>	<u>Nov. 20-24</u>	<u>Whitetail, 3 Pt. Min. or</u>	<u>GMU 142</u>

<u>1105</u>	<u>Wenatchee</u>	<u>Nov. 13-27</u>	<u>Antlerless</u> <u>Either Sex</u>	<u>Portion of</u> <u>GMU 314*</u>
<u>1106</u>	<u>Mt. Adams</u>	<u>Oct. 1-12</u>	<u>2 Pt. Min. or Antlerless</u>	<u>Elk Area 059</u>

((In addition, other AHE permits are available on Private Lands Wildlife Management hunts:))

*Successful applicants will be mailed a map of the hunt boundary.

SPECIAL HUNTS FOR DISABLED, BLIND OR VISUALLY IMPAIRED

Hunters must purchase a hunting license and modern firearm or muzzleloader deer tag prior to purchase of a special hunting season permit application. Only those hunters with a Washington Disabled Hunter Permit or Washington Blind or Visually Handicapped Hunter Permit may apply for these permits.

Hunt No.	Hunt Name	Permit Season	Special Restrictions	Boundary Description
((1109	Blue Mtn. Foothills G	Nov. 8-21	3 Pt. Min. or Antlerless	GMUs 148, 151, 154, 160, 161, 163, 166
1110	Douglas	Nov. 22-26	Whitetail, Either Sex	GMU 108
1111	Big Bend C	Oct. 19-24	Antlerless Only	GMU 248
1112	Entiat	Nov. 1-15	Antlerless Only	GMU 308
1113	Green River C	Oct. 21-27	Antlerless Only	GMU 485
1114	Margaret	Oct. 14-31	Antlerless Only	GMU 524
1115	Bear River	Oct. 14-31	2 Pt. Min. or Antlerless	GMU 681))
<u>1107</u>	<u>Blue Mtn. Foothills E</u>	<u>Nov. 13-26</u>	<u>3 Pt. Min. or Antlerless</u>	<u>GMUs 148, 151, 154, 160, 161, 163, 166</u>
<u>1108</u>	<u>Douglas</u>	<u>Nov. 20-24</u>	<u>Whitetail, Either Sex</u>	<u>GMU 108</u>
<u>1109</u>	<u>Big Bend C</u>	<u>Oct. 17-22</u>	<u>Antlerless Only</u>	<u>GMU 248</u>
<u>1110</u>	<u>Entiat</u>	<u>Nov. 1-15</u>	<u>Antlerless Only</u>	<u>GMU 308</u>
<u>1111</u>	<u>Green River C</u>	<u>Oct. 19-25</u>	<u>Antlerless Only</u>	<u>GMU 485</u>
<u>1112</u>	<u>Margaret</u>	<u>Oct. 12-31</u>	<u>Antlerless Only</u>	<u>GMU 524</u>
<u>1113</u>	<u>Bear River</u>	<u>Oct. 12-31</u>	<u>2 Pt. Min. or Antlerless</u>	<u>GMU 681</u>

((In addition, special permits for disabled, blind or visually handicapped are available on Private Lands Wildlife Management hunts:))

DEER PRIVATE LANDS WILDLIFE MANAGEMENT PERMIT OPPORTUNITIES

Wilson Creek Area

Only hunters possessing modern firearm deer tags and meeting the special restrictions noted for each hunt are eligible for permits on PLWMA 201. There will be approximately 20 hunters (Wilson A below) authorized to participate in a special hunt for which an access fee will be charged. You may apply for buck permits (Wilson A) by contacting the landowner at (509) 345-0121. Other applications for Wilson Creek Area must be made through the normal application process. Access for Hunts C, D, and E are for one day, scheduled by the landowner. There are no access fees for hunts B, C, D, or E, but the landowner or his representative will accompany all deer hunters on these hunts. All hunters must have a valid hunting license, deer tag, and written authorization from the landowner to participate in these hunts. All other hunting regulations apply.

Hunt No.	Hunt Name	Permit Season	Special Restrictions	Boundary Description
((*	Wilson A	Oct. 1 - Dec. 31	Buck Only	PLWMA 201
1116	Wilson B	Oct. 1 - Dec. 31	Buck Only, Young Hunters Only**	PLWMA 201
1117	Wilson C	Oct. 1 - Dec. 31	Antlerless Only, Young Hunters Only**	PLWMA 201
1118	Wilson D	Oct. 1 - Dec. 31	Antlerless Only, Disabled or Blind/Visually Handicapped Hunters Only	PLWMA 201
1119	Wilson E	Oct. 1 - Dec. 31	Antlerless Only, AHE Hunters Only))	PLWMA 201
<u>*</u>	<u>Wilson A</u>	<u>Oct. 1 - Dec. 31</u>	<u>Buck Only</u>	<u>PLWMA 201</u>

<u>1114</u>	<u>Wilson B</u>	<u>Oct. 1- Dec. 31</u>	<u>Buck Only, Young Hunters Only**</u>	<u>PLWMA 201</u>
<u>1115</u>	<u>Wilson C</u>	<u>Oct. 1- Dec. 31</u>	<u>Antlerless Only, Young Hunters Only**</u>	<u>PLWMA 201</u>
<u>1116</u>	<u>Wilson D</u>	<u>Oct. 1- Dec. 31</u>	<u>Antlerless Only, Disabled or Blind/Visually Handicapped Hunters Only</u>	<u>PLWMA 201</u>
<u>1117</u>	<u>Wilson E</u>	<u>Oct. 1- Dec. 31</u>	<u>Antlerless Only, AHE Hunters Only</u>	<u>PLWMA 201</u>

* No hunt number because hunter must contact landowner, David Stevens, for access.

**Applicants must be 16 years old or younger by opening date of the permit season and must be accompanied by an adult during the hunt.

Champion's Kapowsin Tree Farm

Hunt No.	Hunt Name	Permit Season	Special Restrictions	Boundary Description
1120	Kapowsin North	Dec. 8-12	Antlerless Only, Senior Hunters (Age 65+)	PLWMA 401A North
1121	Kapowsin Central	Dec. 8-12	Antlerless Only	PLWMA 401B Central
1122	Kapowsin South	Dec. 9, 10, 16, 17	Antlerless Only, Young* or Disabled or Blind/ Visually Handicapped Hunters Only))	PLWMA 401C South

<u>Hunt No.</u>	<u>Hunt Name</u>	<u>Permit Number</u>	<u>Permit Season</u>	<u>Special Restrictions</u>	<u>Boundary Description</u>
<u>1118</u>	<u>Kapowsin North</u>	<u>50</u>	<u>Dec. 13-17</u>	<u>Antlerless Only, Senior Hunters (Age 65+)</u>	<u>PLWMA 401A North</u>
<u>1119</u>	<u>Kapowsin Central</u>	<u>100</u>	<u>Dec. 13-17</u>	<u>Antlerless Only</u>	<u>PLWMA 401B Central</u>
<u>1120</u>	<u>Kapowsin South</u>	<u>100</u>	<u>Dec. 14,15, 21,22</u>	<u>Antlerless Only, Young or Disabled or Blind/ Visually Handicapped Hunters Only</u>	<u>PLWMA 401C South</u>

~~((Applicants must be 16 years old or younger by opening date of the permit season and must be accompanied by an adult during the hunt.))~~

CHAMPION BUCK PERMITS

Only hunters possessing a valid deer tag (any 1996 deer tag) are eligible for Champion buck permits. There will be 4 permits for Champion North, 14 permits for Champion Central, and 7 permits for Champion South. Persons interested in these deer permits should contact Champion International, 31716 Camp 1 Road, Orting, WA 98360. The season dates are Nov. 9-24, 1996.

Special Elk Permit Hunting Seasons

(Open to Permit Holders Only)

~~((Hunters must purchase a hunting license and elk tag prior to purchase of a permit application.))~~ Permit hunters may hunt only with a weapon in compliance with their tag. Applicants must have purchased the proper tag for these hunts (see Elk Tag Prefix required to apply for each hunt). ~~((Hunters drawing a permit for a hunt after the first of the year can use their 1995 license and tag during the hunt.))~~

MODERN FIREARM PERMIT HUNTS (Muzzleloaders may apply.)

~~((1995 Permit quotas are unknown at this time. Permit quotas may be greater or less than permits authorized in 1994 depending on winter survival. Please do not call department offices for permit quotas. Quotas will be established at the April Fish and Wildlife Commission meeting.))~~

Use the FOUR DIGIT HUNT NUMBER on your application.

<u>Hunt No.</u>	<u>Hunt Name</u>	<u>Permit Season</u>	<u>Special Restrictions</u>	<u>Elk Tag Prefix</u>	<u>Boundary Description</u>
(2001	Aladdin	Oct. 28 Nov. 5	Antlerless Only	BC or BM	GMU 111
2002	Selkirk	Oct. 28 Nov. 5	Antlerless Only	BC or BM	GMU 113
2003	Mount Spokane	Oct. 28 Nov. 5	Antlerless Only	BC or BM	GMU 124
2004	Mica, Cheney	Oct. 28 Nov. 5	Antlerless Only	BC or BM	GMUs 127, 130
2005	Blue Creek	Oct. 25 Nov. 5	Any Bull	BC or BM	GMU 154

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2006	Watershed	Oct. 28 Nov. 5	3 Pt. Min. or Antlerless	BC or BM	GMU 157
2007	Touchet	Oct. 25 Nov. 5	Any Bull	BC or BM	GMU 160
2008	Eckler	Oct. 25 Nov. 5	Any Bull	BC or BM	GMU 161
2009	Tucannon	Oct. 25 Nov. 5	Any Bull	BC or BM	GMU 166
2010	Wenaha A	Oct. 1-10	Any Bull	BC or BM	GMU 169
2011	Wenaha B	Oct. 25 Nov. 5	Any Bull	BC or BM	GMU 169
2012	Mountain View [A] [B]	Oct. 25 Nov. 5	Any Bull	BC or BM	GMU 172
2013	Couse	Oct. 25 Nov. 5	Any Bull	BC or BM	GMU 181
2014	Joseph/Black Butte	Oct. 25 Nov. 5	Any Bull	BC or BM	GMUs 184, 185
2015	Chelan A	Oct. 15 Nov. 1	Antlerless Only	CC or CM	GMUs 300, 301, 304, 306, 308, 316
2016	Chelan B	Oct. 15 Nov. 1	Any Bull	CC or CM	GMUs 300, 301, 306, 308, 316
2017	Nanecum A	Oct. 23-25	Antlerless Only	CC or CM	GMU 328
2018	Nanecum B	Oct. 26 Nov. 1	Any Bull	CC or CM	GMU 328
2019	Malaga A	Sept. 1 Oct. 6	Antlerless Only	CC or CM	Elk Area -032
2020	Malaga B	Nov. 2 -Jan. 15, 1996	Antlerless Only	CC or CM	Elk Area 032
2021	Peshastin A	Sept. 1 Oct. 6	Either Sex	CC or CM	Elk Area -033
2022	Peshastin B	Nov. 2 -Jan. 15, 1996	Antlerless Only	CC or CM	Elk Area 033
2023	Quilomene A	Oct. 23-25	Antlerless Only	CC or CM	GMU 329
2024	Quilomene B	Oct. 26 Nov. 1	Any Bull	CC or CM	GMU 329
2025	West Bar A	Oct. 23	Antlerless Only	CC or CM	GMU 330
2026	West Bar B	Oct. 24	Antlerless Only	CC or CM	GMU 330
2027	West Bar C	Oct. 25	Antlerless Only	CC or CM	GMU 330
2028	Swauk	Oct. 25 -Nov. 13	Any Bull	CC or CM YC or YM	GMU 302, 335
2029	Taneum A	Nov. 1-4	Antlerless Only	YC or YM	GMU 336
2030	Manastash A	Nov. 1-4	Antlerless Only	YC or YM	GMU 340
2031	Shushuskin A	Nov. 23 -Dec. 15	Antlerless Only	YC or YM	Elk Area 031
2032	Umtanum A	Nov. 1-4	Antlerless Only	YC or YM	GMU 342
2033	Peaches Ridge	Oct. 25 -Nov. 13	Any Bull	YC or YM	GMUs 336, 346
2034	Little Naches A	Nov. 1-4	Antlerless Only	YC or YM	GMU 346
2035	Little Naches B	Oct. 1 Nov. 13	Any Bull	YC or YM	GMU 346
2036	Observatory	Nov. 5-13	Any Bull	YC or YM	GMU[s] 340, -342
2037	Goose Prairie A	Oct. 25 -Nov. 13	Any Bull	YC or YM	GMUs 352, 356
2038	Nile	Nov. 1-4	Antlerless Only	YC or YM	GMU 352
2039	Bumping	Nov. 1-4	Antlerless Only	YC or YM	GMU 356
2040	Bethel A	Nov. 1-4	Antlerless Only	YC or YM	GMU 360
2041	Bethel B	Nov. 5-13	Any Bull	YC or YM	GMU 360
2042	Rimrock A	Nov. 1-4	Antlerless Only	YC or YM	GMU 364
2043	Rimrock B	Oct. 25 -Nov. 13	Any Bull	YC or YM	GMU 364
2044	Cowiehe A	Nov. 1-4	Antlerless Only	YC or YM	GMU 368
2045	Cowiehe B	Nov. 5-13	Any Bull	YC or YM	GMU 368
2046	White River A	Nov. 1-13	Any Bull	WC or WM	GMU 472
2047	Green River Cow -A	Nov. 11-15	Antlerless Only	WC or WM	GMU 485
2048	Green River	Nov. 11-15	3 Pt. Bull Min.	WC or WM	GMU 485

	Bull		or Antlerless		
2049	Green River	Nov. 11 15	Spike or Antlerless	WC or WM	GMU 485
	Spike				
2050	Lincoln	Nov. 14 19	Antlerless Only	WC or WM	GMU 501
2051	Willapa Hills	Nov. 14 19	Antlerless Only	WC or WM	GMU 506
2052	Paekwood	Nov. 14 19	Antlerless Only	WC or WM	GMU 516
2053	Margaret Cow	Nov. 14 19	Antlerless Only	WC or WM	GMU 524
2054	Margaret Bull	Nov. 1 13	3 Pt. Bull Min.	WC or WM	GMU 524
2055	Ryderwood	Nov. 14 19	Antlerless Only	WC or WM	GMU 530
2056	Toutle Cow	Nov. 14 19	Antlerless Only	WC or WM	GMU 556
2057	Toutle Bull	Nov. 1 13	3 Pt. Bull Min.	WC or WM	GMU 556
2058	Marble	Nov. 14 19	Antlerless Only	WC or WM	GMU 558
2059	Lewis River	Nov. 14 19	Antlerless Only	WC or WM	GMU 560
2060	Siouxon	Nov. 14 19	Antlerless Only	WC or WM	GMU 572
2061	Dickey Bull A	Oct. 1 13	3 Pt. Bull Min.	WC or WM	GMU 602
2062	Dickey Bull B	Nov. 1 13	3 Pt. Bull Min.	WC or WM	GMU 602
2063	Goodman	Nov. 14 19	Antlerless Only	WC or WM	GMU 612
2064	Matheny	Nov. 14 19	Antlerless Only	WC or WM	GMU 618
2065	Quinault Ridge	Oct. 1 13	3 Pt. Bull Min.	WC or WM	GMU 638
2066	Wynoochee	Nov. 14 19	Antlerless Only	WC or WM	GMU 648
2067	Palix	Nov. 14 19	Antlerless Only	WC or WM	GMU 669
2068	Nemah	Nov. 14 19	Antlerless Only	WC or WM	GMU 678
2069	Backbone A	Nov. 23	Antlerless Only	WC or WM	Elk Area
	Dec. 13				025
2070	Backbone B	Nov. 23	Any Bull	WC or WM	Elk Area
	Dec. 13				025
2071	Curtis	Dec. 20 31	Antlerless Only	WC or WM	Elk Area
					-050
2072	Boistfort A	Jan. 1 15,	Antlerless Only	WC or WM	Elk Area
		1996			054
2073	East Valley	Jan. 1 15,	Antlerless Only	WC or WM	Elk Area
		1996			055
2074	Carlton	Oct. 1 13	3 Pt. Bull Min.	WC or WM	Elk Area
					-057
2075	West Goat Rocks	Oct. 1 13	3 Pt. Bull Min.	WC or WM	Elk Area
					-058
2076	Mt. Adams	Oct. 1 13	3 Pt. Bull Min.	WC or WM	Elk Area
					-059
2077	South Willapa	Jan. 1 15,	Antlerless Only	WC or WM	Elk Area
		1996			067))
<u>2001</u>	<u>Aladdin</u>	<u>Nov. 2-10</u>	<u>Antlerless Only</u>	<u>BC or BM</u>	<u>GMU 111</u>
<u>2002</u>	<u>Selkirk</u>	<u>Nov. 2-10</u>	<u>Antlerless Only</u>	<u>BC or BM</u>	<u>GMU 113</u>
<u>2003</u>	<u>Mount Spokane</u>	<u>Nov. 2-10</u>	<u>Antlerless Only</u>	<u>BC or BM</u>	<u>GMU 124</u>
<u>2004</u>	<u>Mica, Cheney</u>	<u>Oct. 12-Nov. 10</u>	<u>Antlerless Only</u>	<u>BC or BM</u>	<u>GMUs 127,</u>
					<u>130</u>
<u>2005</u>	<u>Blue Creek</u>	<u>Oct. 30-Nov. 10</u>	<u>Any Bull</u>	<u>BC or BM</u>	<u>GMU 154</u>
<u>2006</u>	<u>Watershed</u>	<u>Nov. 2-10</u>	<u>3 Pt. Min. or</u>	<u>BC or BM</u>	<u>GMU 157</u>
			<u>Antlerless</u>		
<u>2007</u>	<u>Touchet</u>	<u>Oct. 30-Nov. 10</u>	<u>Any Bull</u>	<u>BC or BM</u>	<u>GMU 160</u>
<u>2008</u>	<u>Eckler</u>	<u>Oct. 30-Nov. 10</u>	<u>Any Bull</u>	<u>BC or BM</u>	<u>GMU 161</u>
<u>2009</u>	<u>Tucannon</u>	<u>Oct. 30-Nov. 10</u>	<u>Any Bull</u>	<u>BC or BM</u>	<u>GMU 166</u>
<u>2010</u>	<u>Wenaha A</u>	<u>Oct. 1-10</u>	<u>Any Bull</u>	<u>BC or BM</u>	<u>GMU 169</u>
<u>2011</u>	<u>Wenaha B</u>	<u>Oct. 30-Nov. 10</u>	<u>Any Bull</u>	<u>BC or BM</u>	<u>GMU 169</u>
<u>2012</u>	<u>Mountain View</u>	<u>Oct. 30-Nov. 10</u>	<u>Any Bull</u>	<u>BC or BM</u>	<u>GMU 172</u>
	<u>[A] [B]</u>				
<u>2013</u>	<u>Peola</u>	<u>Oct. 30-Nov. 10</u>	<u>Any Bull</u>	<u>BC or BM</u>	<u>GMU 178</u>
<u>2014</u>	<u>Joseph/Black</u>	<u>Oct. 30-Nov. 10</u>	<u>Any Bull</u>	<u>BC or BM</u>	<u>GMUs 184,</u>
	<u>Butte</u>				<u>185</u>
<u>2015</u>	<u>Chelan A</u>	<u>Oct. 15-Nov. 1</u>	<u>Antlerless Only</u>	<u>CC or CM</u>	<u>GMUs 300,</u>
					<u>301, 304,</u>
					<u>306, 308,</u>
					<u>316</u>

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<u>2016</u>	<u>Chelan B</u>	<u>Oct. 15-Nov. 1</u>	<u>Any Bull</u>	<u>CC or CM</u>	<u>GMUs 300, 301, 306, 308, 316</u>
<u>2017</u>	<u>Naneum A</u>	<u>Oct. 23-25</u>	<u>Antlerless Only</u>	<u>CC or CM</u>	<u>GMU 328</u>
<u>2018</u>	<u>Naneum B</u>	<u>Oct. 26-Nov. 1</u>	<u>Any Bull</u>	<u>CC or CM</u>	<u>GMU 328</u>
<u>2019</u>	<u>Malaga A</u>	<u>Sept. 1-Oct. 6</u>	<u>Antlerless Only</u>	<u>CC or CM</u>	<u>Elk Area 032</u>
<u>2020</u>	<u>Malaga B</u>	<u>Nov. 2- Jan. 15, 1997</u>	<u>Antlerless Only</u>	<u>CC or CM</u>	<u>Elk Area 032</u>
<u>2021</u>	<u>Peshastin A</u>	<u>Sept. 1-Oct. 6</u>	<u>Either Sex</u>	<u>CC or CM</u>	<u>Elk Area 033</u>
<u>2022</u>	<u>Peshastin B</u>	<u>Nov. 2- Jan. 15, 1997</u>	<u>Antlerless Only</u>	<u>CC or CM</u>	<u>Elk Area 033</u>
<u>2023</u>	<u>Brushy</u>	<u>Sept. 21-23</u>	<u>Antlerless Only</u>	<u>CC or CM</u>	<u>Elk Area 034</u>
<u>2024</u>	<u>Quilomene A</u>	<u>Oct. 23-25</u>	<u>Antlerless Only</u>	<u>CC or CM</u>	<u>GMU 329</u>
<u>2025</u>	<u>Quilomene B</u>	<u>Oct. 26-Nov. 1</u>	<u>Any Bull</u>	<u>CC or CM</u>	<u>GMU 329</u>
<u>2026</u>	<u>West Bar A</u>	<u>Oct. 23</u>	<u>Antlerless Only</u>	<u>CC or CM</u>	<u>GMU 330</u>
<u>2027</u>	<u>West Bar B</u>	<u>Oct. 24</u>	<u>Antlerless Only</u>	<u>CC or CM</u>	<u>GMU 330</u>
<u>2028</u>	<u>West Bar C</u>	<u>Oct. 25</u>	<u>Antlerless Only</u>	<u>CC or CM</u>	<u>GMU 330</u>
<u>2029</u>	<u>Swauk</u>	<u>Oct. 25- Nov. 4</u>	<u>Any Bull</u>	<u>CC or CM</u>	<u>GMU 302, 335</u>
<u>2030</u>	<u>Taneum A</u>	<u>Nov. 1-4</u>	<u>Antlerless Only</u>	<u>YC or YM</u>	<u>GMU 336</u>
<u>2031</u>	<u>Manastash A</u>	<u>Nov. 1-4</u>	<u>Antlerless Only</u>	<u>YC or YM</u>	<u>GMU 340</u>
<u>2032</u>	<u>Shushuskin A</u>	<u>Nov. 23- Dec. 15</u>	<u>Antlerless Only</u>	<u>YC or YM</u>	<u>Elk Area 031</u>
<u>2033</u>	<u>Umtanum A</u>	<u>Nov. 1-4</u>	<u>Antlerless Only</u>	<u>YC or YM</u>	<u>GMU 342</u>
<u>2034</u>	<u>Peaches Ridge</u>	<u>Oct. 25- Nov. 4</u>	<u>Any Bull</u>	<u>YC or YM</u>	<u>GMUs 336, 346</u>
<u>2035</u>	<u>Little Naches A</u>	<u>Nov. 1-4</u>	<u>Antlerless Only</u>	<u>YC or YM</u>	<u>GMU 346</u>
<u>2036</u>	<u>Little Naches B</u>	<u>Oct. 1-Nov. 13</u>	<u>Any Bull</u>	<u>YC or YM</u>	<u>GMU 346</u>
<u>2037</u>	<u>Observatory</u>	<u>Oct. 25- Nov. 4</u>	<u>Any Bull</u>	<u>YC or YM</u>	<u>GMUs 340, 342</u>
<u>2038</u>	<u>Goose Prairie A</u>	<u>Oct. 25- Nov. 4</u>	<u>Any Bull</u>	<u>YC or YM</u>	<u>GMUs 352, 356</u>
<u>2039</u>	<u>Nile</u>	<u>Nov. 1-4</u>	<u>Antlerless Only</u>	<u>YC or YM</u>	<u>GMU 352</u>
<u>2040</u>	<u>Bumping</u>	<u>Nov. 1-4</u>	<u>Antlerless Only</u>	<u>YC or YM</u>	<u>GMU 356</u>
<u>2041</u>	<u>Bethel A</u>	<u>Nov. 1-4</u>	<u>Antlerless Only</u>	<u>YC or YM</u>	<u>GMU 360</u>
<u>2042</u>	<u>Bethel B</u>	<u>Oct. 25- Nov. 4</u>	<u>Any Bull</u>	<u>YC or YM</u>	<u>GMU 360</u>
<u>2043</u>	<u>Rimrock A</u>	<u>Nov. 1-4</u>	<u>Antlerless Only</u>	<u>YC or YM</u>	<u>GMU 364</u>
<u>2044</u>	<u>Rimrock B</u>	<u>Oct. 25- Nov. 4</u>	<u>Any Bull</u>	<u>YC or YM</u>	<u>GMU 364</u>
<u>2045</u>	<u>Cowiche A</u>	<u>Nov. 1-4</u>	<u>Antlerless Only</u>	<u>YC or YM</u>	<u>GMU 368</u>
<u>2046</u>	<u>Cowiche B</u>	<u>Oct. 25- Nov. 4</u>	<u>Any Bull</u>	<u>YC or YM</u>	<u>GMU 368</u>
<u>2047</u>	<u>White River A</u>	<u>Nov. 6-17</u>	<u>Any Bull</u>	<u>WC or WM</u>	<u>GMU 472</u>
<u>2048</u>	<u>Green River Cow A</u>	<u>Nov. 9-13</u>	<u>Antlerless Only</u>	<u>WC or WM</u>	<u>GMU 485</u>
<u>2049</u>	<u>Green River Bull</u>	<u>Nov. 9-13</u>	<u>3 Pt. Bull Min. or Antlerless</u>	<u>WC or WM</u>	<u>GMU 485</u>
<u>2050</u>	<u>Green River Spike</u>	<u>Nov. 9-13</u>	<u>Spike or Antlerless</u>	<u>WC or WM</u>	<u>GMU 485</u>
<u>2051</u>	<u>Lincoln</u>	<u>Nov. 18-24</u>	<u>Antlerless Only</u>	<u>WC or WM</u>	<u>GMU 501</u>
<u>2052</u>	<u>Willapa Hills</u>	<u>Nov. 18-24</u>	<u>Antlerless Only</u>	<u>WC or WM</u>	<u>GMU 506</u>
<u>2053</u>	<u>Packwood</u>	<u>Nov. 18-24</u>	<u>Antlerless Only</u>	<u>WC or WM</u>	<u>GMU 516</u>
<u>2054</u>	<u>Margaret Cow</u>	<u>Nov. 18-24</u>	<u>Antlerless Only</u>	<u>WC or WM</u>	<u>GMU 524</u>
<u>2055</u>	<u>Margaret Bull</u>	<u>Nov. 6-17</u>	<u>3 Pt. Bull Min.</u>	<u>WC or WM</u>	<u>GMU 524</u>
<u>2056</u>	<u>Ryderwood</u>	<u>Nov. 18-24</u>	<u>Antlerless Only</u>	<u>WC or WM</u>	<u>GMU 530</u>
<u>2057</u>	<u>Toutle Cow</u>	<u>Nov. 18-24</u>	<u>Antlerless Only</u>	<u>WC or WM</u>	<u>GMU 556</u>
<u>2058</u>	<u>Toutle Bull</u>	<u>Nov. 6-17</u>	<u>3 Pt. Bull Min.</u>	<u>WC or WM</u>	<u>GMU 556</u>
<u>2059</u>	<u>Marble</u>	<u>Nov. 18-24</u>	<u>Antlerless Only</u>	<u>WC or WM</u>	<u>GMU 558</u>

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<u>2060</u>	<u>Lewis River</u>	<u>Nov. 18-24</u>	<u>Antlerless Only</u>	<u>WC or WM</u>	<u>GMU 560</u>
<u>2061</u>	<u>Siouxon</u>	<u>Nov. 18-24</u>	<u>Antlerless Only</u>	<u>WC or WM</u>	<u>GMU 572</u>
<u>2062</u>	<u>Dickey Bull A</u>	<u>Oct. 1-11</u>	<u>3-Pt. Bull Min.</u>	<u>WC or WM</u>	<u>GMU 602</u>
<u>2063</u>	<u>Dickey Bull B</u>	<u>Nov. 6-17</u>	<u>3-Pt. Bull Min.</u>	<u>WC or WM</u>	<u>GMU 602</u>
<u>2064</u>	<u>Goodman</u>	<u>Nov. 18-24</u>	<u>Antlerless Only</u>	<u>WC or WM</u>	<u>GMU 612</u>
<u>2065</u>	<u>Matheny</u>	<u>Nov. 18-24</u>	<u>Antlerless Only</u>	<u>WC or WM</u>	<u>GMU 618</u>
<u>2066</u>	<u>Quinault Ridge</u>	<u>Oct. 1-11</u>	<u>3 Pt. Bull Min.</u>	<u>WC or WM</u>	<u>GMU 638</u>
<u>2067</u>	<u>Wynoochee</u>	<u>Nov. 18-24</u>	<u>Antlerless Only</u>	<u>WC or WM</u>	<u>GMU 648</u>
<u>2068</u>	<u>Skookumchuck</u>	<u>Nov. 18-24</u>	<u>Antlerless Only</u>	<u>WC or WM</u>	<u>GMU 667</u>
<u>2069</u>	<u>Minot Peak</u>	<u>Oct. 3-9</u>	<u>Antlerless Only</u>	<u>WC or WM</u>	<u>GMU 660</u>
<u>2070</u>	<u>Palix</u>	<u>Nov. 18-24</u>	<u>Antlerless Only</u>	<u>WC or WM</u>	<u>GMU 669</u>
<u>2071</u>	<u>Nemah</u>	<u>Nov. 18-24</u>	<u>Antlerless Only</u>	<u>WC or WM</u>	<u>GMU 678</u>
<u>2072</u>	<u>Backbone A</u>	<u>Nov. 20-</u> <u>Dec. 11</u>	<u>Antlerless Only</u>	<u>WC or WM</u>	<u>Elk Area</u> <u>025</u>
<u>2073</u>	<u>Backbone B</u>	<u>Nov. 20-</u> <u>Dec. 11</u>	<u>Any Bull</u>	<u>WC or WM</u>	<u>Elk Area</u> <u>025</u>
<u>2074</u>	<u>Curtis</u>	<u>Dec. 20-31</u>	<u>Antlerless Only</u>	<u>WC or WM</u>	<u>Elk Area</u> <u>050</u>
<u>2075</u>	<u>Boistfort A</u>	<u>Jan. 1-15,</u> <u>1997</u>	<u>Antlerless Only</u>	<u>WC or WM</u>	<u>Elk Area</u> <u>054</u>
<u>2076</u>	<u>East Valley</u>	<u>Jan. 1-15,</u> <u>1997</u>	<u>Antlerless Only</u>	<u>WC or WM</u>	<u>Elk Area</u> <u>055</u>
<u>2077</u>	<u>Carlton</u>	<u>Oct. 1-11</u>	<u>3 Pt. Bull Min.</u>	<u>WC or WM</u>	<u>Elk Area</u> <u>057</u>
<u>2078</u>	<u>West Goat Rocks</u>	<u>Oct. 1-11</u>	<u>3 Pt. Bull Min.</u>	<u>WC or WM</u>	<u>Elk Area</u> <u>058</u>
<u>2079</u>	<u>Mt. Adams</u>	<u>Oct. 1-11</u>	<u>3 Pt. Bull Min.</u>	<u>WC or WM</u>	<u>Elk Area</u> <u>059</u>
<u>2080</u>	<u>South Willapa</u>	<u>Jan. 1-15,</u> <u>1997</u>	<u>Antlerless Only</u>	<u>WC or WM</u>	<u>Elk Area</u> <u>067</u>

*Outside of Umatilla National Forest.

ADVANCED HUNTER EDUCATION (AHE) PROGRAM

~~((Only hunters who have successfully completed the Department of Fish and Wildlife's Advanced Hunter Education (AHE) Program will be eligible to hunt elk in these seasons. A certification card will be issued to all AHE graduates and must be in possession while hunting during these seasons.))~~ Hunters with any elk tag are eligible to apply for these hunts.

<u>Hunt No.</u>	<u>Hunt Name</u>	<u>Permit Season</u>	<u>Special Restrictions</u>	<u>Boundary Description</u>
(2078)	Shushuskin B	Dec. 16-30	Antlerless Only	Elk Area 031
2079	Margaret	Oct. 1-12	3 Pt. Min. or Antlerless	GMU 524
2080	Skookumchuck	Oct. 7-12	Either Sex	GMU 667
2081	South Bank A	Sept. 16-20	Antlerless Only	Elk Area 062
2082	South Bank B	Sept. 23-27	Antlerless Only	Elk Area 062
2083	South Bank C	Dec. 16-20	Antlerless Only	Elk Area 062
2084	South Bank D	Jan. 6-10, 1996	Antlerless Only	Elk Area 062
2085	South Bank E	Jan. 20-24, 1996	Antlerless Only	Elk Area 062))
<u>2081</u>	<u>Shushuskin B</u>	<u>Dec. 16-30</u>	<u>Antlerless Only</u>	<u>Elk Area 031</u>
<u>2082</u>	<u>Margaret</u>	<u>Oct. 1-12</u>	<u>3 Pt. Min. or Antlerless</u>	<u>GMU 524</u>
<u>2083</u>	<u>Skookumchuck</u>	<u>Oct. 5-10</u>	<u>Either Sex</u>	<u>GMU 667</u>

<u>2084</u>	<u>South Bank A</u>	<u>Jan. 6-10, 1997</u>	<u>Antlerless Only</u>	<u>Elk Area</u> <u>062</u>
<u>2085</u>	<u>South Bank B</u>	<u>Jan. 20-24, 1997</u>	<u>Antlerless Only</u>	<u>Elk Area</u> <u>062</u>

ARCHERY ONLY

Hunters must purchase a hunting license and archery elk tag prior to purchase of a special hunting season permit application. Note the elk tag required for each hunt.

<u>Hunt No.</u>	<u>Hunt Name</u>	<u>Permit Season</u>	<u>Special Restrictions</u>	<u>Elk Tag Prefix</u>	<u>Boundary Description</u>
2086	Blue Mountains West	Sept. 1-14	Any Bull	BA	GMUs 154, 160, 161, 166, 169
2087	Blue Mountains East	Sept. 1-14	Any Bull	BA	GMUs 178, 181, 184, 185
2088	Colockum	Sept. 1-14	Either Sex	CA	GMUs 328, 329
2089	Robinson	Sept. 1-14	Either Sex	YA	GMUs 336, 340
2090	Taneum B	Nov. 23-Dec. 8	Either Sex	YA	GMU 336
2091	Goose Prairie B	Sept. 1-14	Either Sex	YA	GMUs 352, 356
2092	Divide	Nov. 23-Dec. 8	Either Sex	YA	Bow Areas 806, 807
2093	Cottonwood	Sept. 1-14	Either Sex	YA	GMUs 364, 366, 368
2094	White River B	Sept. 1-14	Either Sex	WA	GMU 472

PRIVATE LANDS WILDLIFE MANAGEMENT PERMIT OPPORTUNITIES

Champion's Kapowsin Tree Farm

Champion Application Bull Permits

Only hunters possessing a valid elk tag (any ~~((1995))~~ 1996 elk tag) and meeting the special restrictions noted for each hunt are eligible for Champion access permits on PLWMA 401. There will be ~~((approximately one to seven))~~ four hunters authorized to hunt branched bulls Sept. ~~((16-27))~~ 14-25. ~~((Applicants for Branched Bull permits must pay a nonrefundable access fee of 50 to 100 dollars. (To be determined at a later date.) Individuals not drawn for a special access permit will receive a coupon good for one regular three day access permit.))~~

Persons interested in applying for a Champion draw Branched Bull permit should inquire at: Champion International, 31716 Camp 1 Road, Orting, Washington 98360. For more information, please call Champion at (206) 879-4200.

Champion Branched Bull Permits (application through WDFW)

<u>Hunt No.</u>	<u>Hunt Name</u>	<u>Permit Season</u>	<u>Special Restrictions</u>	<u>Elk Tag Prefix</u>	<u>Boundary Description</u>
2095	Kapowsin Bull A	*	Any Bull	WA, WC, WM	PLWMA 401A
2096	Kapowsin Bull B	*	Any Bull	WA, WC, [WN] [WM]	PLWMA 401B, 401C))

<u>Hunt No.</u>	<u>Hunt Name</u>	<u>Permit Number</u>	<u>Permit Season</u>	<u>Special Restrictions</u>	<u>Elk Tag Prefix</u>	<u>Boundary Description</u>
2095	<u>Kapowsin Bull A</u>	<u>2</u>	<u>*</u>	<u>Any Bull</u>	<u>WA, WC, WM</u>	<u>PLWMA 401A</u>
2096	<u>Kapowsin Bull B</u>	<u>1</u>	<u>*</u>	<u>Any Bull</u>	<u>WA, WC, [WN] [WM]</u>	<u>PLWMA 401B, 401C</u>
2097	<u>Kapowsin Bull C</u>	<u>1</u>	<u>*</u>	<u>Any Bull</u>	<u>WA, WC, WM</u>	<u>PLWMA 401C</u>

*Permit season for archery tag holders Sept. 1-~~((14))~~ 13; modern firearm Nov. ~~((1-13))~~ 9-17; and Muzzleloader ~~((Nov. 22-Dec. 5))~~ Nov. 21-Dec. 1.

Champion Spike Bull Permits

PROPOSED

<u>Hunt No.</u>	<u>Hunt Name</u>	<u>Permit Number</u>	<u>Permit Season</u>	<u>Elk Tag Prefix</u>	<u>Boundary Description</u>
2098	<u>Kapowsin Spike D</u>	<u>1</u>	<u>Nov. 9-17</u>	<u>WB, WC</u>	<u>PLWMA 401B</u>
2099	<u>Kapowsin Spike E</u>	<u>1</u>	<u>Nov. 9-17</u>	<u>WB, WC</u>	<u>PLWMA 401C</u>
2100	<u>Kapowsin Spike F</u>	<u>1</u>	<u>Nov. 21-Dec. 1</u>	<u>WM</u>	<u>PLWMA 401B</u>
2101	<u>Kapowsin Spike G</u>	<u>1</u>	<u>Nov. 21-Dec. 1</u>	<u>WM</u>	<u>PLWMA 401C</u>

Muzzleloader Elk Permits

Hunters must purchase a hunting license and Western Washington Muzzleloader Elk Tag prior to purchase of a special hunting season permit application for these hunts.

<u>Hunt No.</u>	<u>Hunt Name</u>	<u>Permit Season</u>	<u>Special Restrictions</u>	<u>Boundary Description</u>	
2097	<u>Kapowsin North</u>	<u>Nov. 22-Dec. 5</u>	<u>Antlerless Only</u>	<u>PLWMA 401A</u>	
2098	<u>Kapowsin Central</u>	<u>Nov. 22-Dec. 5</u>	<u>Antlerless Only</u>	<u>PLWMA 401B</u>	
2099	<u>Kapowsin South</u>	<u>Nov. 22-Dec. 5</u>	<u>Antlerless Only</u>	<u>PLWMA 401C</u>)	
<u>Hunt No.</u>	<u>Hunt Name</u>	<u>Permit Number</u>	<u>Permit Season</u>	<u>Special Restrictions</u>	<u>Boundary Description</u>
2102	<u>Kapowsin North</u>	<u>10</u>	<u>Nov. 20-Dec. 4</u>	<u>Antlerless Only</u>	<u>PLWMA 401A</u>
2103	<u>Kapowsin Central</u>	<u>5</u>	<u>Nov. 20-Dec. 4</u>	<u>Antlerless Only</u>	<u>PLWMA 401B</u>
2104	<u>Kapowsin South</u>	<u>5</u>	<u>Nov. 20-Dec. 4</u>	<u>Antlerless Only</u>	<u>PLWMA 401C</u>

SPECIAL HUNTS FOR DISABLED, BLIND OR VISUALLY IMPAIRED

Hunters must purchase a hunting license and modern firearm or muzzleloader elk tag prior to purchase of a special hunting season permit application. Note elk tag required. Only those hunters with a Washington Disabled Hunter Permit or a Washington Blind or Visually Handicapped Hunter Permit may apply.

<u>Hunt No.</u>	<u>Hunt Name</u>	<u>Permit Season</u>	<u>Special Restrictions</u>	<u>Elk Tag Prefix</u>	<u>Boundary Description</u>
3001	<u>Naches D</u>	<u>Oct. 1-((43)) 11</u>	<u>Antlerless Only</u>	<u>YC or YM</u>	<u>GMU 346</u>
3002	<u>Quilomene C</u>	<u>Nov. 1-13</u>	<u>Antlerless Only</u>	<u>CC or CM</u>	<u>GMU 329</u>
3003	<u>Manastash B</u>	<u>Nov. 1-13</u>	<u>Antlerless Only</u>	<u>YC or YM</u>	<u>GMU 340</u>
3004	<u>Green River Cow B</u>	<u>Nov. ((41-15)) 9-13</u>	<u>Antlerless Only</u>	<u>WC or WM</u>	<u>GMU 485</u>
3005	<u>Centralia Mine A</u>	<u>Nov. ((48-19)) 16-17</u>	<u>Antlerless Only</u>	<u>Any Elk Tag</u>	<u>Portion of GMU 667*</u>
((3006	Centralia Mine B	Nov. 25-26	Antlerless Only	Any Elk Tag	Portion of GMU 667*
3007	<u>Centralia Mine C</u>	<u>Dec. 2-3</u>	<u>Either Sex</u>	<u>Any Elk Tag</u>	<u>Portion of GMU 667*)</u>
3006	<u>Centralia Mine B</u>	<u>Nov. 30-Dec. 1</u>	<u>Either Sex</u>	<u>Any Elk Tag</u>	<u>Portion of GMU 667*</u>
3007	<u>South Bank C</u>	<u>Dec. 16-20</u>	<u>Antlerless Only</u>	<u>Any Elk Tag</u>	<u>Elk Area</u>

*Successful applicants will be mailed a map of the hunt boundary.

MUZZLELOADER ONLY

Hunters must purchase a hunting license and muzzleloader elk tag prior to purchase of a special hunting season permit application. Note the elk tag required for each hunt.

<u>Hunt No.</u>	<u>Hunt Name</u>	<u>Permit Season</u>	<u>Special Restrictions</u>	<u>Elk Tag Prefix</u>	<u>Boundary Description</u>
((4001	Mountain View B	Oct. 5-11	Any Bull	BM	GMU 172
4002	<u>Mission</u>	<u>Oct. 5-11</u>	<u>Any Bull</u>	<u>CM</u>	<u>GMU 314</u>
4003	<u>Cle Elum A</u>	<u>Oct. 1-12</u>	<u>Either Sex</u>	<u>YM</u>	<u>ML Area 910</u>
4004	<u>Cle Elum B</u>	<u>Nov. 16</u>	<u>Either Sex</u>	<u>YM</u>	<u>ML Area 910</u>

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—Dec. 8

4005	Umtanum B	Oct. 8-12	Either Sex	YM	GMU 342
4006	Cowiche C	Oct. 8-12	Either Sex	YM	GMU 368
4007	Stella	Nov. 22- —Dec. 12	Either Sex	WM	GMU 504
4008	Boistfort B	Jan. 16- —31, 1996	Antlerless Only	WM	Elk Area 054
4009	Yale	Nov. 22- —Dec. 12	Either Sex	WM	GMU 554
4010	Toledo	Jan. 2-16, —1996	Antlerless Only	WM	Elk Area 029
4011	Chinook	Jan. 16- Feb. 15, 1996	Antlerless Only	WM	Elk Area 069
4012	North River	Nov. 18- —Dec. 6	Antlerless Only	WM	GMU 658
4013	Elwha	Dec. 15- —Jan. 15, 1996	Antlerless Only	WM	ML Area 962
4014	South Elma	Oct. 1-13	Antlerless Only	WM	Elk Area 063))
4001	Blue Creek	Dec. 1- Jan. 31, 1997	Antlerless Only	BM	GMU 154
4002	Mountain View B	Oct. 3-9	Any Bull	BM	GMU 172
4003	Mission	Oct. 3-9	Any Bull	CM	GMU 314
4004	Cle Elum A	Sept. 1-30	Either Sex	YM	ML Area 910
4005	Cle Elum B	Nov. 16- Dec. 8	Either Sex	YM	ML Area 910
4006	Umtanum B	Oct. 3-9	Either Sex	YM	GMU 342
4007	Cowiche C	Oct. 3-9	Either Sex	YM	GMU 368
4008	Stella	Nov. 22- Dec. 12	Either Sex	WM	GMU 504
4009	Boistfort B	Jan. 16- 31, 1997	Antlerless Only	WM	Elk Area 054
4010	Yale	Nov. 22- Dec. 12	Either Sex	WM	GMU 554
4011	Toledo	Jan. 2-16, 1997	Antlerless Only	WM	Elk Area 029
4012	Chinook	Jan. 16- Feb. 15, 1997	Antlerless Only	WM	Elk Area 069
4013	North River	Nov. 18- Dec. 6	Antlerless Only	WM	GMU 658
4014	Elwha	Dec. 15- Jan. 15, 1997	Antlerless Only	WM	ML Area 962

AMENDATORY SECTION (Amending WSR 95-11-036, filed 5/10/95, effective 6/10/95)

WAC 232-28-248 1995-96 Special closures and firearm restriction areas.

SPECIAL CLOSURES

HUNTING PROHIBITED AREAS

IT IS UNLAWFUL TO HUNT WILD ANIMALS (INCLUDING WILD BIRDS) IN THE FOLLOWING AREAS:

1. Little Pend Oreille National Wildlife Refuge: The southern part of the Little Pend Oreille National Wildlife Refuge in Stevens County is closed to hunting and discharge of firearms except during the period of Oct. 1-Dec. 31, 1995. This closure is south of a boundary

beginning at the west project boundary in Section 3, Township 34 N, R 40 EWM, then easterly along Road 1.0 to the intersection with Road 2.0 in Section 2, then easterly along Road 2.0 to the easterly boundary in Section 8, Township 34 N, R 42 EWM.

The Little Pend Oreille National Wildlife Refuge north of the preceding boundary is open to all legally established hunting seasons during September through December.

2. Parker Lake: All lands south of Ruby Creek Road (USFS Road 2489), north of Tacoma Creek Road (USFS Road 2389) and west of Bonneville Power Administration power lines are designated as "CLOSED AREA" to the hunting of wild animals and wild birds EXCEPT during the period Aug. 1-Sept. 30, ((1995)) 1996. Both the Little Pend Oreille (1) and Parker Lake (2) closures were established to provide a protected area for the Air Force Military Survival Training Program.
3. Columbia River and all the islands in the river, and the Benton County shoreline below the high water mark, and any peninsula originating on the Benton County shoreline, between Vernita Bridge (Highway 24) downstream to the old Hanford townsite powerline crossing (wooden towers) in Section 24, T 13 N, R 27 E, is designated as a "CLOSED AREA" to the hunting of wild animals and wild birds.
4. Green River (GMU 485): Except for special permit hunts, all lands within GMU 485 are designated as a "CLOSED AREA" to the hunting of big game by Department of Fish and Wildlife regulated hunters throughout the year. During the general westside elk season and general and late deer seasons, all lands within GMU 485 are also designated as a "CLOSED AREA" to the hunting of all wild animals (including wild birds). The City of Tacoma enforces trespass within GMU 485 on lands owned or controlled by the City during all times of the year.
5. McNeil Island: McNeil Island (part of GMU 480) is closed to the hunting of all wild animals (including wild birds) year around.
6. As posted on Bailey Youth Ranch, Franklin County, hunting is closed on Mondays, Tuesdays, Thursdays, and Fridays.
7. As posted, hunting is closed on Department owned land on the Sunnyside Wildlife Area in Yakima County.

BIG GAME CLOSURES

1. Cathlamet: Beginning in the town of Skamokawa; then east along SR 4 to the Risk Road; then south and east along the Risk Road to Foster Road; then south along the Foster Road to the Elochoman River; then upstream along the Elochoman River to the Elochoman Valley Road (old SR 407); then west along the Elochoman Valley Road to SR 4; then east along SR 4 to SR 409; then south along SR 409 to the Cathlamet Channel of the Columbia River; then east along the north shore of the Cathlamet Channel to Cape Horn; then south in the Columbia River to the state line; then west along the

state line to a point directly south of the mouth of Skamokawa Creek; then north on Skamokawa Creek to SR 4 and the point of beginning. This area is closed to all big game hunting to protect the Columbian Whitetail Deer.

2. Clark, Cowlitz, Pacific, and Wahkiakum counties are closed to Columbian Whitetail Deer hunting.
3. Willapa National Wildlife Refuge: Except for Bow Area No. 802 (Long Island), Willapa National Wildlife Refuge is closed to all big game hunting.
4. Walla Walla Mill Creek Watershed (GMU 157): All lands in the Mill Creek Watershed are designated as a "CLOSED AREA" to the hunting of all wild animals (including wild birds) except for holders of special elk permits during the established open season. This area is closed to motorized vehicles.
5. Colockum elk hunting restrictions: No entry in GMU 330 (West Bar) except permit holders, October 23-25, ((1995)) 1996. Closed to entry (no trespassing) October 26-November 7, ((1995)) 1996.
6. Westport: Closed to hunting of all big game animals on that part of Westport Peninsula lying north of State Highway 105 from the west end of the Elk River Bridge and the Schafer Island Road to the ocean beach.
7. Baleville: Closed to hunting of all big game animals on those lands between State Highway 105 and the Willapa River west of Raymond.

UPLAND BIRD CLOSURES

It is unlawful to hunt game birds on the Columbia River or from any island in the Columbia River in the following areas:

1. From the mouth of Glade Creek (River Marker 57) to the old townsite of Paterson (River Marker 67) in Benton County, except the hunting of game birds is permitted from the main shoreline of the Columbia River in this area. (Check with Umatilla National Wildlife Refuge for other federal regulations for this area.)
2. Between the public boat launch at Sunland Estates in Grant County (Wanapum Pool) and a point perpendicular in Kittitas County; upstream to the posted marker 200 yards north of Quilomene Bay and a point perpendicular in Grant County, including islands.
3. Columbia River and all the islands in the river, and the Benton County shoreline below the high water mark, and any peninsula originating on the Benton County shoreline, between Vernita Bridge (Highway 24) downstream to the old Hanford townsite powerline crossing (wooden towers) in Section 24, T 13 N, R 27 E, is designated as a "CLOSED AREA" to the hunting of wild animals and wild birds.

HORSE RESTRICTIONS

Colockum horse restrictions: GMU 330 (West Bar)—It is unlawful to ride horses, mules, or other livestock during any open elk season in GMU 330 PROVIDED, however, that livestock may be used for transporting camp gear and elk

PROPOSED

carcasses. GMU 329 (Quilomene)—It is unlawful to allow a horse to enter the Brushy and Cape Horn agricultural fields prior to 9 a.m. from October 23-November 3, (~~1995~~) 1996.

HUNTING FIREARM RESTRICTION AREAS

In firearm restriction areas, handguns, centerfire and rimfire rifles are not legal for hunting except as provided below. Hunters may hunt only during the season allowed by their tag. Archery tag holders may hunt during archery seasons with archery equipment. Muzzleloaders may hunt during muzzleloader seasons with muzzleloader equipment except in the GMU 484 restriction area outlined for King County. Modern firearm tag holders may hunt during modern firearm seasons with bows and arrows, muzzleloaders or shotguns firing slugs or legal buckshot. Shotguns are not legal for hunting elk.

COUNTY	AREA
Clallam	That portion of GMU 624 (Coyle) located within Clallam County.
Clark	GMU 564 (Battleground)
Cowlitz	GMU 554 (Yale) GMU 504 (Stella)
Franklin, Grant, Adams	Those portions of GMU 281 (Ringold) and GMU 278 (Wahluke) known as the Wahluke Slope Wildlife Area.
Grays Harbor	That portion of GMU 658 (North River) beginning at Bay City; then west along Highway 105 to Twin Harbors State Park; then south along Highway 105 to Grayland Grocery; then east on Cranberry Road to Turkey Road; then east and north on Turkey Road to Bayview Logging Road; then north and east along Bayview Logging Road to Mallard Slough; then east and south along the Bayview Road to Andrews Creek; then north along main channel of Andrews Creek to Grays Harbor; then north and west along the main navigation channel to Bay City and point of beginning. The South Elma restriction applies only during elk seasons: (South Bank) - That portion of GMU 660 (Minot Peak) described as follows: Beginning at Highway 12 and Wakefield Road Junction (South Elma); south on Wakefield Road, across the Chehalis River to the South Bank Road; then southeast on South Bank Road to the Delezene Road; then south on

Island	the Delezene Road to the K Line Road to the A Line Road; then south on the A Line Road to the T Line Road; then south on the T Line Road to the Oakville-Brooklyn Road; then east on the Oakville-Brooklyn Road to Oakville and Highway 12; then northwest on Highway 12 to Wakefield Road to Elma and the point of beginning. That portion of GMU 410 (Island) located on Camano and Whidbey islands.
Jefferson	Indian and Marrowstone islands.
King	The area west of Highway 203 (Monroe-Fall City-Preston) to Interstate 90 (I-90), I-90 to Highway 18, Highway 18 to Interstate 5 (I-5), I-5 to the Pierce-King County line; Vashon and Maury islands. The following portion of GMU 484 (Puyallup): Beginning at the intersection of State Highway 410 and the southeast Mud Mountain Dam Road near the King/Pierce County line north of Buckley; then east along the southeast Mud Mountain Road to 284th Avenue Southeast; then north along 284th Avenue Southeast to State Highway 410; then west along Highway 410 to the point of the beginning. (This restriction includes high power rifles and muzzleloaders.)
Kitsap	East of State Highway 16 originating at the Tacoma Narrows Bridge to Gorst, and east of Highway 3 to Newbury Hill Road, north of Newbury Hill Road and the Bremerton-Seabeck Highway to Big Beef Creek Bridge; all of Bainbridge Island, and Bangor Military Reservation.
Kittitas	GMU 334 (Ellensburg) Closed to high power rifles during deer and elk seasons.
Mason	GMU 633 (Mason Lake) south of Hammersley Inlet; and all of Harstene Island.
Pacific	GMU 684 (Long Beach) west of Sand Ridge Road.
Pierce	GMU 480 (Anderson and Ketrion islands) limited to archery, shot-

PROPOSED

gun, and muzzleloader shotgun. McNeil Island closed to hunting.
 See GMU 484 restriction area outlined for King County.
 GMU 627 (Kitsap) south of Highway 302 on the Longbranch Peninsula is a firearm restriction area.
 Snohomish West of Highway 9.
 Skagit Guemes Island and March Point north of State Highway 20.
 Thurston GMU 666 (Deschutes) north of U.S. Highway 101 and Interstate 5 between Oyster Bay and the mouth of the Nisqually River.
 Whatcom Area west of I-5 and north of Bellingham city limits including Point Roberts.

AMENDATORY SECTION (Amending Order 94-151, filed 1/10/95, effective 2/10/95)

WAC 232-28-249 ((1995-96)) 1996-97 Special species hunting seasons and regulations.

~~((PERMIT APPLICATION INSTRUCTIONS~~

~~You must have a valid 1995 Washington hunting license to apply for any special hunting season permit.~~

~~Application Deadline: Applications must be postmarked no later than March 31, 1995, or received not later than 5:00 p.m., March 31, 1995, at the Washington Department of Fish and Wildlife, 600 Capitol Way North, Olympia, WA 98501-1091, or any Department of Fish and Wildlife regional office.~~

~~Computer Drawing: Drawings for goat, bighorn sheep, moose, and cougar will be done by computer selection. All applicants will be notified by May 31, 1995.~~

~~Disqualification: Anyone who submits more than one application for each species will be disqualified for drawings for that species.~~

~~Incomplete Applications: To be eligible for the permit drawing, applications must contain hunt number and hunt name, date of birth, and hunting license number. Applicant's complete name and address including zip code must be included.~~

~~Permit Hunting Report: A hunter questionnaire report will be sent to each permittee. This questionnaire must be returned to the Department of Fish and Wildlife within ten days after the close of the hunting season.)~~

~~PERMIT QUOTAS: ((1995)) 1996 Permit quotas are unknown at this time. Permit quotas for ((1995)) 1996 may be greater or less than last year depending on winter survival. ((Please do not call Department offices for permit quotas; they will be established at the April Commission meeting.))~~

MOOSE

Permit Season: Oct. 1 to Nov. 30, ((1995)) 1996, both dates inclusive.

Who May Apply: Anyone with a valid ((1995)) 1996 Washington hunting license. Only one moose permit will be issued during an individual's lifetime.

Bag Limit: One moose of either sex.

Moose Unit 1
 GMU 113

Moose Unit 2
 GMU 124

Moose Unit 3
 GMU 118

Moose Unit 4
 GMU 119

Moose Unit 5
 GMU 111

MOUNTAIN SHEEP (BIGHORN)

Permit Seasons: Separate seasons are indicated for each bighorn sheep hunt.

Who May Apply: Anyone with a valid ((1995)) 1996 Washington hunting license; EXCEPT those who drew a bighorn permit ((during 1990, 1991, 1992, 1993, or 1994, or have been successful in taking a bighorn)) previously in Washington State.

Bag Limit For Permit Holders: One bighorn ram.

Any Legal Weapon

Sheep Unit 2
 Vulcan Mountain
 Permit Season: Sept. 15-Oct. ((13)) 11, both dates inclusive.

Sheep Unit 3
 Tucannon River
 Permit Season: Sept. 15-Oct. ((13)) 11, both dates inclusive.

Sheep Unit 5
 Umtanum
 Permit Season: Sept. 15-Oct. ((13)) 11, both dates inclusive.

Sheep Unit 7
Clemon Mountain
Permit Season: Sept. 15-Oct. 11, both dates inclusive.

Sheep Unit 8
 Mountainview
 Permit Season: Sept. 15-Oct. ((13)) 11, both dates inclusive.

Sheep Unit 9
 Blackbutte
 Permit Season: Sept. 15-Oct. ((13)) 11, both dates inclusive.

Sheep Unit 10
 Mt. Hull
 Permit Season: Sept. 15-Oct. ((13)) 11, both dates inclusive.

Sheep Unit 11
 Wenaha Wilderness
 Permit Season: Sept. 15-Oct. ((13)) 11, both dates inclusive.

MOUNTAIN GOAT:

Permit Season: Sept. ~~((16))~~ 14-Oct. 31, ~~((1995))~~ 1996, both dates inclusive, in all goat hunts.

Who May Apply: Anyone with a valid ~~((1995))~~ 1996 Washington hunting license(~~(; EXCEPT those who drew goat permits in 1990, 1991, 1992, 1993, or 1994)~~).

Bag Limit: One (1) adult goat of either sex with horns four (4) inches or longer. The Department of Fish and Wildlife urges hunters to refrain from shooting nannies with kids.

Any Legal Weapon

Goat Unit 2-1
Mount Chopaka

Goat Unit 2-2
Methow

~~((Goat Unit 3-2
North Wenatchee Mountains))~~

~~Goat Unit 3-4
Snoqualmie))~~

Goat Unit 3-6
Naches Pass

Goat Unit 3-7
Bumping River

Goat Unit 3-9
Tieton River

~~((Goat Unit 4-1
Ruth Creek~~

~~Goat Unit 4-3
Chowder Ridge~~

~~Goat Unit 4-4
Lincoln Peak~~

~~Goat Unit 4-7
Avalanche Gorge))~~

Goat Unit 3-10
Blazed Ridge

Goat Unit 3-11
Kachess Ridge

Goat Unit 4-8
East Ross Lake

Goat Unit 4-9
Jack Mountain

Goat Unit 4-32
Foss River

Goat Unit 4-34
Pratt River

Goat Unit 5-2
Tatoosh

Goat Unit 5-4
Goat Rocks

Muzzleloading Goat Hunts

~~((Goat Unit 3-5
Cle Elum))~~

Goat Unit 3-8
Bumping River

Archery Goat Hunts

~~((Goat Unit 3-3
Goat and Davis Mountains))~~

Goat Unit 4-38
Corral Pass

Goat Unit 5-3
Smith Creek

Goat Unit 6-2
Quilcene River

Goat Unit 6-3
Hamma Hamma River

NATIVE CATS

A valid hunting license is required to hunt (including pursuit seasons) native cats. A hound stamp is required for all hunters if dogs are used to hunt any native cats. Cougar transport tags may be purchased at all department of fish and wildlife license dealerships or offices and must be in possession while hunting cougar.

COUGAR

Eastern Washington Pursuit-Only Season (Cougar may not be killed or injured.): Sept. ~~((1-30))~~ 4-30 and Nov. ~~((22, 1995))~~ 20, 1996-Jan. 31, ~~((1996))~~ 1997, ~~((in the cougar units listed below;))~~ EXCEPT Nov. 20, 1996-Feb. 28, 1997, in Cougar Units 5 and 6. Note: Closed to hound hunting in Walla Walla and Columbia counties outside of Umatilla National Forest Sept. ~~((1))~~ 4-Oct. ~~((13, 1995))~~ 11, 1996.

~~((Early Permit))~~ Western Washington Pursuit-Only Season (cougar may not be killed or injured): Sept. 1-30 and Nov. 20, 1996-Feb. 28, 1997. General Cougar Season ~~((Permit required. Permit holders may not kill cougar with the use of hounds during the early cougar permit season.))~~ (Cougar may be killed. No special permit required. A valid cougar transport tag is required to hunt cougar.): Oct. ~~((14))~~ 12-Nov. ~~((21))~~ 10, 1996.

~~((General))~~ Eastern Washington Permit Season (Permit required. Cougar may be killed by permit holders only.): Nov. ~~((22, 1995))~~ 20, 1996-Jan. 31, ~~((1996))~~ 1997, EXCEPT Nov. ~~((22, 1995))~~ 20, 1996-Feb. 28, ~~((1996))~~ 1997 in Cougar Units 5 and 6. Note: Closed to hound hunting in Walla Walla and Columbia counties outside of Umatilla National Forest Sept. 4-Oct. 11, 1996.

Western Washington Permit Season (Permit required. Cougar may be killed by permit holders only.): Nov. 20, 1996-Feb. 28, 1997.

Who May Apply: Anyone with a valid ~~((1995))~~ 1996 Washington hunting license may submit one special permit application for cougar(~~(; EXCEPT those who drew a cougar permit in 1994)~~). Successful cougar applicants must purchase a cougar tag ~~((by October 1, 1995. Special permits assigned to those hunters failing to purchase a cougar tag by the deadline will be voided and cougar permits will be issued to other applicants. Cougar permit applicants successfully drawing a 1995-96 cougar permit will be ineligible to~~

~~apply for a cougar permit until the 1998-99 season)) before hunting cougar.~~

Bag Limit: One (1) cougar during the ~~((1995-96))~~ 1996-97 hunting season except that it is unlawful to kill or possess spotted cougar kittens or adult cougar accompanied by spotted kittens.

Hunt No.	Unit	Description
9001	1	Pend Oreille
9002	2	Colville
9003	3	Republic
9004	4	Spokane
9005	5	Blue Mountains
9006	6	Wenaha
9007	7	Okanogan
9008	8	Chelan
9009	9	Yakima
9010	10	Nooksack
9011	11	Skagit
9012	12	Snoqualmie
9013	13	North Olympic Peninsula
9014	14	South Olympic Peninsula
9015	15	Rainier
9016	16	South Puget Sound
9017	17	Cowlitz
9018	18	Skamania
9019	19	Pacific

~~((Boot hunting opportunity for cougar. Hunters have to specifically apply (by hunt number) for either an early permit season tag or a general permit season tag. The early permit season is a boot only opportunity.~~

Hunt No.	Unit	Description
9020	1	Pend Oreille
9021	2	Colville
9022	3	Republic
9023	4	Spokane
9024	5	Blue Mountains
9025	6	Wenaha
9026	7	Okanogan
9027	8	Chelan
9028	9	Yakima
9029	10	Nooksack
9030	11	Skagit
9031	12	Snoqualmie
9032	13	North Olympic Peninsula
9033	14	South Olympic Peninsula
9034	15	Rainier
9035	16	South Puget Sound
9036	17	Cowlitz
9037	18	Skamania
9038	19	Pacific))

LYNX

Season closed statewide.

AMENDATORY SECTION (Amending WSR 95-11-027, filed 5/10/95, effective 6/10/95)

WAC 232-28-257 Big game auction permits.

AUCTIONING OF PERMIT

The Director will select a conservation organization(s) to conduct the 1996 auction(s). Selection of the conservation organization will be based on criteria developed by the Washington Department of Fish and Wildlife. The organization shall notify the Department of the name of and address of the successful bidder within ten days of the auction.

AUCTION PERMIT HUNT(S)

SPECIES - ELK

Hunting Season Dates: September ~~((1-December))~~ 15 - 30, 1996

Hunt Area: ~~((Any game management unit open to elk hunting except GMUs 157 (Watershed) and))~~ GMU 485 (Green River).

Bag Limit: One bull elk

AUCTION HUNT PERMITTEE RULES

(1) Permittee shall contact the appropriate regional office of the Department of Fish and Wildlife when entering the designated hunt area.

(2) The permittee may be accompanied by others; however, only the permittee is allowed to carry a firearm and harvest an animal.

(3) Any attempt by members of the permittee's party to herd or drive wildlife is prohibited.

(4) If requested by the Department, the permittee is required to accompany Department officials to the site of the kill.

NEW SECTION

WAC 232-28-260 Special hunting season permit drawings. (1) Deer and elk special hunting season permit application:

(a) To apply for a special hunting season permit for deer, applicants must have a valid Washington hunting license and a valid deer transport tag. Each applicant must have the proper transport tag as identified in the current special deer hunting permit tables.

(b) To apply for a special hunting season permit for elk, applicants must have a valid Washington hunting license and a valid elk transport tag. Each applicant must have the proper transport tag as identified in the current special elk hunting permit tables.

(c) Only applicants with a Washington disabled hunter permit will be eligible to apply for special hunts for disabled, blind or visually impaired.

(d) Only applicants sixteen years old or younger on opening day of the special hunting season will be eligible to apply for special hunting season permits for youth.

(e) Only applicants sixty-five years of age or older on opening day of the special hunting season will be eligible to apply for special hunting season permits for seniors.

(f) Only applicants who have successfully completed the Washington department of fish and wildlife advanced hunter

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education (AHE) course will be eligible to apply for special hunting season permits for AHE course graduates. A certification card will be issued to all AHE graduates which must be in the hunter's possession while hunting during these seasons.

(g) No refunds or exchanges for deer or elk transport tags will be made for persons applying for special hunting season permits.

(h) Holders of deer or elk special hunting season permits may hunt only with a weapon in compliance with their transport tag during the special hunting season.

(2) Mountain goat, moose, mountain sheep, and cougar special hunting season permit applications:

(a) To apply for a special hunting season permit for mountain goat, moose, mountain sheep, or cougar applicants must have a valid Washington hunting license. Those who have previously drawn a Washington mountain sheep or moose permit are ineligible to apply for that species.

(b) No refunds or exchanges for mountain goat, moose, mountain sheep, or cougar transport tags will be made for persons drawing for special hunting season permits.

(c) Permit hunting report: A hunter report will be sent to each mountain goat, moose, mountain sheep, and cougar special hunting season permit holder and must be returned to the department of fish and wildlife within ten days after the close of the special hunting season.

(3) General special hunting season permit application:

(a) Partnership applications will be accepted for any species. A partnership consists of two hunters. If a partnership application is drawn, both hunters will receive a permit and both hunters can take an animal.

(b) Application deadline: To qualify for the drawing all applications must be postmarked no later than the last Friday of April or received at a department of fish and wildlife office no later than 5:00 p.m. on the last Friday of April of the year of the drawing.

(c) An applicant's name may appear on only one single special permit application or one partnership application for each species. If an applicant's name appears on more than one application for a species, the application will be made ineligible for the drawing and no points will be accrued for that year for that species.

(d) For partnership applications that are ineligible because one of the partners has his/her name on more than one application for that species, both applicants will be made ineligible for the drawing and no points will be accrued for that year for that species.

(e) Permits will be drawn by computer selection using a weighted point selection system.

(f) Incomplete applications:

(i) To be eligible for the special deer or elk special hunting season permit drawing, each application must include a valid hunt number, complete name, correct mailing address, date of birth, a marked species check box, a valid Washington hunting license number, and a valid deer or elk transport tag number for each applicant.

(ii) To be eligible for the special mountain goat, moose, mountain sheep, or cougar special hunting season permit drawing, each application must include a valid hunt number, complete name, correct mailing address, date of birth, a marked species check box, and a valid Washington hunting license number for each applicant.

(iii) To be eligible to accrue points, each application must include either a valid Social Security number, driver's license number, or a state-issued identification number for each applicant. Applicants choosing not to submit one of the above-listed numbers will be eligible for the drawing, but will not accrue points. The same identification number must be used each year to accrue points. If a different number is used (i.e., driver's license number instead of Social Security number), point accrual will begin anew for the applicant while maintaining the point accrual under the former identification number.

(g) Inaccurate applications:

(i) If an applicant makes a mistake, applies for the wrong hunt, and is drawn, the permit can be returned to the department of fish and wildlife Olympia headquarters before the opening day of the hunt. The applicant's points will be restored to the condition they were in prior to the drawing.

(ii) If an applicant inaccurately submits his/her identification number on an application, no points will be accrued for that year for that species under the correct identification number.

AMENDATORY SECTION (Amending Order 95-122, filed 9/1/95, effective 10/2/95)

WAC 232-28-419 1995-96 Migratory waterfowl seasons and regulations.

DUCKS

Western Washington

8:00 a.m. Oct. 14, 1995 - Jan. 14, 1996

Daily bag limit: 6 ducks—to include not more than 1 hen mallard, not more than 2 pintails, not more than 2 redheads, and not more than 1 canvasback.

Possession limit: 12 ducks—to include not more than 2 hen mallards, not more than 4 pintails, not more than 4 redheads, and not more than 2 canvasbacks.

Eastern Washington

Noon Oct. 14, 1995 - Jan. 21, 1996

Daily bag limit: 6 ducks—to include not more than 1 hen mallard, not more than 2 pintails, not more than 2 redheads, and not more than 1 canvasback.

Possession limit: 12 ducks—to include not more than 2 hen mallards, not more than 4 pintails, not more than 4 redheads, and not more than 2 canvasbacks.

COOT (Mudhen)

Same areas, dates, and shooting hours as the general duck season.

Daily bag limit: 25 coots.

Possession limit: 25 coots.

COMMON SNIPE

Same areas, dates, and shooting hours as the general duck season.

Daily bag limit: 8 snipe.

Possession limit: 16 snipe.

GEESE (except Brant and Aleutian Canada Geese)

WESTERN WASHINGTON

Western Washington Goose Management Area 1 Island, Skagit, Snohomish counties

8 a.m. Oct. 14 - Dec. 31, 1995

Daily bag limit: 3 geese.
Possession limit: 6 geese.

WRITTEN AUTHORIZATION REQUIRED TO HUNT SNOW GEESE. All persons hunting snow geese in this season are required to obtain a written authorization and Harvest Report from the Washington Department of Fish and Wildlife. Hunters who held a 1994 authorization and returned the Harvest Report prior to the deadline will be mailed a 1995 authorization in early October. Hunters who did not possess a 1994 authorization must fill out an application (available at Washington Department of Fish and Wildlife Olympia and regional offices). Application forms must be delivered to a Department office no later than September 25 or postmarked on or before September 25, after which applicants will be mailed a 1995 authorization in early October. **Late applications will not be accepted.** Immediately after taking a snow goose into possession, hunters must record in ink the information required on the Harvest Report. Return of the Harvest Report is mandatory. Those hunters not returning the Harvest Report to the Washington Department of Fish and Wildlife by January 15, 1996 will be ineligible to participate in the 1996 snow goose season.

Western Washington Goose Management Area 2 Clark, Cowlitz, Pacific, and Wahkiakum counties

Open in Cowlitz County south of the Kalama River and Clark County on the following dates from 8:00 a.m. to 4:00 p.m.:

Nov. 26, 1995
Dec. 2, 10, 16, 24, 30, 1995
Jan. 6, 14, 20, 1996

Open in Cowlitz County north of the Kalama River, Pacific, and Wahkiakum counties on the following dates from 8:00 a.m. to 4:00 p.m.:

Saturdays, Sundays, and Wednesdays only, Nov. 25, 1995-Jan. 21, 1996, except closed Dec. 24 and Dec. 31, 1995.

Bag limits for all of Western Washington Goose Management Area 2:

Daily bag limit: 4 geese, to include not more than 3 Canada geese, not more than 1 dusky Canada goose, not more than 2 cackling Canada geese, and not more than 3 white geese (snow, Ross', blue).

Possession limit: 8 geese, to include not more than 6 Canada geese, not more than 1 dusky Canada goose, and not more than 4 cackling Canada geese, and not more than 6 white geese (snow, Ross', blue).

Season limit: 1 dusky Canada goose.

The Canada goose season for Clark, Cowlitz, Pacific, and Wahkiakum counties will be closed early if dusky Canada goose harvests exceed area quotas which collectively total 67 geese. The Fish and Wildlife Commission has authorized the Director to implement emergency area closures in accordance with the following quotas: a total of 67 dusks, to be distributed 24 for Clark County private lands, 10 for

Ridgefield NWR (part of Ridgefield NWR closed for 1995-96 season), 13 for Cowlitz County south of the Kalama River, 10 for Cowlitz County north of the Kalama River and Wahkiakum County, and 10 for Pacific County.

Hunting only by written authorization from the Washington Department of Fish and Wildlife. Hunters who maintained a valid 1994 written authorization will be mailed a 1995 authorization card prior to the 1995 season. Hunters who did not maintain a valid 1994 authorization must attend a goose identification class at a Washington Department of Fish and Wildlife office to receive authorization. **Beginning with the 1996-97 season, goose identification classes will be offered only through October 31.**

With written authorization, hunters will receive a hunter activity and Harvest Report. Hunters must carry the authorization card and Harvest Report while hunting. Immediately after taking a Canada goose (dusky, lesser/Taverner, cackling, or other subspecies) into possession, hunters must record in ink the information required on the Harvest Report. Hunters must go directly to the nearest check station and have geese tagged when leaving a hunt site. If a hunter takes the season bag limit of one dusky Canada goose or does not comply with requirements listed above regarding checking of birds and recording harvest on the Harvest Report, written authorization will be revoked and the hunter will not be able to hunt in Western Washington Goose Management Area 2 for the remainder of the season.

Special Late Canada Goose Season

OPEN TO WDFW ADVANCED HUNTER EDUCATION PROGRAM GRADUATES ONLY THROUGH SPECIAL WRITTEN AUTHORIZATION ISSUED BY WDFW Cowlitz County south of the Kalama River and Clark County

Open in Cowlitz County south of the Kalama River and Clark County on the selected dates within the following period from 8:00 a.m. to 4:00 p.m.:

February 5 - March 10, 1996

Cackling Canada goose season is closed during the Special Lake Canada Goose Season.

Daily bag limit: 4 geese, to include not more than 3 Canada geese, not more than 1 dusky Canada goose, and not more than 3 white geese (snow, Ross', blue).

Possession limit: 8 geese, to include not more than 6 Canada geese, not more than 1 dusky Canada goose, and not more than 6 white geese (snow, Ross', blue).

Season limit: 1 dusky Canada goose.

The Fish and Wildlife Commission has authorized the Director to implement an emergency closure if the harvest of dusky Canada geese exceeds 5 in the Special Lake Canada Goose Season. Hunting only by written authorization from the Washington Department of Fish and Wildlife. With written authorization, hunters will receive a hunter activity and Harvest Report. Hunters must carry the authorization card and Harvest Report while hunting. Immediately after taking a Canada goose (dusky, lesser/Taverner, or other subspecies) into possession, hunters must record in ink the information required on the Harvest Report. Hunters must go directly to the nearest check station and have geese tagged when leaving a hunt site. If a hunter takes the season

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bag limit of one dusky Canada goose or does not comply with requirements listed above regarding checking of birds and recording harvest on the Harvest Report, written authorization will be revoked and the hunter will not be able to hunt in the Special Lake Canada Goose Season for the remainder of the season.

Western Washington Goose Management Area 3
Includes all parts of western Washington not included in Western Washington Goose Management Areas 1 and 2.

8 a.m. Oct. 14, 1995-Jan. 21, 1996

Daily bag limit: 4 geese, to include not more than 3 white geese (snow, Ross', blue).
Possession limit: 8 geese, to include not more than 6 white geese (snow, Ross', blue)

EASTERN WASHINGTON
(see area descriptions below)

Eastern Washington Goose Management Area 1

Saturdays, Sundays, and Wednesdays only, from noon Oct. 14, 1995-Jan. 14, 1996; Nov. 10, 23, 24, Dec. 25, 1995, and Jan. 1, 1996; and every day Jan. 15-21, 1996.

Eastern Washington Goose Management Area 2

Saturdays, Sundays, Tuesdays, and Wednesdays only, from noon Oct. 14, 1995-Jan. 14, 1996; Nov. 10, 23, 24, Dec. 25, 28, 29, 1995, and Jan. 1, 1996; and every day Jan. 15-21, 1996.

Eastern Washington Goose Management Area 3

Noon Oct. 14, 1995-Jan. 21, 1996.

Bag limits for all Eastern Washington Goose Management Areas:

Daily bag limit: 4 geese, to include not more than 3 white geese (snow, Ross', blue).
Possession limit: 8 geese, to include not more than 6 white geese (snow, Ross', blue).

BRANT

Open in Skagit and Pacific counties only, on the following dates:
Dec. 9, 10, 11, 13, 15, 16, 17, 19, 21, 23, 24, 1995.

WRITTEN AUTHORIZATION REQUIRED: All hunters participating in this season are required to obtain a written authorization and Harvest Report from the Washington Department of Fish and Wildlife. Hunters who held a 1994 authorization and returned the Harvest Report prior to the deadline will be mailed a 1995 authorization in early December. Hunters who did not possess a 1994 authorization must fill out an application (available at Washington Department of Fish and Wildlife regional offices). Application forms must be delivered to a Department office no later than 5:00 p.m. on November 10 or postmarked on or before November 10, after which applicants will be mailed a 1995 authorization in early December. **Late applications will not be accepted.** Immediately after taking a brant into possession, hunters must record in ink the information required on the Harvest Report. Return of the Harvest Report is mandatory. Those hunters not returning the Harvest Report to the Washington

Department of Fish and Wildlife by January 15, 1996 will be ineligible to participate in the 1996 brant season.

Daily bag limit: 2 brant.
Possession limit: 4 brant.

ALEUTIAN CANADA GEESE AND SWANS

Season closed statewide.

EASTERN WASHINGTON GOOSE MANAGEMENT AREA DESCRIPTIONS

Eastern Washington Goose Management Area 1

All of Lincoln, Spokane, and Walla Walla counties, and those parts of the following counties listed below:

Grant County: Those parts east of line beginning at the Douglas-Lincoln County line on State Highway 174, southwest on State Highway 174 to State Highway 155, south on State Highway 155 to U.S. Highway 2, southwest on U.S. Highway 2 to the Pinto Ridge Road, south on Pinto Ridge Road to State Highway 28, east on State Highway 28 to the Stratford Road, south on the Stratford Road to State Highway 17, south on State Highway 17 to the Grant-Adams County line.

Adams County: Those parts east of State Highway 17.

Franklin County: Those parts east and south of a line beginning at the Adams-Franklin County line on State Highway 17, south on State Highway 17 to U.S. Highway 396, south on U.S. Highway 396 to U.S. Interstate I-182, west on U.S. Interstate I-182 to the Franklin-Benton County line.

Benton County: Those parts south of U.S. Interstates I-182 and I-82.

Klickitat County: Those parts east of U.S. Highway 97.

Eastern Washington Goose Management Area 2

All of Okanogan, Douglas, and Kittitas counties and those parts of Grant, Adams, Franklin, and Benton counties not included in Eastern Washington Goose Management Area 1.

Eastern Washington Goose Management Area 3

All other parts of eastern Washington not included in Eastern Washington Goose Management Areas 1 and 2.

SPECIAL CLOSURES AND REGULATIONS

Special Closures

Columbia River:

It is unlawful to hunt waterfowl, coot, or snipe on or within one-fourth mile of the Columbia River in the following areas:

—Between Chief Joseph Dam and the mouth of Nespelem Creek in Okanogan and Douglas counties.

—Between Rock Island Dam and the Chelan County substation at Winesap in Chelan County and between Rock Island Dam and a point in Douglas County perpendicular to the Chelan County substation at Winesap.

—From the old Hanford townsite (wooden tower) powerline crossing in Sec. 30, T13N, R28E, to Vernita Bridge (Highway 24).

—On or within one-fourth mile of Badger and Foundation Islands in Walla Walla County.

—Between the railroad bridge at Wishram and east along the Columbia River to the grain elevator at Roosevelt.

It is unlawful to hunt waterfowl, coot, or snipe on waters and land below the mean high water mark of Bachelor Island Slough of the Columbia River in Clark County. Bachelor Island Slough is further defined as those waters starting at the south end of the slough at its confluence with the Columbia River, running north along the eastern shore of Bachelor Island to the confluence with Lake River.

It is unlawful to hunt game birds on the Columbia River or from any island in the Columbia River in the following areas:

—From the mouth of Glade Creek (River Marker 57) to the old townsite of Paterson (River Marker 67) in Benton County, except the hunting of game birds is permitted from the main shoreline of the Columbia River in this area. (Check with Umatilla National Wildlife Refuge for other federal regulations for this area.)

—Between the public boat launch at Sunland Estates in Grant County (Wanapum Pool) and a point perpendicular in Kittitas County; upstream to the posted marker 200 yards north of Quilomene Bay and a point perpendicular in Grant County, including islands.

The U.S. Department of Energy retains security closures on the Hanford Reservation along the Columbia River.

Snake River

It is unlawful to hunt waterfowl, coot, or snipe in the following areas:

—On or within one-half mile of the Snake River from the Highway 12 bridge upriver to Lower Monumental Dam.

—On or within one-fourth mile of the Snake River between the Interstate Highway 12 bridges at Clarkston, downstream to the Lower Granite Dam.

Yakima River

It is unlawful to hunt waterfowl, coot, or snipe within one-fourth mile of the Yakima River in the following areas:

—From the Sunnyside-Mabton Road bridge downstream to the Euclid Road bridge (4 miles).

—From the Grant Avenue bridge (steel bridge) north of Prosser downstream 2-1/2 miles, to the powerline.

I-82 Ponds

It is unlawful to hunt waterfowl, coot, or snipe in the following area:

—Those waters under Washington Department of Fish and Wildlife ownership known as Ponds 1, 2, 3, and 6

north and east of Interstate 82 and south and east of S.R. 12 from the city limits of Union Gap to the Zillah/Toppenish Road.

Padilla Bay

It is unlawful to hunt waterfowl, coot, or snipe in the following areas:

—Swinomish Spit Game Reserve—Beginning at the Burlington Northern railroad tracks on the west shoreline of the Swinomish Channel; then in a northwesterly direction along the west side of the Swinomish Channel to the red channel mark buoy N "20" (as indicated on Navigation Map #18427, 13th Ed., July 16, 1983); then 6,000 feet ENE (east-northeast); then 3,300 feet SSE (south-southeast); then 4,200 feet SW (southwest) to the dike at the south end of Padilla Bay; then continue westerly along said dike to the intersection of the Burlington Northern railroad tracks and the east shoreline of the Swinomish Channel; then continue along said railroad tracks (across swing bridge) to the west shore line of the Swinomish Channel and the point of beginning.

—Bayview Game Reserve—Beginning at a point on the Bayview-Edison Road 750 feet south of the intersection of the Bayview Cemetery Entrance road; then 4,000 feet WNW (west-northwest); then 5,750 feet NNW (north-northwest); then 3,750 feet ENE (east-northeast) to the northwest corner of Padilla Bay Tract No. 532; then east to the northeast corner of Padilla Bay Tract No. 532; then SSE (south-southeast) to the Bayview-Edison Road; then southerly along said road to the point of beginning.

Skagit Bay

It is unlawful to hunt waterfowl, coot, or snipe in the following area:

—Beginning at the intersection of Fir Island Road and the east bank of Brown's Slough; then east along Fir Island Road (95 feet) to Brown's Slough Dike; then southerly and easterly along Browns Slough Dike to the Fir Island Farms access road; then north along the Fir Island Farms access road to Fir Island Road; then east along Fir Island Road to the northeast corner of Section 22 (T33N, R3E); then south along the east line of Section 22 (T33N, R3E) to Dry Slough; then westerly and south along the west bank of Dry Slough to the intersection with Dike #13(1); then westerly along the Skagit Bay side of Dike #13(1) to the east bank of Brown's Slough; then north along the east bank of Brown's Slough to the intersection with the Fir Island Road and the point of beginning.

Special Regulations

Skagit Wildlife Area Shotgun Shell Restriction

It is unlawful to have in possession more than 15 shotgun shells or to fire more than 15 shells in one day on the farmed island segment of the Skagit public hunting area, between the south fork of the Skagit River and Fresh Water Slough.

It is unlawful to hunt waterfowl from a moving boat or any free-floating device that is not in a fixed position which is either anchored or secured to shore in Port Susan Bay, Skagit Bay, Padilla Bay, and Samish Bay.

Belfair - Hood Canal

It is unlawful to hunt waterfowl in Lynch Cove and the Union River except in designated blinds. The western and southern boundaries of this closure are posted with red steel markers. (This includes all of the Washington Department of Fish and Wildlife and Thelar Wetlands lands.)

FALCONRY SEASONS

A falconry license and a current hunting license are required for hunting with a raptor. In addition, an Eastern Washington Upland Bird Permit or a Western Washington Upland Bird Permit is required to hunt pheasant, quail, and partridge; and federal and state waterfowl stamps for hunting waterfowl are required. A 1996 hunting license, 1996 falconry license, and a 1996 Eastern or Western Washington Upland Bird Permit are required to hunt pheasant, partridge, and grouse after December 31.

Ducks and Coots (Falconry)

(Bag limits include geese, snipe, and mourning doves.)

Western Washington

Oct. 14, 1995-Jan. 14, 1996; Jan. 24-Feb. 6, 1996

Daily bag limit: 3, straight or mixed bag with geese, snipe, and mourning doves during established seasons.

Possession limit: 6, straight or mixed bag with geese, snipe, and mourning doves during established seasons.

Eastern Washington

Oct. 14, 1995-Jan. 21, 1996; Mar. 4-10, 1996

Daily bag limit: 3, straight or mixed bag with geese, snipe, and mourning doves during established seasons.

Possession limit: 6, straight or mixed bag with geese, snipe, and mourning doves during established seasons.

Geese (Falconry)

(Bag limits include ducks, coot, snipe, and mourning doves)

Oct. 14, 1995-Jan. 23, 1996, statewide except November 26, 1995 - January 21, 1996, only, in Cowlitz county south of the Kalama River and Clark County.

Daily bag limit: 3, straight or mixed bag with ducks, coot, snipe, and mourning doves during established seasons.

Possession limit: 6, straight or mixed bag with ducks, coot, snipe, and mourning doves during established seasons.

Snipe (Falconry)

(Bag limits include ducks, coots, geese, and mourning doves)

Oct. 1, 1995-Jan. 15, 1996, statewide

Daily bag limit: 3, straight or mixed bag with ducks, coots, geese and mourning doves during established seasons.

Possession limit: 6, straight or mixed bag with ducks, coots, geese and mourning doves during established seasons.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- | | |
|----------------|---|
| WAC 232-12-827 | Hunting of game animals by persons of disability. |
| WAC 232-12-831 | Assistance to the visually handicapped. |

REPEALER

The following sections of the Washington Administrative Code are repealed:

- | | |
|------------------|---|
| WAC 232-28-206 | 1983 Fall opening dates. |
| WAC 232-28-209 | 1985 Fall opening dates. |
| WAC 232-28-21201 | Amendment to 1986 hunting seasons and rules. |
| WAC 232-28-215 | 1988, 1989, and 1990 Opening dates for modern firearm general buck deer, upland birds and waterfowl seasons. |
| WAC 232-28-216 | 1988, 1989, and 1990 Opening dates for early buck and primitive weapon seasons for deer and all elk season opening dates. |
| WAC 232-28-225 | 1991, 1992, and 1993 General opening dates for deer, elk, and upland birds. |
| WAC 232-28-404 | 1981-82 Upland game bird and migratory waterfowl seasons. |
| WAC 232-28-407 | 1983 Fall turkey season. |
| WAC 232-28-60101 | Opening of South Warden and Warden lakes in Grant County. |
| WAC 232-28-60102 | Closing of Medical Lake in Spokane County. |
| WAC 232-28-604 | Game fish seasons and catch limits. |
| WAC 232-28-60415 | Season extension on Burke Lake (Grant County) through December 31, 1982. |
| WAC 232-28-605 | 1983 Game fish seasons and catch limits. |
| WAC 232-28-60508 | Establish an open fishing season on the Snake and Grande Ronde rivers to angling for steelhead. |
| WAC 232-28-61610 | Amendment to 1987-88 Washington game fish regulations—Elwha River. |
| WAC 232-28-812 | 1990 Mountain goat, sheep, moose, cougar, and lynx hunting seasons. |

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- | | |
|----------------|-----------------------|
| WAC 232-24-120 | Temporary regulation. |
|----------------|-----------------------|

WSR 95-22-113
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 (Wildlife)

[Filed November 1, 1995, 11:59 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-18-098.

Title of Rule: Personal use rules.

Purpose: Amend personal use fishing rules.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: WAC 232-12-001, two proposals: (a) Change fish length from overall length to tip of nose to inside fork of tail. This proposal would coordinate gamefish rules with a food fish proposal. See proposed change to WAC 220-16-320; (b) the definition of when a person is out of the field is changed from "in" a residence to "at" a residence. This provides that a person within the curtilage has left the field. No anticipated effect.

WAC 232-12-144, add salmon and steelhead roe as prohibited bait. This proposal is intended to reduce taking these fish for bait only. This would prevent using single eggs for trout bait.

WAC 232-12-147, three proposals: (a) Allow use of up to six tip-ups for ice fishing. Liberalizes gear usage. May increase hooking mortality; (b) prohibit barbed hooks for gamefish fishing. Allows easier release of sublegal and nontargeted fish. Would eliminate trot line fishery; (c) prohibit treble hooks to fish for gamefish. Intended to reduce snagging. Would prohibit a wide variety of trout lures.

WAC 232-12-168, extend fish contest reporting to 30 days. Ten days is not sufficient time for turning in final report. Could allow for second contest before results from first contest are known.

WAC 232-12-619, nineteen proposals: (a) Reduce steelhead annual limit to 20 fish. Current annual limit too generous. Would reduce angling opportunity; (b) river system limit for steelhead and guide limit for steelhead. River system and guide limits spread fishing effort and financial rewards among communities by, for individual fishers, not allowing skilled anglers to take all 30 fish from a single stream. The guide limit effect is unknown, and current rules require only the fisher to report fish, not a guide; (c) allow persons under 12 years of age to use bait in selective fishery areas. Increase juvenile catch. This proposal fails to consider that hooking mortality is highest with bait, irrespective of the age of the fisher; (d) open beaver ponds concurrent with lakes, not streams. Beaver ponds warm quickly and the fishery is off by June 1st. Beaver ponds are impoundments of flowing water, and it is difficult to ascertain where a stream stops and a beaver pond begins; (e) open lakes, ponds and reservoirs year round. Provide more fishing opportunity. WDFW would lose management ability and be unable to plant fry fish or schedule opening day lake season fisheries; (f) open rivers and streams on Memorial Day. This offers an additional day

of fishing when spring recreation traditionally starts. Adds fishing opportunity; (g) close all steelhead fishing March 1 through May 31. Person proposing said intent is to give the fish a break. Will reduce fishing opportunity on harvestable stocks; (h) open selective fishery and fly fishing waters year round. Early hatch fly fishing waters can be better utilized and angler presence would reduce poaching. Effect: See (e) above; (i) bass catch and release only through year 2,000. Would build a bigger bass population. Would reduce management ability and cause stunted populations; (j) increase trout daily limit in lakes to 8 fish. Person proposing said public feels it is not worth buying a license for a 5 fish limit. Would concentrate fishing effort; (k) release all wild steelhead. Maintain genetic diversity and provide public recreational opportunity. Would reduce fishing effort and license sales, and not allow harvest on healthy wild stocks; (l) record all steelhead and cease fishing on recording daily limit. Catch and release injures fish. Would reduce fishing effort; (m) statewide kokanee limit of ten, other trout included. Allows bonus when kokanee are present. Consistent statewide rules. Would reduce recreational opportunity in several east side lakes; (n) close walleye statewide February 1 through April 30 except Lake Roosevelt. Protect walleye during spawning period. Reduces recreational opportunity, particularly in mid- and lower-Columbia River; (o) eliminate size and daily limits for walleye. Walleye are predacious. Would not allow for management of walleye; (p) define mouth of Kettle River as Napoleon Bridge. Reduce angler confusion; (q) additional waters added to nonbuoyant lure/night fishing restriction list. There have been certain waters identified where snagging is occurring. This proposal would establish an orderly fishery in those waters; (r) prohibit night fishing for steelhead. Intent is to reduce poaching. This rule is unenforceable, as it is impossible to determine what a fisher is fishing for until a fish is taken, and trout fishing at night remains open; and (s) steelhead minimum hook size 1/0. The intent appears to be to reduce trout taken while steelhead fishing. This rule would prohibit taking steelhead in fly fishing only waters.

WAC 232-28-619, changes in this section are listed below by region and name of the body of water. Unless otherwise stated, the effect of all of the following proposals is to either increase or decrease fishing opportunity.

Region 1 - General: Unlawful to fish in Stevens County at night. Intent is to reduce poaching. This would establish a different rule for a single county and would complicate enforcement.

Amber Lake - March 1 - Last Saturday in April, catch and release. Take advantage of early insect hatches.

Asotin Creek - Statewide seasons and daily limits for open waters. Conform creek with statewide rules to reduce confusion.

Bayley Lake - Catch and release. Make the lake a true quality fishery lake.

Bear Lake (Spokane County) - Juvenile fishing only. Provide juvenile fishing opportunity.

Blue Creek - Open June 1 through October 31. Intent is to protect wild stocks in Mill Creek, which will be planted with catchable fish in lower section only.

Clear Lake (Spokane County) - Last Saturday in April - October 31. Trout daily limit 8 fish. Intent is to close lake

in winter as no facilities are available, but increase use in summer.

Colville River - Walleye - No minimum size, daily limit 8 fish, not more than 1 over 20 inches, unlawful to retain fish 16 inches to 20 inches in length.

Cottonwood Creek - Open year round. Conform with Crab Creek.

Fourth of July and Hog lakes - Additional seasons October 1 through November 30 and April 1 through May 31, catch and release. Afford additional fishing opportunity without impacting the trout populations.

Goose and Hawk creeks - Open year round. Optimize fishing opportunity and conform with other creeks in area.

Grande Ronde River - Barbless hooks and fishing from floating devices prohibited. Promote quality fishery and reduce shore angler/boat angler conflicts.

Hatch and Williams lakes - Additional season, April 1 - May 31, catch and release. Afford additional fishing opportunity without impacting the trout populations.

Kettle River/Lake Roosevelt - Clarify fishery below Napoleon Bridge is Lake Roosevelt. Clarification only.

Liberty Lake - Open year round. Increase fishing opportunity.

Long Lake - Catch and release. Overall fish size has decreased due to fishing pressure, and there are sufficient lakes with trout retention in the vicinity.

Loon Lake - Reduce trout limit, close to night fishing. The limit reduction and night closure will reduce fishing pressure, currently very high.

Mill Creek - Bennington Lake flood diversion dam upstream, June 1 through October 31 season. Seasonal closure in upper creek will protect wild stocks.

Muskegon Lake and Potter's Pond - Fly fishing only, catch and release. Increase quality fishing waters.

Newman Lake - Allow harvest of carp with a cross bow. The cross bow proposal proponent stated that it is too difficult to use standard archery gear. The effect of the cross bow proposal is to authorize a gear that is totally prohibited for all other fish and wildlife harvest.

Roosevelt Lake - Allow walleye retention of fish over 18 inches. Protect prime spawning fish.

Spokane River - Two proposals: (a) Distinguish lake from river at SR 25 Bridge. Reduce fisher confusion. No effect is anticipated from this change; (b) catch and release above Upriver Dam. Area is highly urbanized and trout population severely depleted.

Sprague Lake - Reduce closed area and time period. Spawning has been shown to occur in reeds, not in open water, and additional fishing opportunity is warranted.

Touchet River - Establish two fishery zones, separated at confluence of north and south forks, both open June 1 - October 31. Lower zone - wild steelhead release; additional winter season - brown trout and wild steelhead release. Upper zone - closed to steelhead. Reduce angler confusion and protect steelhead.

Tucannon River - Substitute Turner Road Bridge for Highway 12 Bridge zone boundary. Extend trout fishery through October in lower zone. Reduce trout limit Turner Road Bridge to Cummings Creek Bridge. Substitute Deer Lake footbridge for hatchery intake dam boundary. Provide trout protection in lower river.

Region 2 -

Aeneas Lake - Catch and release. Provide quality fishing; trout population is dramatically reduced.

Conner, Forde, Sinlahekin lakes and Reflection Pond - Adjust season to last Saturday in April to October 31. These waters are not large enough to support year round fishing.

Crawfish Lake - Prohibit internal combustion engines. Lake is too small to use internal combustion engines.

Davis Lake - Fly fishing only, trout daily limit 1 fish, minimum size 14 inches. Need more quality fishing areas in Methow Valley.

Dry Falls, Ell, Lenice, Merry and Nunnally lakes - Fly fishing only Dry Falls and Ell. Additional seasons on all March 1 - last Saturday in April and November 1 - 30, catch and release. Quality fishing waters and take pressure off Lenore Lake.

Gold Creek - Allow bait, closed to steelhead. Only fishery is late spring, selective fishery rule ineffective as river dries during summer.

Green and Rat lakes - Extend season to May 31. Fishing is best in late spring.

Leader Lake - Close fishery September 30. Prevent fall harvest of fry planted in spring and intended for following year opening. Effect is to reduce number of fish needed to be planted.

Lost Lake (Okanogan County) - Unlawful to use motors. Preserve pristine setting on this very small lake.

Methow River - Two proposals: (a) Selective fishery rules for entire river. Prevent smolt harvest, protect bull trout; or (b) extend selective fishery to November 30 on upper river. Prevent harvest of bull trout kelts.

Moses Lake - Two proposals: (a) Release walleye April 1 - May 31. Protect spawning walleye; (b) no limit on walleye June 1 - March 30. Eliminate predacious walleye.

Osoyoos Lake - April 1 - June 30, catch and release. July 1 - March 31, bass - only less than 12 inches or over 15 inches may be kept, daily limit 3 fish over 15 inches. Promote quality bass fishing.

Palmer Lake - Bass - April 1 - June 30, catch and release. Protect spawning bass.

O'Sullivan Lake - Walleye - no limit. Eliminate predacious walleye.

Sidley Lake (Okanogan County) - Selective fishery rules. Fishery depleted.

Similkameen River - Extend selective fishery rules to November 30. Conform with all other upper Columbia tributaries.

Region 3 -

Chelan Hatchery Creek - Eliminate juvenile fishery, June 1 - October 31 season. Area unsafe for children and waters are not stocked.

Chelan Lake - Clarify that downlake fishery is up to 5 trout other than kokanee with a kokanee bonus. Clarification only.

Entiat and Icicle rivers - Catch and release. Prevent a struggling population from overharvest.

Rimrock Lake and Tieton River North Fork - Close river fishing and within 1/4 mile of entrance to Rimrock Lake April 1 - July 31. Protect Dolly Varden brood stock.

Region 4 - General - Open King County beaver ponds year round. Wild stunted fish need additional fishing pressure.

Bearpaw Lake - Remove selective fishery. Draws attention to lake.

Cascade River - Close mouth to Rockport-Cascade Bridge through September 30. December 1 - February 28 release steelhead. Hatchery production will increase steelhead pressure.

Cedar River - Catch and release June 1 - October 31. Provide fishing opportunity without impacting steelhead; presence of legitimate fishers on river would reduce poaching.

Gissberg Ponds - Allow catfish harvest. Ponds not in study status anymore.

Goodwin and Shoecraft lakes - Release bass less [than] 12 - 18 inches, retain 1 fish greater than 18 inches. Produce quality bass water.

Green River - Prohibit fishing from floating devices. Low summer flow lessens need for boat fishery.

K-Mart Pond - Closed waters. Should be used as rearing pond for steelhead stocking.

Lucerne and Pipe lakes - Last Saturday in April - October 31 season. Small lakes that cannot support a year round fishery.

Monte Christo Lake - June 1 - October 31 season; selective fishery rules. Match SF Sauk River to end angler confusion.

Morton Lake - Close July 5 - day before Labor Day. Decrease in water quality.

Newaukum and Soos creeks, including all tributaries - Selective fishery rules. Smolt steelhead and cutthroat trout hooking mortality too high.

Nooksack River, South Fork - Release steelhead June 1 - September 30. Reduce use of gear that would impact chinook salmon.

Pipers Creek - Catch and release, juvenile fishing only. Provide juvenile opportunity.

Ridley and Willow lakes - Open last Saturday in April; remove selective fishery. Draws attention to lakes.

Sammamish River - Catch and release June 1 - October 30. Provide fishing opportunity without damaging the resource.

Sauk River - Mouth to headwaters, June 1 - February 28 season; release steelhead after November 30. Hatchery production will increase steelhead pressure.

Shady Lake - Closed July 5 to day before Labor Day. Provide for orderly fishery.

Sixteen Lake - Year round season; selective fishery rules except electric motors allowed; trout - daily limit 1 fish minimum length 14 inches. Small lake cannot support outboard motors.

Skagit River - Three proposals: (a) Catch and release steelhead after December 1. Hatchery production will increase steelhead pressure; (b) closure at mouth of Baker River June 15 - August 31. Protect returning Baker River sockeye salmon; (c) no boat fishing Concrete - Bacon Creek. Minimize boat/shore angler conflict.

Skookum Creek - Trout - daily limit 8 fish. The person proposing states the intent is to encourage persons to hike upstream, as fish are available.

Snohomish River - All waters above mouth with concurrent rules. Eliminate angler confusion.

South Prairie Creek - Fly fishing only, catch and release. Provide fishing opportunity without damaging the resource.

Spada Lake - Allow artificial lures with treble hooks. Very large and lightly fished reservoir.

Sultan River - 2 proposals: (a) Clarify diversion dam location. This proposal will have no effect; (b) March 1 - March 31, catch and release. Increase fishing opportunity without impacting the resource.

Swans Mill Pond (Stossel Creek) - Closed waters, November 1 - May 31. Protect small coho run.

Tolt River - Catch and release, March 1 - March 31. Increase fishing opportunity without impacting the resource.

White River - Return to general stream season. Person proposing provided no intent. The effect of this proposal would be to endanger rebuilding White River chinook salmon stocks.

Region 5 -

Cedar Creek - Close season October 31. Protect steelhead.

Cowlitz Falls Reservoir - Move upper boundary to PUD sign on Peters Road. Adds 1.5 miles of water to lake fishing.

Cowlitz River - Release steelhead missing right ventral fin. These fish will be allocated to the upper river fishery.

Drano Lake - Two proposals: (a) Trout - June 16 - March 15 season, 12 inch minimum size. Make consistent with Columbia River; (b) selective fishery rules. Protect wild steelhead.

Kalama River - Trout - minimum size 14 inches. Protect wild trout.

Kalama River Tributaries - Closed waters. Protect juvenile steelhead.

Lewis River - No night fishing, Swift Reservoir to lower falls - catch and release. Protect bull trout.

Lewis River, East Fork - Six proposals: (a) Mouth to Horseshoe Falls, closed August 1 through September 30. Prevent snagging during low water; (b) mouth to Day Break Bridge - 3/0 hook minimum size. Prevent hooking smolts; (c) bridge to Moulton Falls, selective fishery rules. Protect wild fish; (d) Charlie Creek to Lucia Falls, closed waters. Create sanctuary; (e) Moulton Falls to Sunset Falls, fly fishing only. Provide quality fishery; (f) Sunset Falls to source, closed waters. Protect spawning grounds.

Mayfield Lake - Include all waters downstream of Mossyrock Dam. End angler confusion on which waters are Mayfield Lake.

Merril Lake - Prohibit motors. Lake is easily fished by electric motors.

Merwin Reservoir - No minimum size for trout. Current size limitation unneeded.

Silver Lake - Bass - catch and release. Provide quality bass fishery.

Swift Reservoir - Selective fishery rules. Protect bull trout.

Tilton River, South and East Forks - Trout - minimum length 12 inches. Conform size on all forks.

Toutle River - Mouth to 4100 Road Bridge, April 1 - April 30, catch and release. Increase opportunity with no impact on resource; angler presence will deter poaching.

Washougal River - Mouth to Mt. Norway Bridge, adjust season opening to April 16. Conform with general openings/closings dates.

White Salmon River - Barbless hooks. Protect steelhead.

Wind River - Selective fishery rules. Protect steelhead.

Region 6 - General - Crappie minimum size 10 inches and daily limit 10 fish. Prevent current overharvest.

Bogachiel, Calawah and Hoh rivers - Unlawful to fish from vessels. Prevent excessive boat traffic.

Cases Pond - Last Saturday in April to October 31 season. Allow for opening day juvenile derbies.

Chehalis River - Clarify high bridge location. Clarification only.

Crocker and Leland lakes - Prohibit internal combustion engines. Provide for an orderly fishery.

Damon and Shye lakes, Promise Pond - June 1 - October 31 seasons. Protect juvenile searun trout and salmon.

Dungeness River - Closed waters. Current restrictions prohibit virtually all retention of fish.

Horseshoe Lake - Selective fishery rules. Trout - daily limit 1 fish. Provide quality fishing.

Loomis Pond (Grays Harbor County) - Closed waters. This is a rearing pond.

Lost Lake - Return to statewide rules. No longer stocked.

Ludlow, Pheasant and Sandysore lakes - Last Saturday in April through October 31 season. Landowner will allow access if lakes managed on seasonal basis.

Mill Creek - Return to statewide rules. Current rules have negative impact on searun fish; reduce angler confusion by conforming with general creek rules.

Naselle River - Prohibit fishing from boats with internal combustion engines. Stop siltation of river bed.

Offutt Lake - Conform to statewide rules. Reduce angler congestion.

Pattison Lake - Conform to statewide rules. Provide additional fishing opportunity.

Prices Lake - Open April 1. Lake becomes too warm to fish after May 15.

Sherwood Mill Pond - Trout - daily limit 2 fish, minimum length 14 inches. Conform to statewide searun trout rules, and this pond is used as a migration route.

Skokomish River - Trout - minimum length 14 inches. Conform to statewide searun trout rules.

Stump Lake - Prohibit fishing from boats with internal combustion engines. Small lake that is overcrowded.

Sylvia Lake - Year round season. Prevent overcrowding on opening day.

Marine Waters - Release wild steelhead in all marine waters. Protect wild steelhead.

Marine Waters - Closed waters - Close waters within 600 feet of shore from 1/4 mile north to 1/4 mile south of the mouth of Piper's Creek, September 1 through January 31. Protect chum salmon.

Columbia River - Priest Rapids Dam to Chief Joseph Dam - Barbless hooks. Protect fish.

Reasons Supporting Proposal: See Summary above.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, WA, 902-2930; Implementation: Bruce Crawford, 1111 Washington

Street, Olympia, WA, 902-2325; and Enforcement: Dayna Matthews, 1111 Washington Street, Olympia, WA, 902-2233.

Name of Proponent: Washington State Department of Fish and Wildlife and private parties, 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 has been prepared under chapter 19.85 RCW. These rules affect recreational fishing only and do not effect small businesses.

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

Hearing Location: The Fish and Wildlife Commission will hold its quarterly meeting on December 8-9, 1995, at the Holiday Inn, 101 128th Street, Everett, WA. Testimony on the game fish proposals will be taken on December 8, 1995. For further information on the exact time that the testimony will be taken, contact Mike Fraidenburg at (360) 902-2265.

Assistance for Persons with Disabilities: Contact Robin Ayers by November 24, 1995, TDD (360) 902-2207, or (360) 902-2933.

Submit Written Comments to: Evan Jacoby, Washington State Department of Fish and Wildlife, 600 North Capitol Way, Olympia, WA 98501, FAX (360) 902-2942, by December 7, 1995.

Date of Intended Adoption: February 3, 1996.

November 1, 1995

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 95-11, filed 2/1/95, effective 5/1/95)

WAC 232-12-001 Definition of terms. Definitions used in rules of the commission are defined in RCW 77.08.010. In addition, unless otherwise provided:

(1) "Snagging" means an effort to take fish with a hook and line in a manner such that the fish does not take the hook voluntarily in its mouth.

(2) "Gaffing" means an effort to take fish by impaling the fish with a hook attached directly to a pole or other device.

(3) "Spearing" and "spear fishing" means an effort to take fish by impaling the fish on a shaft, arrow, or other device.

(4) A "valid" license, permit, tag, stamp or catch record card means a license, permit, tag, stamp, or catch record card that was issued to the bearer for the current season and is required to hunt, fish or possess wildlife and has not been altered except as provided by rule of the commission.

(5) "Hook" means one single, double, or treble hook. A "single hook" means a hook having a single point; a "double hook" means a hook having two points on a common shank; and a "treble hook" means a hook having three points on a common shank. "Barbless hook" means a hook

on which all barbs have been deleted when manufactured, filed off, or pinched down.

(6) "Falconry" means possession, control, or use of a raptor for the purpose of hunting and free flight training.

(7) "Anadromous game fish" means:

(a) Steelhead trout, *Oncorhynchus mykiss*, defined as any searun rainbow trout over twenty inches in length

(b) Searun cutthroat, *Oncorhynchus clarkii*

(c) Searun Dolly Varden, *Salvelinus malma*

(8) "Handgun" means any pistol, revolver or short firearm with a barrel length of less than sixteen inches and does not have a shoulder stock.

(9) "Lure" means a manufactured article constructed of feathers, hair, fiber, wood, metal, glass, cork, leather, rubber or plastic which does not use scent and/or flavoring to attract fish. "Nonbuoyant lure" means a lure, complete with hooks, swivels or other attachments, that does not float in freshwater.

(10) "Bait" means any substance which attracts fish or wildlife by scent and/or flavor. Bait includes any device made of feathers, hair, fiber, wood, metal, glass, cork, leather, rubber or plastic which uses scent and/or flavoring to attract fish or wildlife.

(11) "Possession limit" means the number of daily limits allowed to be retained in the field or in transit.

(12) "Daily limit" means the maximum number of game fish which a person may legally retain in a single day.

(13) "Boat fishing" means fishing while in or on a boat, raft, or any other floating device.

(14) "Catch-and-release" means a type of angling where none of the fish caught are retained by the angler.

(15) "Fish in possession" means any fish retained, secure from escape, whether dead or alive. Bass or Walleye may be caught, retained, and released alive from a livewell until a daily limit is in possession.

(16) "Mouth" of stream, river, or slough means those waters upstream of a line projected between the outermost uplands at the mouth. Outermost uplands means those lands are not covered by water during an ordinary high water.

(17) Fish length means the length of a fish measured from snout to ~~((†))~~ the inside of the "v" of tail ~~((†))~~ fork(~~(†)~~).

(18) Slough means any swamp, marsh, bog, pond, side-channel, or backwater connected to a river by water. Many waters commonly called sloughs are not connected to a river and, therefore, are considered lakes.

(19) "In the field or in transit" means any place other than ~~((†))~~ at the residence or residential equivalency of the harvester, or ~~((†))~~ at a residence where the harvester is an invited guest. A residential equivalency is any temporary domicile that has sleeping, cooking and toilet facilities, and includes hotels and motels, motor homes, the living quarters of vessels so equipped, camp trailers, and enclosed areas within fishing and hunting camps where a reasonable expectation of privacy is demonstrated, but does not include cold storage lockers, charter boats, or public facilities.

AMENDATORY SECTION (Amending Order 165, filed 6/1/81)

WAC 232-12-144 Possession of live fish for bait while fishing. It is unlawful to use or possess live fish or salmon or steelhead roe for bait while fishing for game fish.

AMENDATORY SECTION (Amending Order 544, filed 5/20/92, effective 6/20/92)

WAC 232-12-147 Maximum number of fishing lines and hooks—Snagging and gaffing fish unlawful. It is unlawful to:

(1) Fish for game fish or attempt to take game fish in a manner other than with one line which must be under the immediate control of the angler.

(2) Fish for game fish with a line having attached to it more than 3 hooks except it is lawful to use up to six ice fishing tip-ups.

(3) Snag or attempt to snag game fish.

A gaff or landing net may be used to land game fish lawfully hooked.

Fresh water ling may be taken during the open season set for that species by use of set lines and multiple hooks as prescribed in current season's regulations. Set lines must have securely affixed a metal tag legibly stating the fisherman's name and address.

(4) Use barbed hooks to fish for game fish.

(5) Use treble hooks to fish for game fish.

AMENDATORY SECTION (Amending Order 629, filed 2/18/94, effective 3/21/94)

WAC 232-12-168 Fishing contests. ~~((†))~~ (1) Contest defined: By definition, a fishing contest exists when 6 or more persons fish competitively and determine winners, regardless of prize value.

~~((†))~~ (2) Application:

(a) Fishing contest permit applications should be submitted to the department by November 1 of each year for contests that are to take place the following calendar year. After November 1, applications must be submitted not less than 30 days prior to the date for which the contest is proposed.

(b) Applications must include the permit fee required by RCW 77.32.211. The fee will be returned if the permit is denied. No more than seven permits will be issued to any one permittee during a calendar year. The fee is \$24 per permit.

~~((†))~~ (3) Approval:

(a) Fishing contests which adversely affect fish or wildlife resources or other recreational opportunity may be denied.

(b) Contests will not be allowed on sea-run cutthroat trout, Dolly Varden or bull trout.

(c) Contests involving only juveniles or the handicapped may exceed the participation limits in contests per month, contests per year, or boats per contest day with permission from the director. Also, contests involving only juveniles may target any fish species except sea-run cutthroat trout, Dolly Varden or bull trout, under one permit.

~~((†))~~ (4) Prize value: Total prize value per contest will not exceed \$400 when trout, steelhead, char, whitefish,

PROPOSED

grayling, or kokanee are included as target species; provided that contests wherein other species not listed above are targeted, or where bass or walleye are the targeted species and at least 90 percent of bass or walleye are released alive and in good condition after the contest, may qualify for no limitation on amount of prize. Contests involving only juveniles are not required to meet 90 percent live release requirements even if bass or walleye are included as a target species.

~~((5))~~ (5) Legal requirements, all contests:

(a) Fishing contest permits must be in the possession of the contest sponsor or official at the contest site.

(b) Contests are restricted to the species and ~~((water[s]))~~ waters approved on the permit. Only those species listed as a target of the contest may be retained by contest participants during bass or walleye contests where all contestants fish at the same time and place.

(c) Sponsors must report contest information requested by the department within ~~((40))~~ 30 days after the contest has ended. Subsequent contest permits will not be issued for one year after the date of the contest for which the report was not returned if this requirement is not fulfilled.

(d) Contest participants may not restrict public access to boat launches.

(e) Contests where all participants expect to fish at the same time from boats on lakes or reservoirs will not last longer than three consecutive days and have the following limits per water:

ACRES	CONTESTS PER DAY	CONTESTS PER MONTH*	CONTESTS PER YEAR		BOATS PER CONTEST DAY
			BASS	WALLEYE	
Less than 300	1	1	5	0	15
301 - 3,000	1	2	10	2	35
3,001 - 6,000	1	3	15	2	60
6,001 - 10,000	1	4	25	2	125
More than 10,000**	2	5	35	2	300

* No more than four weekend days per month nor more than two weekends per month may be scheduled on any water when contestants fish at the same time, and are allowed to fish from boats.

** Two separate contest permits may be issued with no more than 150 boats per contest.

(f) It is unlawful for the fishing contest permittee or any of the contest participants to fail to comply with the conditions of the fishing contest permit, or of general fishing rules not specifically exempted by this permit. Failure of the permittee or any of the contestants to comply with all provisions of the contest permit or of other fishing regulations during a contest may lead to revocation of the permit.

~~((6))~~ (6) Special regulations, bass and walleye contests:

(a) In any contest targeting either bass or walleye, all live bass or walleye must be released alive into the water from which they were caught after being weighed and/or measured. At the end of each day's competition, if the mortality of target fish caught that day exceeds 10%, the contest will be suspended. Suspended contests may be continued (within assigned permit dates) only if the cause of the high mortality can be positively identified, and the cause of the mortality (high waves, equipment deficiency, etc.) ceases or is corrected by contest officials. Contests involv-

ing only juveniles are not required to meet the 90 percent live release requirement for any approved species.

(b) During bass contests only, participants may continue to fish while holding a daily catch limit of bass in possession for the particular water being fished, as long as one fish is released immediately upon catching a fish which would make the angler in excess of the daily catch limit if kept. The fish released may come either from the one just caught, or from the livewell, but at no time may the angler have more than a daily limit in the livewell.

(c) During bass contests, contestants may not use live bait, except that contests involving only juveniles which include bass as a target species may use bait.

(d) During bass contests held on waters managed under statewide "standard" regulations, participants may retain a daily catch limit of bass of any size to be weighed in. However, if the contest is on waters managed by "nonstandard" (exception) regulations, no deviations to size limits are allowed. Regardless of whether the contest is on a water managed by "standard" or "exception" regulations, tournament anglers may not be in possession of more than the daily catch limit for the water being fished, except as authorized under (6)(f) below.

(e) During walleye contests, all current bag and size remain in effect. No size or number limit exceptions are allowed for walleye contests except as authorized under (6)(f) below.

(f) The contest director or director designee may exceed possession limits for bass or walleye for the purpose of transporting fish from a weigh-in site to an open-water area. During transportation, the transport boat must not leave the water the fish were caught from and a copy of the contest permit must be on board during actual fish transport.

(g) Livewell dimensions: During walleye tournaments, all livewells used to hold walleye must be at least 34 inches in length and have a water capacity of at least 20 gallons. Not more than 6 walleye may be placed in a single livewell. All livewells must have both a functional freshwater pump and backup aeration capability.

(h) Boat identification: All boats used for fishing in bass contests must be clearly identified according to criteria established by the department.

AMENDATORY SECTION (Amending Order 95-103, filed 8/15/95, effective 9/15/95)

WAC 232-12-619 Permanent Washington state-wide game fish regulations. The following state-wide regulations apply to all waters unless modified under regional regulation exceptions.

(1) Fishing seasons open at 12:01 a.m. on the first day and close at 11:59 p.m. on the last day.

(2) It is unlawful to:

(a) Use a gaff hook to land steelhead in waters designated as "wild steelhead release."

(b) Take bullfrogs except by angling, hand dip netting, spearing (gigging) or with bow and arrow. A hunting license is required to take bullfrogs.

(c) Feed or use any substance to attract game fish unless specifically authorized by special regulations.

(d) Fish for game fish with a bow and arrow or spear.

PROPOSED

(e) Possess fish which are under the minimum size or over the maximum size as shown in general or special regional regulations.

(3) Annual limit - steelhead trout only: Each adult angler who possesses a valid steelhead catch record card may not retain more than ~~((thirty))~~ twenty steelhead over twenty inches in length per year (May 1 to April 30). No person may retain more than five steelhead from a river system per year. No steelhead guide may continue to guide after his or her clients have retained twenty-five steelhead per year.

(4) Military personnel, regardless of the length of time in the state of Washington, who are permanently stationed at a military installation within the state, are entitled to purchase a resident license. Military personnel must have a license to fish for game fish anywhere in the state. Dependents must establish a ninety-day residency.

(5) Selective fishery regulations: In waters designated as being under selective fishery regulations, only artificial flies with a barbless single hook or lures with a barbless single hook are lawful. It is unlawful for persons twelve years of age and older to use bait. Fish may be released until the daily limit is retained. It is unlawful to fish from any floating device equipped with a motor, unless specifically allowed under special rules for individual waters.

(6) Night closure: In waters designated as having a night closure, it is unlawful to fish from one hour after official sunset to one hour before official sunrise.

(7) Wild cutthroat release: In waters requiring a wild cutthroat release, it is unlawful to possess any cutthroat that does not have a missing adipose fin and a healed scar in the location of the missing fin.

(8) Wild steelhead release: In waters requiring wild steelhead release, it is unlawful to possess any steelhead trout that does not have a missing adipose or ventral fin and a healed scar at the location of the missing fin.

(9) Free fishing weekends: The weekends corresponding with National Fishing Week have been declared as family fishing weekends in Washington. On these weekends a fishing license is not required for any person, regardless of residency or age, to fish for or possess game fish, except that it is unlawful to fish for or possess steelhead trout without the required license and catch record card. During free fishing weekends only the licensing requirement is affected, and all other rules remain in effect.

(10) Trout taken with bait: When fishing with bait, all trout equal to or greater than the minimum size are counted as part of the daily limit, whether kept or released, except steelhead trout may be caught and released while using bait until the daily limit is retained.

(11) Fish taken with artificial flies and lures: Where use of bait is prohibited, or where artificial flies or lures are used voluntarily, fish may be released until the daily limit is retained. If any fish has swallowed the hook or is hooked in the gill, eye or tongue, it should be kept if legal to so.

(12) OPEN SEASONS:

LAKES, PONDS, ~~BEAVER PONDS~~ AND RESERVOIRS: YEAR AROUND ~~((unless specified otherwise otherwise under Exceptions - Regional Regulations))~~.

RIVERS ~~((AND BEAVER PONDS))~~ AND STREAMS ~~((AND BEAVER PONDS))~~: ~~((JUNE 1))~~ MEMORIAL DAY THROUGH OCTOBER 31, unless specified otherwise under Exceptions - Regional Regulations except steelhead fishing is closed in all waters from March 1 through May 31.

~~((Note: The date set for "traditional" April openers for Lakes, Ponds, and Reservoirs for this year and future years is the last Saturday in April.))~~

Waters managed under April through October seasons are listed under the Exceptions - Regional Regulations except that all waters with selective fishery regulations or waters designated as fly fishing only are open year around.

(13) Daily limits and minimum sizes:

GAME FISH SPECIES	DAILY LIMIT	MINIMUM SIZE LIMIT
BASS	((Five not more than three over fifteen inches)) <u>Bass may be caught, retained, and released alive from a livewell until a daily limit is in possession.)</u> <u>Catch and release only through 2000.</u>	None
GRASS CARP...	It is unlawful to fish for or retain grass carp.	
<u>LAKE TROUT</u>	<u>To be considered part of the combined trout daily limit.</u>	<u>Twenty inches</u>
TROUT	A combined total of ((five)) <u>eight</u> trout, of which no more than two may be from Rivers, Streams, and Beaver Ponds (except Eastern Brook Trout). No more than ((two)) <u>one</u> of the combined trout daily catch limit of ((5)) <u>8</u> may be Steelhead. All wild Steelhead ((Release June 1 - November 30)) <u>must be released at all times.</u> <u>All steelhead are to be recorded on the catch record card, whether retained or released, and daily steelhead fishing is over once the daily limit is recorded.</u>	None in Lakes, Ponds, and Reservoirs. Eight inches in Rivers, Streams, and Beaver Ponds.
EASTERN BROOK TROUT (Salvelinus fontinalis)	((Five)) <u>Eight</u> - to be considered part of the combined trout daily catch limit.	None
<u>KOKANEE</u>	<u>In waters containing Kokanee, the daily limit is ten, not more than eight of which may be species other than Kokanee.</u>	

- (a) The following game fish species are managed as trout for purposes of the daily limit:

Eastern brook trout
 Brown trout
 Cutthroat trout
 Dolly Varden/Bull trout
 Golden trout
 Kokanee/Silver trout
 Lake trout
 Landlocked Atlantic salmon
 Rainbow trout/Steelhead
 Landlocked chinook and coho

- (b) The daily limit for trout caught in either lakes or streams is a combined total and must not exceed ((five)) ten, not more than eight of which may be trout other than Kokanee.

- (c) All waters, state-wide, are CLOSED YEAR AROUND to fishing for or retaining Dolly Varden/Bull Trout.

Where exceptions to the above closure for Dolly Varden/Bull Trout occur under individual listings in the Exceptions - Regional Regulations, Dolly Varden/Bull Trout count as part of the combined trout daily limit of five.

WALLEYE	((Five, not more than one over twenty-four inches Walleye may be caught, retained, and released alive from a livewell until a daily limit is in possession.)) It is unlawful to retain Walleye from February 1 through April 30, except from the waters of Lake Roosevelt.	Eighteen inches
WHITEFISH	Fifteen	None
ALL OTHER GAME FISH	No Limit	None
BULLFROGS	Ten	None

(14) Possession limit. Except as otherwise provided, the possession limit is two daily limits.

(15) River mouths. The following river mouth definitions are exceptions to the general river mouth definition:

Abernathy Creek	Highway 4 Bridge.
Bear River	Highway 101 Bridge.
Bone River	Highway 101 Bridge.
Chehalis River	U.P. Railway Bridge in Aberdeen.
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

Drano Lake
 Duwamish River

Elk River
 Entiat River
 Hoquiam River
 Humptulips River
 Johns River
 Kalama River

Kennedy Creek

Kettle River
 Lake Washington
 Ship Canal

Lewis River

Little White
 Salmon River

Methow River
 Naselle River
 North Nemah River

Niawiakum River
 North River
 Palix River
 Puyallup River
 Samish River

Sammamish River
 Skagit River

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. Highway 14 Bridge. First Avenue South Bridge.
 Highway 105 Bridge.
 Highway 97 Bridge.
 Highway 101 Bridge.
 Mouth of Jessie Slough.
 Highway 105 Bridge.
 Boundary markers located at the mouth. An arc 500 yards east of the midpoint of the northbound Highway 101 Bridge.
Napolean Bridge.

A line 400 feet west of the fish ladder at the Chittenden Locks. Boundary markers at the mouth.
 At boundary markers on the river bank downstream from the Little White Salmon National Fish Hatchery.
 Highway 97 Bridge.
 Highway 101 Bridge.
 Highway 101 Bridge.

Highway 101 Bridge.
 Highway 105 Bridge.
 Highway 101 Bridge.
 11th Street Bridge.
 Samish Island Bridge (Bayview-Edison Road).
 68th Ave. N.E. Bridge.
 A line projected from the terminus of the jetty with McGlenn 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.	Satsop River	September 1-November 30
Skamokawe Creek	Highway 4 Bridge.	North Nemah River	September 1-November 30
Skookum Creek	A line 400 yards below the old railroad bridge.	Dungeness and Gray Wolf Rivers	August 1-October 15
Snohomish River	Burlington Northern Railway Bridges crossing main river and sloughs.	Kennedy Creek	October 1-December 31
South Nemah River	Lynn Point 117 degrees true to the opposite shore.	South Fork Nooksack River	August 1-December 31
Tucannon Creek	State Highway 261 Bridge.	Big Quilcene River	August 1-December 31
Wallace River	The furthest downstream railroad bridge.	Samish River	August 1-December 31
Washougal River	A straight line projected from the James River pumphouse southeasterly across the Washougal River to the east end of Highway 14 Bridge at the upper end of Lady Island.	Stillaquamish River	August 1-December 31
		Whatcom Creek	August 1-December 31
Whatcom Creek	A line projected approximately 14 degrees true from the flashing light to the south-westerly end of the Port of Bellingham North Terminal to the southernmost point of the dike surrounding the Georgia Pacific treatment pond.	Cowlitz River	
		From Mill Creek to Barrier Dam	April 1-October 31
White Salmon River	Markers downstream of the Burlington Northern Railroad Bridge.	Kalama River	
Wind River	Boundary line/markers at mouth.	From 200 feet above Modrow Trap to mouth	September 1-October 31
Willapa River	South Bend boat launch.	North Lewis River	
Yakima River	Highway 240 Bridge.	From overhead powerlines below Ariel Dam to lower Cedar Creek Boat Ramp	April 1-October 31
		Washougal River	
		Downstream of Salmon Falls Bridge	September 1-October 31
		Icicle River	
		From Leavenworth Federal Fish Hatchery to mouth	May 8-June 30
		Wenatchee River	
		From mouth of Icicle River to Highway 2 Bridge	May 8-June 15
		Skagit River (and tributaries)	
		Upstream of Gilligan Creek	July 1-November 30
		Tokol Creek	
		From mouth to posted cable markers	December 1-March 31
		<u>Big Bear Creek</u>	
		<u>tributary of Sammamish River</u>	<u>August 1 - November 30</u>
		<u>Capitol Lake</u>	<u>August 1 - November 30</u>
		<u>Carbon River</u>	<u>August 1 - November 30</u>
		<u>Cedar River</u>	<u>August 1 - November 20</u>
		<u>Deschutes River</u>	<u>August 1 - November 30</u>
		<u>Elochoman River</u>	<u>September 1 - November 30</u>
		<u>Grays River</u>	<u>September 1 - November 30</u>
		<u>Green/Duwamish River</u>	
		<u>mouth to Highway 164 Bridge</u>	<u>August 1 - November 30</u>
		<u>Lake Washington Ship Canal</u>	<u>August 1 - November 30</u>
		<u>Little Bear Creek</u>	
		<u>tributary of Sammamish River</u>	<u>August 1 - November 30</u>
		<u>McAllister Creek</u>	<u>August 1 - November 30</u>
		<u>Nemah River - including all forks</u>	<u>September 1 - November 30</u>
		<u>Nisqually River</u>	<u>August 1 - November 30</u>
		<u>Nooksack River</u>	
		<u>South Fork upstream from Skookum Creek</u>	<u>June 1 - September 30</u>

(16) Nonbuoyant lure and night closure restriction: In the following waters and during the periods shown, it is unlawful to use a nonbuoyant lure that has more than one single hook or has a hook measuring more than 3/4 inch point to shank and a night closure is in effect:

Area	Time period
Naselle River	September 1-November 30
Willapa River	September 1-November 30
Humptulips River	September 1-November 30

<u>North River</u>	<u>September 1 - November 30</u>
<u>Puyallup River</u>	
<u>mouth to Carbon River</u>	<u>August 1 - November 30</u>
<u>Sammamish Slough</u>	<u>August 1 - November 30</u>
<u>Skykomish River</u>	<u>August 1 - December 31</u>
<u>Snohomish River</u>	<u>August 1 - December 31</u>
<u>Stillaquamish River</u>	
<u>North Fork</u>	<u>August 1 - December 31</u>
<u>Trap Creek (Pacific County)</u>	<u>September 1 - November 30</u>
<u>White/Stuck River</u>	<u>August 1 - November 30</u>
<u>Williams Creek (Pacific County)</u>	<u>September 1 - November 30</u>

(17) Freshwater fishing hours: It is unlawful to fish during a night closure. A night closure is in effect for all waters during the period of a nonbuoyant lure restriction. It is unlawful to fish for or retain steelhead taken at night.

(18) Steelhead hook size: It is unlawful to fish for steelhead using a hook size less than 1/0.

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 95-114, filed 9/7/95, effective 10/8/95)

WAC 232-28-619 Washington game fish seasons and daily limits—Regional regulation exceptions. Region I.

Description: That area of the state contained within the boundaries of Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, and Whitman counties.

When fishing or hunting within the boundaries of the Colville Indian Reservation, contact the office of the Colville Confederated Tribes to find out what tribal permits and regulations apply.

When fishing near Snake River dams, be aware of restricted zones upstream and downstream of the dams.

Exceptions - Region I Regulations: State-wide regulations apply to all waters except where modified in special regulations below except that it is unlawful to fish in Stevens County from one hour after official sunset to one hour before official sunrise.

Alkali Flat Creek (Whitman County): Year around season.

Amber Lake: Last Saturday in April through September 30 season. Trout - daily limit - two, minimum length fourteen inches. Selective fishery regulations, except electric motors allowed. Additional season October 1 through November 30, catch-and-release only, single barbless hooks, selective fishery regulations.

Additional season March 1 through last Saturday in April: Catch and release.

Alpowia Creek: Last Saturday in April through June 30 season.

Asotin Creek, from mouth upstream to SR129 Bridge: ~~((Year around season.))~~ Trout - June 1 through October 31 season. Closed to fishing for steelhead.

From SR129 Bridge upstream to the forks: ~~((Trout—daily limit—eight.))~~ Closed to fishing for steelhead. Lawful to fish up to base of Headgate Dam.

North Fork from mouth upstream to USFS boundary: ~~((Trout—daily limit—eight.))~~ Closed to fishing for steelhead. Selective fishery regulations.

North Fork from USFS boundary upstream and all other tributaries: Closed waters.

B.C. Mill Pond: Last Saturday in April through October 31 season.

Badger Lake: Last Saturday in April through September 30 season.

Bayley Lake (Stevens County): Last Saturday in April through July 4 season. ~~((Trout—daily limit—two, minimum length—fourteen—inches.))~~ Catch and release. Fly fishing only. Use of motors prohibited.

Additional season. July 5 through October 31. Catch-and-release, fly fishing only. Use of motors prohibited. Inlet stream: Closed waters.

Bear Lake (Spokane County): Juveniles only.

Beaver Lake (Columbia County): March 1 through July 31 season. Fishing from any floating device prohibited.

Big Four Lake: March 1 through July 31 season. Trout - daily limit - two. Fly fishing only. Fishing from any floating device prohibited.

Big Meadow Lake: Last Saturday in April through October 31 season.

Black Lake (Stevens County): Last Saturday in April through October 31 season.

Blue Creek (Walla Walla County): ~~((Last Saturday in April through))~~ June ~~((30))~~ 1 through October 31 season.

Blue Lake (Columbia County): March 1 through July 31 season. Fishing from any floating device prohibited.

Browns Lake and inlet streams (Pend Oreille County): Fly fishing only. Last Saturday in April through October 31 season. Use of motors prohibited.

Burbank Slough: Fishing from any floating device prohibited.

Caldwell Lake: Last Saturday in April through October 31 season. Trout - daily limit - two minimum length twelve inches. Internal combustion engines prohibited.

Calispell River, from mouth to Calispell Lake: Year around season.

From Calispell Lake upstream to source: Selective fishery regulations.

Carl's Lake: Last Saturday in April through October 31 season.

Cedar Lake (Stevens County): Last Saturday in April through October 31 season.

Chapman Lake: Last Saturday in April through October 31 season. Trout - daily limit - ten, at least five of which must be kokanee. Feeding (chumming) permitted.

Chewelah Creek, forks and tributaries: Selective fishery regulations.

Clear Lake (Spokane County): Last Saturday in April through October 31 season. Trout - daily limit 8 fish.

Colville River, from mouth to bridge at Town of Valley: Year around season. Walleye: No minimum size. Daily limit 8 fish not more than one of which may be longer than 20 inches. Unlawful to retain walleye 16 to 20 inches in length.

From Valley upstream and tributaries: Selective fishery regulations. Walleye: No minimum size. Daily limit 8 fish not more than one of which may be longer than 20 inches. Unlawful to retain walleye 16 to 20 inches in length.

Conger Pond: Last Saturday in April through October 31 season.

Coppei Creek: Last Saturday in April through June 30 season.

Cottonwood Creek (Asotin County): Closed to fishing for steelhead.

Cottonwood Creek (Lincoln County), outside city limits of Davenport: (~~Last Saturday in April through September 30~~) Year around season.

Crab Creek (Lincoln County) and tributaries: Year around season.

Crescent Lake (Pend Oreille County): Last Saturday in April through October 31 season except closed October 1 through October 31, 1995.

Curl Lake: June 1 through October 31 season. Fishing from any floating device prohibited.

Davis Lake (Ferry County): Last Saturday in April through October 31 season.

Dayton Pond (Columbia County): Juveniles only (under fifteen years old).

Deadman Creek (Garfield County): Year around season.

Deep Lake (Stevens County): Last Saturday in April through October 31 season.

Deer Lake (Columbia County): March 1 through July 31 season. Fishing from any floating device prohibited.

Deer (Deer Springs) Lake (Lincoln County): Last Saturday in April through September 30 season.

Deer Lake (Stevens County): Last Saturday in April through October 31 season. Trout, no more than two over twenty inches in length.

Diamond Lake: Last Saturday in April through October 31 season.

Downs Lake: Last Saturday in April through September 30 season.

Dry Creek (Walla Walla County): Last Saturday in April through June 30 season.

Elbow Lake (Stevens County): Last Saturday in April through October 31 season.

Ellen Lake (Ferry County): Last Saturday in April through October 31 season.

Empire Lake (Ferry County): Last Saturday in April through October 31 season.

Fan Lake: Last Saturday in April through September 30 season. Internal combustion engines prohibited.

Fishhook Pond (Walla Walla County): Last Saturday in April through October 31 season. Fishing from any floating device prohibited.

Fish Lake (Ferry County): Last Saturday in April through October 31 season.

Fish Lake (Spokane County): Last Saturday in April through September 30 season. Internal combustion engines prohibited.

Fishtrap Lake: Last Saturday in April through September 30 season.

Fourth of July Lake: December 1 through March 31 season. Trout, no more than two over fourteen inches in length. Internal combustion engines prohibited.

Additional seasons: October 1 through November 30 and April 1 through May 31. Catch and release.

Frater Lake: Last Saturday in April through October 31 season.

Garfield Juvenile Pond (Whitman County): Juveniles only (under fifteen years old).

Gillette Lake: Last Saturday in April through October 31 season.

Goose Creek (Lincoln County), within the city limits of Wilbur: Limited to juveniles (under fifteen years old) and holders of complimentary or free licenses only. Year around season.

Grande Ronde River, from mouth to County Road Bridge about two and one-half miles upstream: Year around season. Barbless hooks. Trout, minimum length twelve inches, maximum length twenty inches. Retaining steelhead is prohibited. Selective fishery regulations September 1 through May 31. Fishing from floating devices prohibited.

From County Road Bridge upstream to Oregon state line and all tributaries: June 1 through April 15 season. Barbless hooks. Trout, minimum length twelve inches; selective fishery regulations June 1 through August 31. Wild steelhead release September 1 through April 15. Fishing from floating devices prohibited.

Granite Creek and tributaries (Pend Oreille County): Closed waters.

Harvey Creek (tributary to Sullivan Lake), from mouth to Bridge 4830 on county road (about one and one-half miles): Closed waters.

From Bridge 4830 on county road upstream: Selective fishery regulations.

Hatch Lake (Stevens County): December 1 through March 31 season.

Additional season: April 1 through May 31. Catch and release. Selective fishery regulations.

Hawk Creek (Lincoln County): Year around season.

Headgate Pond: Last Saturday in April through October 31 season. Limited to juveniles (under fifteen years old) and holders of complimentary or free licenses.

Heritage Lake: Last Saturday in April through October 31 season.

Hog Canyon Lake: December 1 through March 31 season. Trout, no more than two over fourteen inches in length.

Horseshoe Lake (Pend Oreille County): Last Saturday in April through October 31 season. Trout - daily limit - ten, at least five of which must be kokanee. Feeding (chumming) permitted.

Huff Lake (Pend Oreille County): Closed waters.

Jefferson Park Pond (Walla Walla County): Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).

Jump-Off Joe Lake: Last Saturday in April through October 31 season.

Kalispell Creek and tributaries: Last Saturday in April through October 31 season. Selective fishery regulations.

~~Kettle River (from the Burlington Northern Railroad bridge at Twin Bridges upstream to Napoleon Bridge):~~ June 1 through March 31 season. Walleye - daily limit - eight, no more than one over twenty inches in length. Only walleye less than sixteen inches or over twenty inches in length may be kept. Trout, minimum length twelve inches.

~~((From Napoleon Bridge upstream: Trout, minimum length twelve inches; selective fishery regulations. Only single pointed hooks may be used.))~~ Additional season: November 1 through May 31, catch-and-release only, selective fishery regulations. Exception: Bait and single pointed barbed hook may be used for whitefish only November 1 through March 31.

Kings Lake and tributaries: Closed waters.

Latah (Hangman) Creek: Year around season.

Ledbetter Lake: Last Saturday in April through October 31 season.

Ledking Lake: Last Saturday in April through October 31 season.

Leo Lake: Last Saturday in April through October 31 season.

~~((Liberty Lake: Last Saturday in April through September 30 season.))~~

Little Lost Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Little Spokane River, from mouth to SR 291 Bridge: Year around season.

From SR 291 Bridge upstream to the West Branch: April 30 through October 31 season. Additional December 1 through March 31 season for whitefish only.

Little Twin Lake (Stevens County): Last Saturday in April through October 31 season.

Long Lake (Ferry County): Last Saturday in April through October 31 season. Catch and release. Fly fishing only. Use of motors prohibited.

Long Lake (Spokane River Reservoir): Bass - catch-and-release only, May 1 through June 30. See also Spokane River.

Loon Lake: Last Saturday in April through October 31 season. Trout - daily limit - ~~((ten, of which at least))~~ ~~((must be))~~ including kokanee, no more than two over twenty inches in length. Closed from one hour after official sunset to one hour before official sunrise.

Lyons Park Pond (College Place): Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).

Marshal Lake: Last Saturday in April through October 31 season.

McDowell Lake (Stevens County): Last Saturday in April through October 31 season. Catch-and-release, fly fishing only. Use of motors prohibited.

Medical Lake: Last Saturday in April through September 30 season. Trout - daily limit - two, minimum length fourteen inches. Selective fishery regulations.

Medical Lake, West: Last Saturday in April through September 30 season.

Mill Creek (Walla Walla County), from mouth to 9th St. Bridge: June 1 through April 15 season. Open only to fishing for steelhead from September 1 through April 15. Wild steelhead release.

From 9th St. Bridge to Roosevelt St. Bridge, within city limits of Walla Walla: Closed waters.

From Roosevelt St. Bridge to ~~((Oregon state line))~~ Bennington Lake flood diversion dam: Trout - daily limit - five.

From Bennington Lake flood diversion dam upstream, including all tributaries: June 1 through October 31 season.

Mill Creek Reservoir: Internal combustion engines prohibited.

Mill Pond: Last Saturday in April through October 31 season.

Mudget Lake: Last Saturday in April through October 31 season.

Muskegon Lake: Last Saturday in April through October 31 season. Fly fishing only. Catch and release.

Mystic Lake: Last Saturday in April through October 31 season.

Negro Creek (Lincoln County): June 16 through March 31 season from mouth at Sprague Lake to town of Sprague.

Negro Creek (Whitman County): Last Saturday in April through July 15 season.

Newman Lake: Tiger musky - daily limit - one, minimum length thirty-six inches. It is lawful to take carp using a crossbow.

Nile Lake: Last Saturday in April through October 31 season.

No Name Lake: Last Saturday in April through October 31 season.

Palouse River (Whitman County) and tributaries: Year around season.

Pampa Pond (Whitman County): Last Saturday in April through September 30 season. Fishing from any floating device prohibited.

Parker Lake: Last Saturday in April through October 31 season.

Pataha Creek, mouth to Pomeroy city limits: Year around season.

Within the city limits of Pomeroy: Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).

Remainder of creek Selective fishery regulations.

Pend Oreille River: Year around season.

Petit Lake: Last Saturday in April through October 31 season. Internal combustion engines prohibited.

Phalon Lake: Closed waters.

Phillips Lake (Stevens County): Last Saturday in April through October 31 season.

Potter's Pond: Last Saturday in April through October 31 season. Catch and release. Fly fishing only.

Quarry Pond (Walla Walla County): Fishing from any floating device prohibited.

Rainbow Lake (Columbia County): March 1 through July 31 season. Fishing from any floating device prohibited.

Renner Lake: Last Saturday in April through October 31 season.

Rigley Lake: Last Saturday in April through October 31 season. Trout - daily limit - two, minimum length fourteen inches. Selective fishery regulations.

Rocky Lake (Stevens County): Last Saturday in April through October 31 season. From June 1 through October 31 catch-and-release only, selective fishery regulations.

Roosevelt Lake (Columbia River): All species - Closed February 1 through May 31 in San Poil arm upstream from mouth of Manilla Creek. Trout - no more than two over twenty inches in length. Walleye - daily limit eight, not more than one over twenty inches in length; only walleye (~~less~~) greater than ((sixteen)) 18 inches ((or over twenty inches)) in length may be kept; closed April 1 through May 31 in Spokane arm upstream from SR25 Bridge and in Kettle arm upstream (~~from Burlington Northern Railroad~~) to Napoleon Bridge ((at Twin Bridges)).

Roosevelt Lake (Columbia River) tributaries: With the exception of those tributaries listed under Regional Regulations; all tributaries to Lake Roosevelt between Grand Coulee Dam and the State Highway 25 Bridge at Northport: Trout - catch limit - 5, no minimum size.

Sacheen Lake: Last Saturday in April through October 31 season.

Sherman Creek (Ferry County), from the mouth at Lake Roosevelt upstream to four hundred feet above the water diversion dam for the hatchery: Closed waters. Exception: From the mouth upstream to the hatchery boat dock December 1 through August 31 season.

Sherry Lake: Last Saturday in April through October 31 season.

Skookum Lake, North: Last Saturday in April through October 31 season.

Skookum Lake, South: Last Saturday in April through October 31 season.

Snake River: Year around season. Closed to the taking of all trout April 1 through May 31. Trout - daily limit - six minimum length ten inches, no more than two over twenty inches. Retaining steelhead is prohibited from June 1 through August 31. Wild steelhead release from September 1 through March 31. Barbless hooks required when fishing for trout and steelhead ((on that portion)) in all waters of the Snake River ((which forms the boundary between Washington and Idaho)) including tributaries.

Closed waters: Within four hundred feet of the base of any dam and within a four hundred foot radius around the fish ladder entrance at Lyons Ferry Hatchery, within a two hundred foot radius upstream of the fish ladder exit above Lower Granite Dam, and within an area one thousand two hundred feet downstream from the base of the west lock gate at Little Goose Dam on the south bank of the Snake River and one hundred feet out into the river from said river bank.

Note: On the mainstem Snake River between Washington and Idaho the license of either state is valid. The angler must be in compliance with the laws of the state issuing the license. This provision does not allow an angler licensed in Idaho to fish on the Washington shore, or in the sloughs or tributaries of Washington. An angler fishing the Snake River is restricted to one daily limit even if licensed by both states.

Spokane River, from ~~((the mouth at Lake Roosevelt))~~ SR 25 Bridge upstream to the Seven Mile Bridge, including Long Lake, formed by Long Lake Dam (see also Long Lake): Year around season. Trout - daily limit - five, no more than two over twenty inches in length. Walleye - daily limit - eight, no more than one over twenty inches in length. Only walleye less than sixteen inches or over twenty inches in length may be kept; closed April 1 through May 31.

From Seven Mile Bridge upstream to the Monroe Street Dam: Year around season. Trout - daily limit - one. Wild trout release (only rainbow trout with missing adipose fins may be possessed. There must be a healed scar in the location of the missing fin.) Selective fishery regulations.

From Monroe Street Dam upstream to Upriver Dam: Year around season.

From Upriver Dam upstream to the Idaho/Washington state line: ~~((Trout daily limit one, minimum length 12 inches))~~ Catch and release; selective fishery regulations, except motors allowed.

Sprague Lake: Channel catfish - daily limit - five. Bass - only bass less than twelve inches or over fifteen inches in length may be kept. Closed waters: ~~((March 1))~~ September 16 through June 30 in that part of the lake and Cow Creek from ~~((Harper Island and posted markers on the lake shore southwest))~~ the lakeside edge of the reeds to Danekas Road. Note: The inlet stream, Negro Creek, is closed April 1 through June 15.

Spring Lake (Columbia County): March 1 through July 31 season. Fishing from any floating device prohibited.

Starvation Lake: Last Saturday in April through May 31 season. Additional season June 1 through October 31, catch-and-release only, selective fishery regulations.

Sullivan Creek, from Mill Pond upstream: Selective fishery regulations.

Summit Lake (Stevens County): Last Saturday in April through October 31 season.

Swan Lake (Ferry County): Last Saturday in April through October 31 season.

Thomas Lake: Last Saturday in April through October 31 season.

Touchet River, from mouth to ~~((Highway 12 Bridge at Waitsburg))~~ confluence of north and south forks: June 1 through ~~((April 15))~~ October 31 season. Trout - 8 inch minimum size, daily limit 5 fish. Wild steelhead release. Additional season: November 1 through April 15. Open only to fishing for steelhead ~~((from September 1 through April 15))~~ and brown trout. Wild steelhead release.

From ~~((Highway 12 Bridge at Waitsburg to Wolf Fork Bridge))~~ confluence of north and south forks upstream, including all tributaries: June 1 through ~~((April 15))~~ October 31 season. ~~((Wild))~~ Closed to fishing for steelhead ((release. Open only to fishing for steelhead and brown trout over twenty inches in length September 1 through April 15)).

~~((From Wolf Fork Bridge upstream and all tributaries: Trout, minimum length twelve inches selective fishery regulations.))~~

Trout Lake (Ferry County): Last Saturday in April through October 31 season.

Tucannon River, note: All tributaries closed. Wild steelhead release.

From the Highway 261 Bridge upstream to ~~((Highway 12))~~ Turner Road Bridge: Trout - June 1 through ((August)) October 31 season. 8 inch minimum size, daily limit 5 fish, no more than 2 of which may be steelhead. Open only to fishing for steelhead and whitefish ~~((September))~~ November 1 through April 15. Wild steelhead release.

From the ~~((Highway 12))~~ Turner Road Bridge upstream to the Cummings Creek Bridge: June 1 through October 31 ~~((, trout, daily limit five))~~. Open only to fishing for

steelhead and whitefish November 1 through April 15. Wild steelhead release.

From the Cummings Creek Bridge upstream to ~~((a point four hundred feet))~~ the Dear Lake footbridge about 3/4 mile upstream of the Tucannon hatchery ((intake dam)): Closed waters.

From ~~((a point four hundred feet upstream of))~~ ~~((hatchery intake dam))~~ Dear Lake footbridge to the Panjab Creek Bridge: Trout - ~~((daily limit five,))~~ June 1 through October 31 season, minimum length 8 inches selective fishery regulations. Only two Dolly Varden/Bull Trout over twenty inches in length may be retained as part of the trout daily limit. Wild steelhead release.

From the Panjab Creek Bridge upstream: Closed waters.

Vanes Lake: Last Saturday in April through October 31 season.

Waitts Lake: Last Saturday in April through February 28 season.

Walla Walla River, wild steelhead release.

From mouth to the Touchet River: Year around season. Closed to fishing for all trout April 1 through May 31 wild steelhead release.

From the Touchet River upstream to state line: June 1 through April 15 season. Open only to fishing for steelhead November 1 through April 15.

Ward Lake (Ferry County): Last Saturday in April through October 31 season.

Watson Lake: March 1 through July 31 season. Fishing from any floating device prohibited.

Williams Lake (Spokane County): Last Saturday in April through September 30 season.

Williams Lake (Stevens County): December 1 through March 31 season.

Additional season: April 1 through May 31. Catch and release. Selective fishery regulations.

Yokum Lake: Last Saturday in April through October 31 season.

Region II.

Description: That area of the state contained within the boundaries of Adams, Douglas, Franklin, Grant, and Okanogan counties.

When fishing or hunting within the boundaries of the Colville Indian Reservation, contact the office of the Colville Confederated Tribes to find out what tribal permits and regulations apply.

Lawful to fish to base of all dams in Region II, except Zosel Dam (Okanogan River).

Exceptions - Region II Regulations. State-wide regulations apply to all waters except where modified in special regulations below.

Note: All seasons apply to inlet and outlet streams of named lakes in Grant and Adams counties.

Aeneas Lake (Okanogan County): Last Saturday in April through October 31 season. Fly fishing only. Catch and release. Use of motors prohibited.

Alkali Lake (Grant County): Closed to the taking of walleye.

Alta Lake (Okanogan County): Last Saturday in April through September 30 season.

Big Twin Lake (Okanogan County): Last Saturday in April through October 31 season. Trout - daily limit - one; selective fishery regulations except electric motors permitted.

Blue Lake (Grant County): Last Saturday in April through September 30 season.

Blue Lake (Sinlahekin, Washington - Okanogan County): Last Saturday in April through October 31 season. Trout - daily limit - one; selective fishery regulations, except electric motors allowed.

Blue Lake (near Wannacut Lake - Okanogan County): Last Saturday in April through October 31 season. Trout - daily limit - one; selective fishery regulations, except electric motors allowed.

Bobcat Creek Ponds (Grant County): March 1 through July 31 season.

Bonaparte Lake (Okanogan County): Trout, no more than one over twenty inches in length.

Burke Lake (Grant County): March 1 through July 31 season.

Caliche Lake (lower) (Grant County): March 1 through July 31 season.

Caliche Lake (upper) (Grant County): March 1 through July 31 season.

Campbell Lake (Okanogan County): September 1 through March 31 season.

Cascade Lake (Grant County): March 1 through July 31 season.

Cattail Lake (Grant County): March 1 through July 31 season.

Chewuch River (Chewack River) (Okanogan County), from mouth to Lake Creek: Trout, minimum length twelve inches. Selective fishery regulations. Additional December 1 through March 31 season for whitefish only.

Chopaka Lake (Okanogan County): Last Saturday in April through October 31 season. Trout - daily limit - one. Fly fishing only. Use of motors prohibited.

Cliff Lake (Grant County): March 1 through July 31 season.

Conconully Lake (Okanogan County): Last Saturday in April through October 31 season.

Conconully Reservoir (Okanogan County): Last Saturday in April through October 31 season.

Conner Lake: Last Saturday in April through October 31 season.

Coot Lake (Grant County): March 1 through July 31 season.

Cougar Lake (near Winthrop - Okanogan County): September 1 through March 31 season.

Cow Lake (Adams County): Channel catfish - daily limit - five. Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Coyote Creek Ponds (Adams County): March 1 through July 31 season.

Crab Creek, from Morgan Lake Road to Goose Lake Road (excluding Marsh Unit II impoundments): March 1 through July 31 season. Trout - daily limit - five. Fishing from any floating device prohibited.

From Goose Lake Road to O'Sullivan Dam (excluding Marsh Unit I off-stream impoundments): June 15 through September 30 season. Trout - daily limit - five. Fishing from any floating device prohibited.

Crawfish Lake (Okanogan County): Last Saturday in April through October 31 season. Fishing from vessels equipped with internal combustion engines prohibited.

Crystal Lake (Grant County): March 1 through July 31 season.

Cup Lake (Grant County): March 1 through July 31 season.

Davis Lake (Okanogan County): September 1 through March 31 season. Fly fishing only. Trout - minimum size 14 inches, daily limit 1 fish.

Deadman Lake (Adams County): March 1 through July 31 season.

Deep Lake (Grant County): Last Saturday in April through September 30 season.

Dollar Lake (Grant County): March 1 through July 31 season.

Dot Lake (Grant County): March 1 through July 31 season.

Dry Falls Lake: Last Saturday in April through October 31 season. Trout - daily limit - one. (~~Selective fishery regulations~~) Fly fishing only.

Additional seasons: March 1 through last Saturday in April and November 1 through November 30. Catch and release. Fly fishing only.

Dusty Lake (Grant County): March 1 through July 31 season.

Ell Lake (Okanogan County): Last Saturday in April through October 31 season. Trout - daily limit - one. (~~Selective fishery regulations~~) Fly fishing only.

Additional seasons: March 1 through last Saturday in April and November 1 through November 30. Catch and release. Fly fishing only.

Finnel Lake (Adams County): Channel catfish - daily limit - five. Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Fish Lake (Okanogan County): Last Saturday in April through September 30 season.

Forde Lake: Last Saturday in April through October 31 season.

Fourth of July Lake (Adams County): December 1 through March 31 season. Trout, no more than two over fourteen inches in length. Internal combustion engines prohibited.

Gadwall Lake (Grant County): March 1 through July 31 season.

George Lake (Grant County): March 1 through July 31 season.

Gold Creek (Okanogan County), from mouth to Foggy Dew Creek: ~~((Selective fishery regulations-))~~ Closed to fishing for steelhead.

Green Lake (Okanogan County): December 1 through ~~(March)~~ May 31 season.

Green Lake, lower (Okanogan County): December 1 through March 31 season. Trout - daily limit - five.

Grimes Lake: June 1 through August 31 season. Trout - daily limit - one. Selective fishery regulations, except electric motors allowed.

Hallin Lake (Adams County): Channel catfish - daily limit - five. Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Hampton Lake, lower (Grant County): March 1 through July 31 season. Internal combustion engines prohibited.

Hampton Lake, upper (Grant County): March 1 through July 31 season. Internal combustion engines prohibited.

Hays Creek and Ponds (Adams County): March 1 through July 31 season.

Hourglass Lake (Grant County): March 1 through July 31 season.

Hutchinson Lake (Adams County): March 1 through July 31 season. Internal combustion engines prohibited.

Indian Dan Pond: July 1 through October 31 season.

Jameson Lake (Douglas County): Last Saturday in April through July 4 and October 1 through October 31 seasons.

Jasmine Creek: Juveniles only (under fifteen years old).

Lake Creek, upstream from Pasayten Wilderness boundary: June 1 through August 31 season. Selective fishery regulations.

Leader Lake (Okanogan County): Last Saturday in April through ~~((October 31))~~ September 30 season.

Lemna Lake (Grant County): March 1 through July 31 season.

Lenice Lake: Last Saturday in April through October season. Trout - daily limit - one. Selective fishery regulations.

Additional seasons: March 1 through last Saturday in April and November 1 through November 30. Catch and release.

Lenore Lake (Grant County): Closed: December 1 through February 28. March 1 through May 31 season. Catch-and-release only, selective fishery regulations, except electric motors allowed. June 1 through November 30 season. Trout - daily limit - one. Selective fishery regulations, except electric motors allowed. Closed waters: Area within two hundred yard radius of trash rack leading to the irrigation pumping station (south end of lake) and area approximately one hundred yards beyond the mouth of inlet stream to State Highway 17.

Little Twin Lake: December 1 through March 31 season.

Long Lake (Okanogan County): Last Saturday in April through September 30 season.

Lost Lake: Unlawful to fish from a floating device equipped with a motor.

Lost River (Okanogan County): From one-quarter mile above bridge to mouth of Monument Creek: Trout, minimum length twelve inches. Selective fishery regulations.

From mouth of Drake Creek to outlet of Cougar Lake: Trout and Dolly Varden/Bull Trout - daily limit - two, minimum length fourteen inches. Selective fishery regulations.

Marie Lake (Hampton Sloughs) (Grant County): March 1 through July 31 season.

Martha Lake (Grant County): March 1 through July 31 season.

Merry Lake: Last Saturday in April through October 31 season. Trout - daily limit - one. Selective fishery regulations.

Additional seasons: March 1 through last Saturday in April and November 1 through November 30. Catch and release.

Methow River, from mouth upstream to second powerline crossing (approximately one mile): June 1 through March 31 season. Trout, minimum length twelve inches. Wild steelhead release. Selective fishery regulations.

From second powerline crossing above railroad bridge (approximately one mile) upstream to mouth of Lost River: June 1 through March 31 season. Wild steelhead release. Trout, minimum length twelve inches; selective fishery regulations ~~((June 1 through September 30))~~.

Migraine Lake (Grant County): March 1 through July 31 season.

Mirror Lake: Last Saturday in April through September 30 season.

Moran Slough (including inlet and outlet streams): Closed water.

Moses Lake: Crappie - daily limit - five. Only crappie more than ten inches in length may be kept. Bluegill - daily

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limit - five. Only bluegill more than eight inches in length may be kept. Walleye - unlawful to retain walleye April 1 through May 31. No limit on walleye June 1 through March 31.

North Potholes Reserve Ponds (Grant County): February 1 through October 10 season. Fishing from any floating device prohibited, except float tubes permitted.

Nunnally Lake: Last Saturday in April through October 31 season. Trout - daily limit - one. Selective fishery regulations. Closed waters: Outlet stream of Nunnally Lake.

Additional seasons: March 1 through last Saturday in April and November 1 through November 30. Catch and release.

Okanogan River (Okanogan County): Year around season. Wild steelhead release. Trout, minimum length twelve inches. Closed waters: From Zosel Dam downstream one-quarter mile below the railroad trestle.

Osoyous Lake: Bass - April 1 through June 30. Catch and release. July 1 through March 31 - only bass less than 12 inches or greater than 15 inches may be retained. Daily limit may contain no more than 3 bass over 15 inches.

O'Sullivan Lake: Walleye - no limit.

Palmer Lake (Okanogan County): Bass - only bass less than twelve inches or over fifteen inches in length may be kept. Catch and release April 1 through June 30. Burbot - set lines may be used for burbot. An angler may use no more than one set line having attached thereto any number of hooks. Set lines must be clearly identified with the angler's name and address.

Para-Juvenile Lake: March 1 through July 31 season. Juveniles only (under fifteen years old).

Park Lake: Last Saturday in April through September 30 season.

Patterson Lake: Last Saturday in April through October 31 season.

Pearygin Lake (Okanogan County): Last Saturday in April through September 30 season.

Perch Lake: Last Saturday in April through September 30 season.

Pillar Lake (Grant County): March 1 through July 31 season.

Poacher Lake (Grant County): March 1 through July 31 season.

Potholes Reservoir: Crappie and bluegill - daily limit - twenty-five (species combined).

Quail Lake: Catch-and-release, fly fishing only. Use of motors prohibited.

Quincy Lake (Grant County): March 1 through July 31 season.

Rat Lake (Okanogan County): December 1 through ~~((March))~~ May 31 season.

Reflection Pond: Last Saturday in April through October 31 season.

Ringold Springs Creek (Hatchery Creek): Closed waters.

Rocky Ford Creek and Ponds (Grant County): Trout - daily limit - one. Fly fishing only. Fishing from bank only (no wading).

Roosevelt Lake (Columbia River) (Grant County): See Region I.

Round Lake (Okanogan County): Last Saturday in April through September 30 season.

Royal Lake (Adams County): Last Saturday in April through September 30 season. Internal combustion engines prohibited.

Royal Slough (including Marsh Unit IV impoundments): Closed waters.

Rufus Woods Lake (Douglas County): Trout (including kokanee) - daily limit - two.

Saddle Mountain Lake: Closed waters.

Sago Lake (Grant County): March 1 through July 31 season.

Salmon Creek, North Fork: Selective fishery regulations.

Salmon Creek, West Fork, from mouth to South Fork: Selective fishery regulations.

Scabrock Lake (Grant County): March 1 through July 31 season.

Shiner Lake (Adams County): March 1 through July 31 season. Internal combustion engines prohibited.

Shoveler Lake: March 1 through July 31 season.

Sidley Lake: Selective fishery regulations.

Similkameen River (Okanogan County) from mouth to Enloe Dam: June 1 through March 31 season. Wild steelhead release. Trout, minimum length twelve inches. Selective fishery regulations June 1 through ~~((October 31))~~ November 30.

From Enloe Dam to Canadian border: Additional December 1 through March 31 season for whitefish only.

Sinlahekin Creek (Okanogan County), from Palmer Lake to Cecile Creek bridge: June 1 through August 31 season. Selective fishery regulations. Additional December 1 through March 31 season for whitefish only.

Sinlahekin Lake: Last Saturday in April through October 31 season.

Snipe Lake (Grant County): March 1 through July 31 season.

Spectacle Lake (Okanogan County): March 1 through July 31 season. Possession of fish other than trout is prohibited.

Sprague Lake: Channel catfish - daily limit - five. Bass - only bass less than twelve inches or over fifteen inches in length may be kept. Closed waters: March 1

through June 30 in that part of the lake and Cow Creek from Harper Island and posted markers on lake shore southwest to Danekas Road. Note: The inlet stream, Negro Creek, is closed April 1 through June 15.

Spring Lakes (near Quincy - Grant County): March 1 through July 31 season.

Twisp River (Okanogan County), from mouth to War Creek: Trout, minimum length twelve inches. Selective fishery regulations.

Vic Meyers (Rainbow) Lake: Last Saturday in April through September 30 season.

Wannacut Lake (Okanogan County): Last Saturday in April through October 31 season.

Warden Lake (Grant County): March 1 through July 31 season.

Warden Lake, South (Grant County): March 1 through July 31 season.

Washburn Island Pond (Okanogan County): April 1 through September 30 season. Bass - only bass less than 12 inches or over fifteen inches in length may be kept. Internal combustion engines prohibited.

Whitestone Lake (Okanogan County): Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Widgeon Lake (Grant County): March 1 through July 31 season.

Region III.

Description: That area of the state contained within the boundaries of Benton, Chelan, Kittitas, and Yakima counties.

When fishing or hunting within the boundaries of the Yakama Indian Reservation contact the Office of the Confederated Tribes and Bands of the Yakama Indian Nation. Phone to find out what tribal permits and regulations apply. Waters open under tribal regulations are also open under state regulations.

In Benton County: Rivers, Streams and Beaver Ponds: Year around.

Exceptions - Region III Regulations. State-wide regulations apply to all waters except where modified in special regulations below.

American River, from mouth to Rainier Fork: Selective fishery regulations.

Bachelor Creek: Year around season. Trout - daily limit - five, no minimum length.

Bear Creek (tributary to South Fork Tieton River): Closed season, August 16 through May 31.

Beehive (Lake) Reservoir: Last Saturday in April through October 31 season. From July 5 through October 31 catch-and-release, selective fishery regulations.

Black Lake (Lower Wheeler Reservoir): Last Saturday in April through October 31 season. From July 5 through October 31 catch-and-release, selective fishery regulations.

Box Canyon Creek, from mouth to bridge on USFS Road No. 4930 (approximately four miles): Closed waters.

Buckskin Creek and Tributaries (Yakima County), from the west boundary of Suntides Golf Course to its mouth: Closed waters.

Bumping Lake (Reservoir): Kokanee daily limit - sixteen. Feeding (chumming) permitted.

Bumping River, from mouth to American River: Selective fishery regulations. Additional December 1 through March 31 season for whitefish only.

From mouth of American River to Bumping Reservoir: Lawful to fish to base of Bumping Dam. Additional December 1 through March 31 season for whitefish only.

Cashmere Pond: Juveniles only (under fifteen years old).

Chelan Hatchery Creek: ~~((Year around season. Juveniles only (under fifteen years old).))~~ June 1 through October 31 season.

Chelan Lake: Trout - daily limit - two, minimum length fifteen inches and kokanee - daily limit - five, no minimum length. Except closed season April 1 through June 30, north (uplake) of a line between Purple Point (at Stehekin) and Painted Rocks, and within four hundred feet of the mouths of all other tributaries uplake from Fields Point. An angler may use one set line with any number of hooks for burbot. Set lines must be clearly identified with the angler's name and address. Except east (downlake) of Fields Point from May 15 through September 30: Trout, minimum length eight inches, daily limit 5 not more than two over fifteen inches and kokanee - daily limit - five, no minimum length.

Chelan Lake Tributaries from mouths upstream one mile except Stehekin River: July 1 through October 31 season. Selective fishery regulations.

Chelan River: Year around season. Trout, minimum length twelve inches.

Chiwaukum Creek, from mouth to South Fork: Selective fishery regulations.

Chiwawa River, from mouth to Rock Creek: Selective fishery regulations.

Clear Lake (Chelan County): Last Saturday in April through October 31 season. From July 5 through October 31 catch-and-release, selective fishery regulations.

Cle Elum Lake (Reservoir): Trout - daily limit - two, minimum length twelve inches. Kokanee daily limit - sixteen. An angler may use one set line with any number of hooks for burbot. Set lines must be clearly identified with the angler's name and address.

Cle Elum River, from mouth to Cle Elum Dam: Lawful to fish to base of Cle Elum Dam. Additional December 1 through March 31 season for whitefish only.

Columbia Park Pond: Juveniles only (under fifteen years old).

Deep Creek (tributary to Bumping Lake): Mouth to second bridge crossing on USFS Rd. 1808 (approximately 3.7 miles from junction of USFS Rds. 1800 and 1808): Closed waters.

Eightmile Lake: Trout - daily limit - five, not more than two mackinaw.

North Elton Ponds: December 1 through March 31 season. Trout - daily limit - two. Internal combustion engines prohibited.

Enchantment Park Ponds: Juveniles only (under fifteen years old).

Entiat River, from mouth to Fox Creek: ~~((June 1 through March 31 season. Trout, minimum length twelve inches;))~~ Catch and release. Selective fishery regulations ~~((June 1 through November 30. Wild steelhead release)).~~

Fiorito Lakes: Internal combustion engines prohibited.

Fish Lake (Chelan County): Trout, no more than two over fifteen inches in length.

Gold Creek, Gold Creek Pond and Outlet Channel (tributary to Keechelus Lake): Closed waters.

I-82 Ponds (1-7): Internal combustion engines prohibited. In addition, I-82 Ponds (1-2) closed to the taking of walleye.

Icicle Creek (River), from mouth to four hundred feet below Leavenworth National Fish Hatchery rack: ~~((June 1 through March 31 season. Trout, minimum length twelve inches. Wild steelhead))~~ Catch and release. Selective fishery regulations.

From Rock Island Bridge upstream to Leland Creek: Selective fishery regulations.

Indian Creek (Yakima County): Closed waters.

Kachess Lake (Reservoir): Trout - daily limit - two, minimum length twelve inches. Kokanee daily limit - sixteen. Feeding (chumming) permitted. An angler may use one set line with any number of hooks for burbot. Set lines must be clearly identified with the angler's name and address.

Kachess River: Lawful to fish to base of Kachess Dam. From Kachess Lake (Reservoir) upstream to Mineral Creek: Closed waters.

Keechelus Lake (Reservoir): Trout - daily limit - two, minimum length twelve inches. Kokanee daily limit - sixteen. Feeding (chumming) permitted. An angler may use one set line with any number of hooks for burbot. Set lines must be clearly identified with the angler's name and address.

Leech Lake (White Pass area): Trout, no more than two over twelve inches in length, fly fishing only. Use of motors prohibited.

Lilly Lake (Chelan County): Last Saturday in April through October 31 season. From July 5 through October 31 catch-and-release, selective fishery regulations.

Little Naches River, Pileup Creek to Road 1913 Bridge: Selective fishery regulations.

Little Wenatchee River, from Lake Wenatchee to the falls below U.S. Forest Service Road 6700 Bridge at Riverside Campground: Selective fishery regulations.

Mad River, from mouth upstream to Jimmy Creek: Closed waters.

McCabe Pond: Five fish daily limit for all species combined. Fishing from any floating device prohibited.

Mercer Creek, that portion within Ellensburg city limits: Juveniles only (under fifteen years old). Trout - daily limit - five, no minimum length.

Merritt Lake: Trout - daily limit - sixteen.

Mineral Creek (tributary to upper Kachess River) from mouth to Wilderness Boundary: Closed waters.

Mud Lake: Trout - daily limit - two. Selective fishery regulations.

Myron Lake: Trout - daily limit - two. Selective fishery regulations.

Naches River, from the mouth to Rattlesnake Creek: Trout, minimum length twelve inches, maximum length twenty inches. Closed to fishing for steelhead. Additional December 1 through March 31 season for whitefish only.

From Rattlesnake Creek to Little Naches River: Trout, maximum length twenty inches. Closed to fishing for steelhead. Additional December 1 through March 31 season for whitefish only.

Naneum Pond: Juveniles only (under fifteen years old).

Nason Creek, from the Kahler Creek Bridge (near Coles Corner) upstream to Stevens Creek: Selective fishery regulations.

Nason Creek Fish Pond: Juveniles (under fifteen years old) and handicapped persons only.

Oak Creek: Trout - daily limit - five, no minimum length.

Panther Creek (Chelan County): Closed waters.

Rattlesnake Creek: Catch-and-release only, selective fishery regulations.

Rimrock Lake (Reservoir): Waters within 1/4 mile of the mouth of the north fork of the Tieton River are closed April 1 through June 30. Kokanee - daily limit - sixteen. Feeding (chumming) permitted.

~~((Roses Lake: December 1 through March 31 season.))~~

Schaefer Lake: Trout - daily limit - sixteen.

Spectacle Lake (Kittitas County): Trout - daily limit - sixteen.

Stehekin River, from the mouth to Agnes Creek: July 1 through October 31 season. Trout, minimum length fifteen inches; selective fishery regulations. Additional March 1 through June 30 season: Catch-and-release only, selective fishery regulations.

Swauk Creek, from mouth to Iron Creek: Selective fishery regulations.

Taneum Creek: Selective fishery regulations.

Tieton River: Trout - daily limit - five, no minimum length. Lawful to fish to base of Tieton (Rimrock) Dam.

Additional December 1 through March 31 season for whitefish only.

Tieton River, North Fork, from Rimrock Lake to within four hundred feet of Clear Lake Dam: (~~June~~) July 1 through August 15 season. Fishing is prohibited in the spillway channel and within four hundred feet of Clear Lake Dam.

Tieton River, South Fork: From mouth to bridge on USFS Rd. 1070 (approximately 12.5 miles): Closed waters.

Trapper Lake: Trout - daily limit - two.

Twin Lakes (Chelan County) and tributaries and outlet stream to junction with the Napeequa River: Closed waters.

Upper Wheeler Reservoir (Chelan County): Closed waters.

Wapato Lake: Last Saturday in April through October 31 season. From August 1 through October 31 Trout - catch-and-release, selective fishery regulations. Internal combustion engines allowed.

Wenas Lake: Trout - daily limit - five, of which not more than two may be brown trout.

Wenatchee Lake: Trout - daily limit - two, minimum length twelve inches. Kokanee daily limit - sixteen. Feeding (chumming) permitted. Kokanee/sockeye under sixteen inches will be considered kokanee while those sixteen inches and over will be considered sockeye salmon.

Wenatchee River, from mouth to Icicle River Road Bridge at Leavenworth: June 1 through March 31 season. Trout, minimum length twelve inches. Wild steelhead release. Selective fishery regulations June 1 through November 30.

From Icicle River Road Bridge at Leavenworth to Lake Wenatchee: June 1 through November 30 season. Selective fishery regulations. Trout, minimum length twelve inches, maximum length twenty inches. Retaining steelhead is prohibited.

White River, from mouth of Napeequa River upstream to White River Falls: Selective fishery regulations.

Wide Hollow Creek: Trout - daily limit - five, no minimum length.

Wilson Creek (two branches within Ellensburg city limits): Juveniles only (under fifteen years old). Trout - daily limit - five, no minimum length.

Yakima River, from mouth to four hundred feet below Roza Dam: Year around season. Closed: April 1 through May 31 for trout. Trout, minimum length twelve inches; maximum length twenty inches. Closed to fishing for steelhead in the Yakima River including tributaries and drains.

From Roza Dam to four hundred feet below Easton Dam: Year around season. Trout: Catch-and-release, selective fishery regulations. Exception: Bait and single-pointed, barbed hooks may be used for whitefish only December 1 through February 28. Anglers may fish from boats equipped with motors from the U.S. Bureau of Reclamation restricted area signs at Roza Dam upstream to

the boat launch ramp on the Roza Access Area (approximately one-half mile).

From Lake Easton to Keechelus Dam: Selective fishery regulations.

Yakima Sportsmen's Park Ponds: Juveniles only (under fifteen years old).

Region IV.

Description: That area of the state contained within the boundaries of Island, King, San Juan, Skagit, Snohomish, and Whatcom counties, and that portion of Pierce County east of a line from the mouth of the Nisqually River through Drayton Passage, Pitt Passage, Carr Inlet, and the Tacoma Narrows.

Exceptions Region IV. Regulations. State-wide regulations apply to all waters except where modified in special regulations below and except beaver ponds in King County are open year around.

American Lake: Feeding (chumming) permitted.

Armstrong Lake (Snohomish County): Last Saturday in April through October 31 season.

Baker Lake: Last Saturday in April through October 31 season. Feeding (chumming) permitted. Trout - minimum length six inches and maximum length eighteen inches. An area two hundred feet in radius around the pump discharge, at the south end of the lake is closed.

Ballinger Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Barnaby Slough: Closed waters.

Bearpaw Lake (Whatcom County): Last Saturday in April through October 31 season. Trout - daily and possession limit - one, minimum length eighteen inches. (~~Selective fishery regulations~~)

Beaver Lake (King County): Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Big Bear Creek (tributary of Sammamish River): Closed waters.

Big Beaver Creek, from closed water markers on Ross Lake upstream one-quarter mile: Closed waters. Upstream from one-quarter mile markers, including tributary streams, and beaver ponds that are tributary to Big Beaver Creek: July 1 through October 31 season; catch-and-release only, selective fishery regulations.

Big Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Bosworth Lake (Snohomish County): Last Saturday in April through October 31 season.

Boxley Creek (North Bend), from its mouth to the falls located at approximately river mile 0.9: Closed waters.

Boyle Lake (the inlet and outlet are closed waters): Last Saturday in April through October 31 season. Trout - daily limit - two, minimum length fourteen inches. Selective fishery regulations.

Bridges Lake (the inlet and outlet are closed waters): Last Saturday in April through October 31 season. Trout -

daily limit - two, minimum length fourteen inches. Selective fishery regulations.

Cain Lake: Last Saturday in April through October 31 season.

Calligan Lake: June 1 through October 31 season. All tributary streams, and the upper third of the outlet are closed waters.

Campbell Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Canyon Creek, (S.F. Stillaguamish River) mouth to forks: June 1 through February 28 season. Trout, minimum length fourteen inches.

Carbon River, from its mouth to the Highway 162 Bridge: June 1 through January 31 season. Trout, minimum length fourteen inches. Additional February 1 through March 31 season: Trout, minimum length fourteen inches. Wild steelhead release.

Cascade Lake (San Juan County): Last Saturday in April through October 31 season.

Cascade River: June 1 through ~~((February 28 season--))~~ September 30, upstream from Rockport - Cascade Road Bridge: Trout, minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches. October 1 through February 28, upstream from mouth: Trout, minimum length 14 inches. Release all steelhead December 1 through February 28. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length 20 inches.

~~((Note: The area from the Rockport Cascade Road Bridge to the mouth is closed June 1 through September 30.~~

~~1995 Conservation Measures:~~

~~Mouth to headwaters: Closed to fishing for steelhead September 1, 1995, through October 31, 1995.)~~

Cassidy Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Cavanaugh Lake: Feeding (chumming) permitted.

Cedar River: Closed waters November 1 through May 31. Catch and release June 1 through October 31.

Chambers Bay and that portion of Marine Area 13 inside a line from Gordan Point to the dock at Pioneer gravel pit (second gravel pit approximately 1.2 miles north of Chambers Bay): June 1 through October 31 season.

Chambers Lake (within Ft. Lewis Military Reservation): Trout - catch-and-release only. Selective fishery regulations, except electric motors allowed. Contact Ft. Lewis for a land use permit.

Chaplain Lake: Closed waters.

Clear Lake (Pierce County): Feeding (chumming) permitted.

Clough Creek (North Bend): Closed waters.

Clover Creek, within the boundaries of McChord Air Force Base: Trout - daily limit - one, minimum length twelve inches. Selective fishery regulations.

Coal Creek (tributary of Lake Washington): Closed waters.

Coal Creek, (near Snoqualmie) from Highway 10 downstream: Last Saturday in April through October 31 season. Trout - no minimum length. Juveniles only (under fifteen years old).

Cottage Lake (King County): Last Saturday in April through October 31 season.

County Line Ponds: Closed Waters.

Crabapple Lake (Snohomish County): Last Saturday in April through October 31 season.

De Coursey Pond: Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).

Deer Creek and Little Deer Creek (tributaries to North Fork Stillaguamish): Closed waters.

Deer Lake (Island County): Last Saturday in April through October 31 season.

Desire, Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Eagle Lakes (Big and Little): Closed waters.

Ebey Lake: Fly fishing only. Trout - daily limit - one, minimum length eighteen inches. Use of motors prohibited.

Erie Lake (Skagit County): Last Saturday in April through October 31 season.

Fazon Lake: Channel catfish - daily and possession limit - two. Bass - only bass less than twelve inches or over fifteen inches in length may be kept. Fishing from any floating device prohibited from first Friday in October through January 15.

Findley Lake: Closed waters.

Fisher Slough: From mouth to Highway 530 Bridge: Year around season. Trout, minimum length fourteen inches entire season. Upstream from Highway 530 Bridge: June 1 through October 31 season. Trout, minimum length fourteen inches.

Fishtrap Creek: From Koh Road to Bender Road: June 1 through October 31 season for juveniles only (under 15 years old).

Flowing Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Fortson Mill Pond #2: Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).

Geneva Lake (King County): Last Saturday in April through October 31 season.

Gissberg Ponds: ~~((Closed to fishing for))~~ Channel catfish - daily limit 2, no minimum size.

Goodwin Lake: Feeding (chumming) permitted. Bass - only bass less than twelve inches or over ~~((fifteen))~~

eighteen inches in length may be kept. Only one bass greater than eighteen inches may be retained.

Goss Lake (Island County): Last Saturday in April through October 31 season.

Granite Lakes (Skagit County - near Marblemount): Grayling - catch-and-release only.

Green (Duwamish) River:

From the First Avenue Bridge to Tacoma Headworks Dam: June 1 through February 28 season. Trout, minimum length fourteen inches. Exempt from wild steelhead release July 1 through November 30. Fishing from any floating device prohibited (~~November 1 through February 28~~). Note: Area from the Auburn-Black Diamond Bridge downstream to the 8th St. N.E. Bridge in Auburn is closed September 1 through October 15 and area from the Auburn-Black Diamond Bridge downstream to the Highway 18 Bridge is closed September 1 through October 31.

From the SR 167 Freeway Bridge to the Tacoma Headworks Dam: Additional March 1 through March 15 season. Trout, minimum length fourteen inches. Wild steelhead release. Fishing from any floating device prohibited.

Greenwater River, from mouth to Greenwater Lakes: Trout, minimum length twelve inches. Selective fishery regulations.

Hancock Lake: June 1 through October 31 season. All tributary streams and the upper third of the outlet are closed waters.

Harrison Pond: Closed waters.

Hart Lake (Pierce County): Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Heart Lake (Skagit County, near Anacortes): Last Saturday in April through October 31 season.

Howard Lake (Snohomish County): Last Saturday in April through October 31 season.

Hozomeen Lake (Whatcom County): July 1 through October 31 season.

Issaquah Creek: Closed waters.

Jennings Park Pond: Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).

Johnson Creek (Whatcom County), from Northern Pacific Railroad tracks to the Lawson Street footbridge in Sumas: Juveniles only (under fifteen years old).

K-Mart Pond (adjacent to Squalicum Creek at river mile 3): Closed waters.

Kapowsin Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Kathleen Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Kelsey Creek (tributary of Lake Washington): Closed waters.

Ki Lake (Snohomish County): Last Saturday in April through October 31. Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Kimball Creek (near Snoqualmie): Last Saturday in April through October 31 season. Trout - no minimum length. Juveniles only (under fifteen years old).

Kings Lake Bog (King County): Closed waters.

Klaus Lake (the inlet and outlet to first Weyerhaeuser spur are closed waters): Last Saturday in April through October 31 season. Trout - daily limit - two, minimum length fourteen inches. Selective fishery regulations.

Langlois Lake (King County): Last Saturday in April through October 31 season.

Little Bear Creek (tributary of Sammamish River): Closed waters.

Loma Lake (Snohomish County): Last Saturday in April through October 31 season.

Lucas Slough: Closed waters.

Lucerne Lake: Last Saturday in April through October 31 season.

Margaret Lake (King County): Last Saturday in April through October 31 season.

Martha Lake (Snohomish County): Last Saturday in April through October 31 season.

May Creek (tributary of Lake Washington): Closed waters.

McMurray Lake (Skagit County): Last Saturday in April through October 31.

Mercer Slough (tributary of Lake Washington): Closed waters.

Mill Pond (Auburn): Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).

Monte Christo Lake: June 1 through October 31 season. Selective fishery regulations.

Morton Lake: Last Saturday in April through July 4 and Labor Day through October 31 season.

Muck Creek and tributaries (within Ft. Lewis Military Reservation): Trout - catch-and-release only. Selective fishery regulations. Contact Ft. Lewis for a land use permit.

New Mire Creek (tributary of Lake Sawyer): Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).

Newaukum Creek, including all tributaries: Trout - minimum length 14 inches. Selective fishery regulations.

Newhalem Ponds: Closed waters.

Nooksack River from mouth to forks, Middle Fork to Dam. North Fork to Nooksack Falls: June 1 through March 15 season. Trout, minimum length fourteen inches. Wild steelhead release. Fishing from boats equipped with motors prohibited on the North and Middle Forks November 1 through March 15.

~~((1995 Conservation Measures.~~

~~Mouth to Forks, Middle Fork to Dam, North Fork to Nooksack Falls: Closed to fishing for steelhead June 1, 1995, through August 31, 1995.))~~

South Fork, from its mouth to source: Trout, minimum length fourteen inches. Wild steelhead release, and selective fishery regulations year around. Release all steelhead June 1 through September 30.

South Fork, from its mouth to Skookum Creek: Additional November 1 through March 15 season. Trout, minimum length fourteen inches. Wild steelhead release. Fishing from boats equipped with motors prohibited.

~~((1995 Conservation Measures-~~

~~South Fork, from its mouth to Skookum Creek: Closed to fishing for all game fish June 1, 1995, through September 30, 1995.))~~

North Creek (tributary of Sammamish River): Closed waters.

North Lake (King County): Last Saturday in April through October 31 season.

Northern State Hospital Pond: Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).

Ohop Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Old Fishing Hole Pond (Kent): Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).

Padden Lake: Last Saturday in April through October 31 season. Internal combustion engines prohibited.

Pass Lake: Trout - daily limit - one, minimum length eighteen inches. Fly fishing only. Use of motors prohibited.

Phantom Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Philippa Creek (tributary to N.F. Snoqualmie River): Closed waters.

Pilchuck Creek, mouth to Highway 9 Bridge: June 1 through November 30 season. Trout, minimum length fourteen inches. Selective fishing regulations. Additional December 1 through February 28 season. Trout, minimum length fourteen inches.

Pilchuck River, its entire length: Closed March 1 through November 30.

From its mouth to five hundred feet downstream from the Snohomish City diversion dam: December 1 through February 28 season. Trout, minimum length fourteen inches. Fishing from any floating device prohibited.

Pine Lake (King County): Last Saturday in April through October 31 season.

Pipe Lake: Last Saturday in April through October 31 season.

Pipers Creek (Carkeek Creek), from its mouth to its source, including tributaries: ~~((Closed waters.))~~ Juvenile fishing only. Catch and release only.

Pratt River (tributary to Middle Fork Snoqualmie): Catch-and-release only, and selective fishery regulations.

Puyallup River, from its mouth to the Electron power plant outlet: June 1 through January 31 season. Trout, minimum length fourteen inches.

From its mouth to the Soldier's Home Bridge in Orting: Additional February 1 through March 31 season. Trout, minimum length fourteen inches. Wild steelhead release.

Raging River, from its mouth to the Highway 18 Bridge (three miles upstream from Preston): June 1 through February 28 season. Trout, minimum length fourteen inches.

Rapjohn Lake: Last Saturday in April through October 31 season. Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Rattlesnake Lake: Last Saturday in April through October 31 season. Selective fishery regulations, except electric motors allowed.

Ravensdale Lake: Last Saturday in April through October 31 season. Trout - daily limit - two, minimum length twelve inches. Selective fishery regulations.

Ridley Lake (Whatcom County): ~~((July 1))~~ Last Saturday in April through October 31 season. Trout - daily and possession limit - one, minimum length eighteen inches. ~~((Selective fishery regulations.))~~

Riley Lake (Snohomish County): Last Saturday in April through October 31 season.

Rock Creek (below Landsburg): Closed waters.

Ross Lake (Reservoir): July 1 through October 31 season. Trout - daily limit - three, possession limit - six, minimum length thirteen inches. Selective fishery regulations. Fishing from boats with motors allowed.

Note: The following tributaries to Ross Lake are closed from the closed water markers near their mouths upstream the distance indicated. Big Beaver Creek, one-quarter mile (see special Big Beaver Creek regulations), Ruby Creek, entire stream. All other tributaries - one mile.

Ross Lake Tributary Streams not listed as closed: July 1 through October 31 season.

Samish, Lake: Feeding (chumming) permitted. Cut-throat - daily limit - two, minimum length fourteen inches.

Samish River, from its mouth to the old Highway 99 Bridge and from the department rack to the Hickson Bridge: June 1 through March 15 season. Trout, minimum length fourteen inches. December 1 through March 15 wild steelhead release. Note: Closed from Highway 99 Bridge to department salmon rack.

Sammamish Lake: Trout - no more than two over fourteen inches in length. December 1 through June 30 season: No retention of steelhead or rainbow trout over twenty inches in length. Kokanee/sockeye under fifteen inches are kokanee while those fifteen inches and over are sockeye salmon. Kokanee may not be kept.

Sammamish River (Slough), from the 68th Avenue N.E. Bridge to Lake Sammamish: Closed waters November 1

through May 30. Catch and release June 1 through October 31. All tributaries are closed.

Sauk River, from its mouth to ~~((the mouth of the White Chuck River))~~ headwaters: June 1 through February 28 season. Trout, minimum length fourteen inches. Unlawful to retain steelhead December 1 through February 28. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

~~((From the mouth of the White Chuck River to headwaters, including North and South Forks: Trout, minimum length fourteen inches. Selective fishery regulations. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.))~~

From its mouth to the Darrington Bridge: Additional March 1 through April 30 season. Catch-and-release only, and selective fishery regulations.

~~((1995 Conservation Measures:~~

~~Mouth to headwaters, including North and South Forks: Closed to fishing for steelhead September 1, 1995, through October 31, 1995.))~~

Sawyer, Lake: Feeding (chumming) permitted.

Sequallitchew Lake: Contact Ft. Lewis for land use permit.

Serene Lake (Snohomish County): Year around season.

Shady Lake: June 1 through July 4 and Labor Day through October 31 season. Trout, no more than one over fourteen inches in length.

Shannon, Lake: Last Saturday in April through October 31 season. Feeding (chumming) permitted. Trout - minimum length six inches and maximum length eighteen inches.

Shoecraft Lake: Bass - only bass less than twelve inches or over ~~((fifteen))~~ eighteen inches in length may be kept. Only one bass greater than eighteen inches may be retained.

Silver Lake (Pierce County): Last Saturday in April through October 31 season. Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Silver Lake (Whatcom County): Last Saturday in April through October 31 season.

Sixteen Lake (Skagit County): ~~((Last Saturday in April through October 31 season.))~~ Selective fishery regulations, except electric motors allowed. Trout - daily limit 1 fish - minimum length 14 inches.

Skagit River, from its mouth to the Memorial Highway Bridge (Highway 536 at Mt. Vernon): Year around season. Trout, minimum length fourteen inches. Wild steelhead release. Retaining steelhead is prohibited from ((April)) December 1 through May 31. (See Fisher Slough.) Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

From Memorial Highway Bridge (Highway 536 at Mt. Vernon) upstream to Gorge Powerhouse at Newhalem: June 1 through ~~((February 28))~~ April 30 season except closed June 15 through August 31 between a line 200 feet above

the east bank of the Baker River to a line 200 feet below the west bank of the Baker River. Trout, minimum length fourteen inches. Wild steelhead release. Retaining steelhead is prohibited December 1 through April 30. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

From the Gorge Powerhouse to Gorge Dam: Closed waters.

From Memorial Highway Bridge (Highway 536 at Mt. Vernon) to pipeline crossing at Sedro Woolley: Additional March 1 through March 31 season. Trout, minimum length fourteen inches. Wild steelhead release. Unlawful to retain steelhead. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

From pipeline crossing at Sedro Woolley to mouth of Bacon Creek: Additional March 1 through March 15 season. Trout, minimum length fourteen inches. Wild steelhead release. Unlawful to retain steelhead. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Note: Closed waters from the pipeline crossing at Sedro Woolley to the Dalles Bridge at Concrete March 16 through May 31.

From the Dalles Bridge at Concrete to the mouth of Bacon Creek: Additional March 16 through April 30 season. Catch-and-release only, and selective fishery regulations ~~((except lawful))~~. Unlawful to fish from a boat ~~((with motor but not while under power))~~.

~~((1995 Conservation Measures:~~

~~Waters within 200-foot radius of the mouth of the Baker River: Closed to fishing for steelhead and Dolly Varden/Bull Trout June 1, 1995, through August 15, 1995.~~

~~Mouth to mouth of Corkindale Creek: Tackle limited to the use of one single point barbless hook August 16, 1995, through September 30, 1995.~~

~~Upstream from the mouth of the Sauk River: Unlawful to fish with bait August 16, 1995, through September 30, 1995.~~

~~From the Dalles Bridge upstream to the mouth of the Baker River: Closed to fishing for steelhead and Dolly Varden/Bull Trout October 1, 1995, through October 31, 1995.))~~

Skookum Creek: Trout daily limit - eight.

Skykomish River, from its mouth to mouth of Sultan River: June 1 through February 28 season. Trout, minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Fishing from any floating device prohibited November 1 through February 28 from the boat ramp below Lewis Street Bridge at Monroe downstream two thousand five hundred feet. Additional March 1 through April 30 season: Trout - catch-and-release only, and selective fishery regulations. Fishing from any floating device prohibited from the boat ramp below Lewis Street Bridge at Monroe downstream two thousand five hundred feet.

PROPOSED

From the mouth of the Sultan River to the forks: June 1 through March 31 season. Trout, minimum length fourteen inches. Wild steelhead release March 1 through March 31. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Fishing from any floating device prohibited in the area one thousand five hundred feet upstream and one thousand feet downstream of the outlet at Skykomish Rearing Ponds and that same area is closed to fishing June 1 to 8:00 a.m. August 1.

Skykomish River, North Fork, from its mouth to one thousand feet downstream from Bear Creek Falls: June 1 through February 28 season. Trout, minimum length fourteen inches. Closed waters from one thousand feet below Bear Creek Falls to one thousand feet above Bear Creek Falls.

From one thousand feet upstream of Bear Creek Falls to: Quartz Creek: Catch-and-release, selective fishery regulations.

Skykomish River, South Fork, from its mouth to six hundred feet downstream from the Sunset Falls Fishway: June 1 through February 28 season. Trout, minimum length fourteen inches. Closed waters from Sunset Falls Fishway to a point six hundred feet downstream of the fishway.

From Sunset Falls to source: June 1 through November 30 season. Trout, minimum length fourteen inches. Selective fishery regulations. Additional December 1 through February 28 season for whitefish only.

Snohomish River, all channels, sloughs, and interconnected waterways (excluding all tributaries) ~~((from mouth to Highway 529: Year around season. Trout, minimum length fourteen inches. Wild steelhead release May 1 through November 30. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.~~

~~From Highway 529 upstream (all channels))):~~ June 1 through March 31 season. Trout - daily limit - two, minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain as part of trout daily limit, minimum length twenty inches.

Snoqualmie River, from its mouth to the falls: June 1 through March 31 season. Trout, minimum length fourteen inches. June 1 through November 30 selective fishery regulations downstream from 124th Street Bridge (Novelty Bridge) and upstream from mouth of Cherry Valley Creek, except bait fishing allowed with barbless hooks only in waters under selective fishery regulations. Fishing from boats with motors allowed. Fishing from any floating device prohibited November 1 through March 31 from the mouth of Tokul Creek downstream to the boat ramp at Plumb access, about one-quarter mile. Note: Waters within the Puget Power tunnel at the falls and within fifty feet of any point on Puget Power's lower Plant #2 building (north bank) are closed.

From Snoqualmie Falls, including the North and South Forks: Trout, minimum length ten inches. Selective fishery regulations. Additional November 1 through February 28 season for whitefish only.

Middle Fork Snoqualmie from mouth to source including all tributaries: Catch-and-release only, and selective fishery regulations.

Soos Creek, from mouth to salmon hatchery rack including all tributaries: June 1 through August 31 season. Trout, minimum length fourteen inches. Selective fishery regulations.

~~South Prairie Creek((closed downstream from Page Creek to its mouth)):~~ Fly fishing only, catch and release.

Spada Lake (Reservoir): Last Saturday in April through October 31 season. Trout - twelve inch minimum length. ~~((Selective fishery regulations except use of electric motors allowed.))~~ Artificial lures and fly fishing only. Note: All tributaries to lake are closed to fishing.

Spanaway Lake, and its outlet downstream to the dam (approximately 800 feet): Year around season.

Sportsman's Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Spring Lake (King County): Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Squalicum Lake: Trout - daily limit - two. Fly fishing only. Use of motors prohibited.

Steel Lake (King County): Last Saturday in April through October 31 season.

Stetattle Creek, from its mouth for one and one-half miles upstream, to mouth of Bucket Creek: Closed waters.

Stevens, Lake: Feeding (chumming) permitted. Bass - daily limit - one over eighteen inches in length.

Stillaguamish River, and all sloughs, downstream of Warm Beach-Stanwood Highway: Year around season. Trout - daily limit - two, minimum length fourteen inches. Wild steelhead release. Dolly Varden/Bull Trout: Legal to retain as part of trout daily limit, minimum length twenty inches.

Stillaguamish River, upstream from the Warm Beach-Stanwood Highway to the forks (except Harvey Creek, Pioneer Ponds, and Portage Creek are closed): June 1 through March 31 season. Trout, minimum length fourteen inches. Wild steelhead release ~~((May 1 through November 30))~~. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Closed waters from the barrier dam (downstream of I-5) downstream two hundred feet.

Stillaguamish River, North Fork, from its mouth to Swede Heaven Bridge: Year around season. Trout, minimum length fourteen inches. Fishing from any floating device prohibited upstream of the Highway 530 Bridge at mile post 28.8 (Cicero Bridge). ~~((March 1 through November 30))~~ Wild steelhead release. Fly fishing only April 16 through November 30.

Stillaguamish River, South Fork, from its mouth to four hundred feet downstream of the outlet to fishway at Granite Falls: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release. Note: Closed from Mt. Loop Highway bridge above Granite Falls

downstream to a point four hundred feet below the outlet of the end of the fishway.

Stillaguamish River, South Fork, above Mountain Loop Highway Bridge above Granite Falls to source: June 1 through November 30 season.

Storm Lake (Snohomish County): Last Saturday in April through October 31 season.

Stuck River: See White River.

Suiattle River: Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

1995 Conservation Measures.

Mouth to headwaters: Closed to fishing for steelhead September 1, 1995, through October 31, 1995.

Sultan River, from its mouth to a point four hundred feet downstream from the diversion dam at river mile ((+6)) 9.7: June 1 through February 28 season. Trout, minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Note: North and South Forks are closed to fishing.

Sultan River: Additional season March 1 through March 31 - catch and release only.

Sunday Creek (tributary to N.F. Snoqualmie River): Closed waters.

Swan's Mill Pond (Stossel Creek): Closed November 1 through May 31.

Swamp Creek (tributary to Sammamish River): Closed waters.

Tanwax Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Tapps Lake (Reservoir) and intake canal—Open area includes intake canal to within four hundred feet of the screen at Dingle Basin: Year around season.

Tate Creek (tributary to N.F. Snoqualmie River): Closed waters.

Taylor River (tributary to the Middle Fork Snoqualmie): Catch-and-release only, and selective fishery regulations.

Tennant Lake: Fishing from any floating device prohibited from first Friday in October through January 15.

Terrell, Lake: Fishing from any floating device prohibited from first Friday in October through January 15 except fishing from floating dock permitted. Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Thornton Creek (tributary to Lake Washington): Closed waters.

Tibbetts Creek (tributary to Lake Sammamish): Closed waters.

Toad Lake (Whatcom County): Last Saturday in April through October 31 season.

Tokul Creek, from its mouth to the posted cable boundary marker located approximately seven hundred feet upstream of the mouth: December 1 through March 31 season. Trout, minimum length fourteen inches. This area is closed to all fishing from April 1 through November 30.

From the posted cable boundary marker located approximately seven hundred feet upstream of the mouth to the railroad trestle: Closed to all fishing year around.

Tolt River, from its mouth to the USGS trolley cable near the confluence of the North and South Forks: June 1 through February 28 season. Trout, minimum length fourteen inches. June 1 through November 30 season. Selective fishery regulations.

Tolt River: Additional season March 1 through March 31 - catch and release only.

From the USGS trolley cable to the mouth of Yellow Creek on the North Fork, and to the dam on the South Fork: Closed waters.

North Fork above Yellow Creek: Trout - catch-and-release only, selective fishery regulations.

South Fork above the dam: Trout, minimum length ten inches. Selective fishery regulations.

Tradition Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Tye River: Trout, minimum length fourteen inches. Selective fishery regulations. Additional November 1 through February 28 season for whitefish only.

Voight's Creek: Closed waters from mouth to Highway 162 Bridge.

Wagners Lake (Snohomish County): Last Saturday in April through October 31 season.

Walker Lake (King County): Last Saturday in April through October 31 season.

Wallace River, from its mouth to the first Burlington-Northern Railroad bridge downstream of the Highway 2 Bridge: June 1 through September 1 season. Trout, minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Note: Closed waters from the first Burlington-Northern Railroad bridge (below Highway 2) to a point two hundred feet upstream of the water intake of the salmon hatchery.

From the mouth to mouth of Olney Creek: Additional November 1 through February 28 season. Trout, minimum length fourteen inches. Fishing from any floating device prohibited. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Wapato Lake: Juveniles only (under fifteen years old).

Washington, Lake, including that portion of the Sammamish River from the 68th Avenue N.E. Bridge downstream: December 1 through last day in February season: Trout - no retention of steelhead or rainbow trout over twenty inches in length. March 1 through June 30 season: Trout - minimum length twelve inches. No reten-

tion of steelhead or rainbow trout over twenty inches in length. Closed to boat fishing one hundred yards either side of the floating bridges. Feeding (chumming) permitted year around. Kokanee/sockeye under fifteen inches are kokanee while those fifteen inches and over are sockeye salmon.

Washington, Lake, Ship Canal (waters east of a north-south line 400 feet west of the fish ladder at the Chittenden Locks and west of a north-south line at the eastern ends of the concrete abutments east of the Montlake Bridge): Seasons: West boundary to a north-south line 400 feet east of the eastern end of the northern wing-wall of Chittenden Locks - Closed waters; 400 feet east of the eastern end of the northern wing-wall of Chittenden Locks to the east boundary - Open year around. Species restrictions: Trout - December 1 through last day in February: Daily limit five, no minimum length. No retention of steelhead or rainbow trout over twenty inches in length. Trout - March 1 through June 30: Daily limit five. Minimum length twelve inches. No retention of steelhead or rainbow trout over twenty inches in length. Trout - July 1 through November 30: Daily limit five, no minimum length. Wild steelhead release. Kokanee/sockeye less than fifteen inches in length are kokanee and fifteen inches and over in length are sockeye salmon. Special provisions: West of Fremont Bridge - Unlawful to fish from boats. East of Fremont Bridge - chumming permitted.

~~((1995 Conservation Measures-~~

~~Waters east of north-south line 400 feet west of the Chittenden Locks to a north-south line at the eastern ends of the concrete abutments east of the Montlake Bridge: Closed to fishing for all game fish except bass May 1, 1995, through October 31, 1995.))~~

Whatcom Creek, mouth to stone bridge at Whatcom Falls Park: June 1 through February 28 season. Trout, minimum length fourteen inches.

From stone bridge at Whatcom Falls Park upstream to Lake Whatcom: Last Saturday in April through October 31 season. Trout - no minimum length. Juveniles only (under fifteen years old).

Whatcom, Lake: Last Saturday in April through October 31 season. Trout - no more than one over fourteen inches in length. Feeding (chumming) permitted. (All tributaries are closed to fishing, and, in addition, that portion of Lake Whatcom between the Electric Avenue Bridge and the outlet dam.)

White (Stuck) River, from mouth to Highway 410 Bridge at Buckley: June 1 through ~~((September 30 - Closed waters-))~~ October ~~((1 through May))~~ 31 season: Trout, minimum length ~~((fourteen))~~ 12 inches. Note: Puget Power canal, including the screen bypass channel, is closed to fishing above the screen at Dingle Basin.

From mouth to R Street SE Bridge in Auburn: Additional November 1 through February 28 season. Trout, minimum length ~~((fourteen))~~ 12 inches. Wild steelhead release.

From the Weyerhaeuser 6000 Road Bridge (Bridge Camp) to its source: Additional November 1 through January 31 season for whitefish only.

Whitechuck River: Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Wilderness Lake (King County): Last Saturday in April through October 31 season.

Willow Lake (Whatcom County): ~~((July 1))~~ Last Saturday in April through October 31 season. Trout - daily and possession limit - one, minimum length eighteen inches. ~~((Selective fishery regulations-))~~

Wiser Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Region V.

Description: That area of the state contained within the boundaries of Clark, Cowlitz, Klickitat, Lewis, Skamania, and Wahkiakum counties.

Exception - Region V regulations. State-wide regulations apply to all waters except where modified in special regulations below.

Abernathy Creek, from Abernathy Falls to posted markers five hundred feet downstream from salmon hatchery: Closed waters.

From mouth to a point five hundred feet downstream from salmon hatchery: June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release. Release all steelhead June 1 through October 31.

Alder Creek: Closed waters.

Battle Ground Lake: Last Saturday in April through October 31 season. Internal combustion engines prohibited.

Beaver Creek (tributary to Elochoman River): Closed waters.

Berry Creek (tributary to Nisqually River): Selective fishery regulations.

Big White Salmon River, from mouth to powerhouse: Year around season. Trout, minimum length fourteen inches. Wild steelhead release. From powerhouse to within four hundred feet of Northwestern Dam: November 16 to June 15 season. Trout, minimum length fourteen inches. Wild steelhead release.

From gas pipeline crossing above Northwestern Lake to Gilmer Creek: Trout, minimum length twelve inches. Selective fishery regulations.

Bird Creek: Trout - daily limit - five.

Blockhouse Creek: Trout - daily limit - five.

Bloodgood Creek: Trout - daily limit - five.

Blue Creek, from mouth to Spencer Road: Closed waters.

Blue Lake (Cowlitz County): Last Saturday in April through October 31 season. Catch-and-release only. Selective fishery regulations.

Bowman Creek: Trout - daily limit - five.

Butter Creek: Trout, minimum length ten inches. Selective fishery regulations.

Canyon Creek: Trout - daily limit - five.

Carlisle Lake: Last Saturday in April through February 28 season. Internal combustion engines prohibited. Bass - minimum length fourteen inches.

Castle Lake: Trout - daily limit - one, minimum length sixteen inches. Selective fishery regulations.

Cedar Creek (tributary of N.F. Lewis) from mouth to junction of Chelatchie Creek: June 1 through ~~((March 15))~~ October 31 season. Trout, minimum length twelve inches. Wild steelhead release.

Cispus River, North Fork: Trout, no more than one over twelve inches in length.

Clear Creek (tributary to Muddy River, Skamania County): Trout, minimum length twelve inches. Selective fishery regulations.

Clearwater Creek (tributary to Muddy River, Skamania County): Trout, minimum length twelve inches. Selective fishery regulations.

Coal Creek (Cowlitz County), from mouth to four hundred feet below falls: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

Coldwater Lake: All inlet streams and outlet streams closed waters. Trout - daily limit - one, minimum length sixteen inches. Selective fishery regulations. Note: Limited access available, contact National Volcanic Monument Headquarters for specific information.

Connelly Creek and tributaries, from four hundred feet below the city of Morton Dam to its source: Closed waters.

Cougar Creek (tributary to Yale Reservoir): June 1 through August 31 season.

Coweeman River, from mouth to Mulholland Creek: June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

~~((1995 Conservation Measures:~~

~~Mouth to Mulholland Creek: Closed to fishing for steelhead August 16, 1995, through October 15, 1995.))~~

Cowlitz Falls Reservoir: June 1 through February 28 season. Trout - daily limit five, minimum length eight inches. The upstream boundary of the reservoir in the Cowlitz arm is the posted ~~((markers located approximately 500 feet upstream from the boat ramp at the Lewis County))~~ PUD ~~((Cowlitz Falls Campground))~~ sign on Peters Road. The upstream boundary of the reservoir in the Cispus arm is the posted markers at the Lewis County PUD kayak launch, approximately 1.5 miles upstream from the confluence of the Cowlitz and Cispus arms.

Cowlitz River, from mouth to Mayfield Dam: Year around season. Trout - daily limit - five, minimum length twelve inches, no more than two over twenty inches. Wild

cutthroat release. Wild steelhead release June 1 through May 31. Release all steelhead missing right ventral fin. Closed to fishing for all game fish except steelhead April 1 through May 31. Lawful to fish up to four hundred feet or the posted deadline at barrier dam. From the barrier dam downstream to a line from the mouth of Mill Creek to a boundary marker on the opposite shore, it is unlawful to fish from any floating device.

From Mayfield Dam to mouth of Muddy Fork: Year around season. Wild steelhead release.

~~((1995 Conservation Measures:~~

~~From Mill Creek upstream to barrier dam: Closed to fishing for steelhead from the south side of the river September 16, 1995, through October 15, 1995.))~~

Cowlitz River, Clear Fork and Muddy Fork: Trout - daily limit - five, no more than one over twelve inches in length.

Davis Lake: Last Saturday in April through February 28 season.

Deep River: Year around season. Trout, minimum length fourteen inches.

Drano Lake: Barbless hooks. Trout - June 16 to March 15 season. Minimum length 12 inches.

Elochoman River, from mouth to West Fork: June 1 through March 15 season. Trout - daily limit - five, minimum length twelve inches, no more than two over twenty inches. Wild steelhead release and wild cutthroat release.

The following waters of the Elochoman River are closed at all times: Waters from 100 feet above the upper hatchery rack downstream to the Elochoman Hatchery Bridge located 400 feet below the upper hatchery rack; waters from a point 50 feet above to 100 feet below the outlet pipes from the most downstream Elochoman Hatchery rearing pond and extending 30 feet out from the south bank of the river; waters between the Department of Fish and Wildlife temporary rack downstream to Foster (Risk) Road Bridge while rack is installed in the river; waters from the Beaver Creek Bridge to 200 feet below the weir at Beaver Creek Hatchery.

From West Fork to source: Closed waters.

Fort Borst Park Lake: Last Saturday in April through February 28 season. Juveniles only (under fifteen years old).

Franz Lake: Closed waters.

Germany Creek, from mouth to end of Germany Creek Road (approximately five miles): June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release. Release all steelhead June 1 through October 31.

Gobar Creek (tributary to Kalama River): June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Grays River, from mouth to mouth of South Fork: September 1 through March 15 season. Trout, minimum length twenty inches. Wild steelhead release. Open only to fishing for steelhead.

Grays River, East Fork: Trout, minimum length fourteen inches. Selective fishery regulations.

Grays River, West Fork, downstream from hatchery trap site: June 1 - August 31 season.

Green River, from mouth to 2800 Bridge: June 1 through November 30 season except closed from salmon hatchery rack to a point 1500 feet downstream during the period September 1 through November 30. Trout, minimum length twenty inches. Open only to fishing for steelhead.

Note: All tributaries closed.

From 2800 Bridge to source, including all tributaries: Closed waters.

~~((1995 Conservation Measures:~~

~~Mouth to salmon hatchery rack: Closed to fishing for steelhead September 16, 1995, through October 15, 1995.))~~

Grizzly Lake: Closed waters.

Hamilton Creek: June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Hemlock Lake (Trout Creek Reservoir): June 1 through October 31 season. Trout - daily limit - two, and minimum length fourteen inches. Wild steelhead release. Selective fishery regulations.

Horseshoe Lake: Last Saturday in April through October 31 season.

Horsethief Lake: Last Saturday in April through October 31 season.

Icehouse Lake: Last Saturday in April through February 28 season.

Indian Heaven Wilderness Lakes: Trout - daily limit - three.

Jewitt Creek: Trout - daily limit - five, no minimum length. Juveniles only (under fifteen years old).

Johnson Creek (tributary to Cowlitz River): Trout, minimum length ten inches. Selective fishery regulations.

Kalama River, for all sections from mouth to Kalama Falls that are open to fishing the following regulations apply: (1) Trout, minimum length ~~((twelve))~~ 14 inches; and (2) wild cutthroat release; and (3) wild steelhead release.

From mouth upstream to one thousand feet below fishway at upper salmon hatchery: (1) Year around season; (2) September 1 through October 31 fly fishing only from the pipeline crossing to the posted deadline at the intake to the lower salmon hatchery; (3) from two hundred feet above to one thousand five hundred feet below the temporary rack is closed during the period the fish rack is installed; and (4) motors prohibited upstream of Modrow Bridge.

One thousand feet below fishway to one thousand feet above the fishway at upper salmon hatchery: Closed waters.

From one thousand feet above the fishway at the upper salmon hatchery to Summers Creek: Year around season.

From Summers Creek upstream to the 6420 Road at about one mile above the gate at the end of the county road: June 1 through March 31 season. Fly fishing only.

From 6420 Road (about one mile above the gate at the end of the county road) to Kalama Falls: Closed waters.

~~((1995 Conservation Measures:~~

~~Mouth upstream to 200 feet upstream of temporary rack: Closed to fishing for steelhead August 16, 1995, through October 15, 1995.))~~

Kalama River tributaries: Closed waters.

Kidney Lake: Last Saturday in April through February 28 season.

Klickitat River, from mouth to Fisher Hill Bridge: June 1 through November 30 season. Trout, minimum length twelve inches.

From Fisher Hill Bridge to four hundred feet above #5 fishway: Closed waters.

From four hundred feet above #5 fishway to the Yakama Indian Reservation boundary: June 1 through November 30 season. Trout, minimum length twelve inches. Additional December 1 through March 31 season for whitefish only. From boundary markers above Klickitat salmon hatchery to boundary markers below hatchery: Closed waters.

From the Yakama Indian Reservation boundary upstream to source, including all tributaries: Closed waters.

Klineline Ponds: Last Saturday in April through February 28 season.

Kress Lake: Last Saturday in April through February 28 season. Bass - only bass less than twelve inches or over eighteen inches in length may be kept. Internal combustion engines prohibited.

Lacamas Creek (Clark County): Lawful to fish upstream to the base of Lacamas Lake Dam.

Lacamas Creek, tributary of Cowlitz River (Lewis County): June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

Lewis River, from mouth to forks: Year around season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Lewis River, North Fork((:): Night fishing prohibited.
From mouth to overhead powerlines below Merwin Dam: Year around season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release. Closed waters: Shoreward of the cable buoy and corkline at the mouth of the Lewis River Salmon Hatchery fish ladder.

From lower Cedar Creek concrete boat ramp to Colvin Creek: Night closure April 1 through October 31.

From mouth of Colvin Creek to overhead powerlines at Merwin Dam: Trout, minimum length twelve inches. Closed October 1 through December 15 to fishing.

From overhead powerlines to Merwin Dam: Closed waters.

PROPOSED

From Yale Dam downstream one thousand three hundred feet to the cable crossing: Closed waters.

Lewis River Power Canal and old Lewis River streambed between Swift No. 1 powerhouse and Swift No. 2 powerhouse: Last Saturday in April through October 31 season. Fishing from any floating device prohibited.

From ~~((Eagle Cliff Bridge))~~ Swift Reservoir to lower falls: ~~((Trout, minimum length twelve inches. Selective fishery regulations.))~~ Catch and release.

Lewis River, East Fork (south), the following are closed waters: (1) From the posted markers below to one hundred feet above Lucia Falls; (2) from four hundred feet below to four hundred feet above Molton Falls; and (3) from four hundred feet below Horseshoe Falls to one hundred feet above Sunset Falls.

From mouth to four hundred feet below Horseshoe Falls: June 1 through July 31 and October 1 through March 15 season. Trout, minimum length fourteen inches. Wild steelhead release. Mouth to Day Break Bridge - 3/0 hook minimum size. Day Break Bridge to Moulton Falls - selective fishery regulations. Charlie Creek to Lucia Falls - closed waters. Moulton Falls to Sunset Falls - fly fishing only.

~~((From one hundred feet above))~~ Sunset Falls to source: ((June 1 through December 31 season. Trout, minimum length fourteen inches. Wild steelhead release.)) Closed waters.

Mouth to posted markers at top boat ramp at Lewisville Park: Additional April 16 through May 31 season. Wild steelhead release. Open only for steelhead.

Little Ash Lake: Last Saturday in April through February 28 season.

Little Klickitat River, within Goldendale city limits: Last Saturday in April through October 31 season. Trout - daily limit - five, no minimum length. Juveniles only (under fifteen years old).

Little Nisqually River: Trout, minimum length ten inches. Selective fishery regulations.

Little White Salmon River: Trout - daily limit - five. From fishway downstream to markers at federal fish hatchery a distance of one thousand five hundred feet: Closed waters.

Love Lake: Closed waters.

Mayfield Lake (Reservoir) includes all waters downstream of Mossyrock Dam: Tiger musky - daily limit - one, minimum length thirty-six inches.

Merrill Lake: Trout - daily limit - two, maximum length twelve inches. Fly fishing only ~~((except motors allowed))~~.

~~((Merwin (Lake) Reservoir: Trout - minimum length six inches.))~~

Mill Creek (Cowlitz County), from mouth to forks (approximately one mile): June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead

release and wild cutthroat release. Release all steelhead June 1 through October 31.

Mineral Creek (tributary to Nisqually River): Trout, minimum length twelve inches. Selective fishery regulations.

Mineral Creek, North Fork: Trout, minimum length twelve inches. Selective fishery regulations.

Mineral Lake: Last Saturday in April through September 30 season.

Muddy River (tributary to N.F. Lewis River): Trout, minimum length twelve inches. Selective fishery regulations.

Newaukum River, main river, Middle Fork and South Fork: June 1 through March 31 season. Trout, minimum length fourteen inches. Wild steelhead release.

Newaukum River, North Fork, from mouth to four hundred feet below Chehalis city water intake: June 1 through March 31 season. Trout, minimum length fourteen inches. Wild steelhead release.

From Chehalis city water intake upstream: Closed waters.

Northwestern Reservoir: Last Saturday in April through February 28 season.

Ohanapecosh Creek (tributary to Cowlitz River): Trout, minimum length twelve inches. Selective fishery regulations.

Olequa Creek: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

Outlet Creek: Trout - daily limit - five.

Packwood Lake: All inlet streams and outlet from log boom to dam: Closed waters. Last Saturday in April through October 31 season. Trout - daily limit - five, minimum length ten inches. Selective fishery regulations.

Panther Creek (tributary to Wind River): Trout, minimum length twelve inches. Selective fishery regulations.

Pine Creek (tributary to N.F. Lewis River): Trout, minimum length twelve inches. Selective fishery regulations.

Plummer Lake: Last Saturday in April through February 28 season.

Riffe (Lake) Reservoir: Lawful to fish up to the base of Swofford Pond Dam.

Rock Creek (Skamania County): June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Rowland Lakes: Last Saturday in April through February 28 season.

Salmon Creek (Clark County), from mouth to 72nd Avenue N.E.: June 1 through October 31 open to trout only. Release all steelhead and wild cutthroat release. Trout minimum length twelve inches. November 1 through March

PROPOSED

15 open to trout and steelhead. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Silver Creek (tributary to Cowlitz River), mouth to USFS Road 4778: Trout, minimum length twelve inches. Selective fishery regulations.

Silver Lake: Bass - minimum length fourteen inches. Catch and release. Use of water dogs or salamanders for fishing prohibited.

Skamokawa Creek, mouth to forks just below Oatfield and Middle Valley Road: November 1 through March 15 season. Trout, minimum length twenty inches. Wild steelhead release. Open only to fishing for steelhead.

Skate Creek (tributary to Cowlitz River): Trout - daily limit - five, no more than one over twelve inches in length.

Spearfish Lake: Last Saturday in April through February 28 season.

Spirit Lake (Skamania County): Closed waters.

Spring Creek: Trout - daily limit - five.

Swift Reservoir: Last Saturday in April through October 31 season. Selective fishery regulations.

Swofford Pond: Bass - daily and possession limit - two. Only bass less than twelve inches or over eighteen inches in length may be kept. Channel catfish - minimum length twenty inches. Internal combustion engines prohibited.

Tilton River, from mouth to West Fork: June 1 through March 31 season. Trout - daily limit - five, no more than one over twelve inches in length.

Tilton River, South Fork and East Fork: Trout, minimum length ~~((ten))~~ 12 inches. Selective fishery regulations.

Tilton River, North Fork and West Fork: Trout, minimum length twelve inches. Selective fishery regulations.

Toutle River, mouth to forks, and North Fork from the mouth to the posted deadline below the fish collection facility: June 1 through November 30 season. Trout, minimum length twenty inches. Open only to fishing for steelhead.

From the posted deadline below the fish collection facility upstream to the headwaters, including all tributaries: Closed waters. (Note: Castle Lake, and Coldwater Lake open waters.)

~~((1995 Conservation Measures-~~

~~Toutle River - North Fork, from the mouth of the Green River downstream approximately 200 yards to the power line crossing: Closed to fishing for steelhead September 16, 1995, through October 15, 1995.-))~~

Toutle River, South Fork, mouth to source (note: All tributaries closed): June 1 through November 30 season. Trout, minimum length twenty inches. Open only to fishing for steelhead.

Mouth to 4100 Road Bridge: Additional December 1 through March 31 season. Wild steelhead release. Open only to fishing for steelhead. Selective fishery regulations. Additional April 1 to April 30 season. Catch and release.

Trout Creek (tributary to Wind River): Trout, minimum length fourteen inches. Selective fishery regulations.

Trout Lake, tributary to Big White Salmon River: June 1 through October 31 season.

Tunnel Lake: Last Saturday in April through February 28 season.

Vancouver Lake and all other waters west of Burlington-Northern Railroad from Columbia River draw-bridge near Vancouver downstream to Lewis River: Trout - daily limit - two, minimum length twelve inches.

Walupt Lake: All inlet streams closed. Last Saturday in April through October 31 season. Trout, minimum length ten inches. Selective fishery regulations except motors allowed.

Washougal River, from mouth to bridge at Salmon Falls: June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Mouth to Mt. Norway Bridge: Additional April ~~((15))~~ 16 through May 31 season. Wild steelhead release. Open only for steelhead.

From bridge at Salmon Falls to its source: Closed waters.

~~((1995 Conservation Measures-~~

~~Mouth to 3rd Avenue Bridge: Closed to fishing for steelhead August 16, 1995, through October 15, 1995.-))~~

Washougal River, West (North Fork), from mouth to the water intake at the department hatchery: Closed waters.

From intake at department hatchery to source: June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

White Salmon River: Barbless hooks.

Willame Lake: Last Saturday in April through October 31 season. Trout - daily limit - two, minimum length fifteen inches. Selective fishery regulations.

Wind River~~((?))~~: Barbless hooks.

Mouth to four hundred feet below Shipherd Falls: June 1 through March 15 season. Selective fishery regulations. Trout, minimum length fourteen inches. Wild steelhead release.

From four hundred feet below to one hundred feet above Shipherd Falls fish ladder: Closed waters.

From one hundred feet above Shipherd Falls to source: June 1 through November 30 except closed from an upper boundary sign along Carson National Fish Hatchery grounds to a lower boundary marker 800 yards downstream June 1 through August 31. Wild steelhead release.

Tyee Springs: Closed waters.

From one hundred feet above Shipherd Falls fish ladder to source, including all tributaries: June 1 through November 30 season. Trout, minimum length fourteen inches.

Winston Creek (tributary to Cowlitz River): Trout, minimum length ten inches. Selective fishery regulations.

Yale Reservoir: Kokanee - daily limit - sixteen.

Yellowjacket Creek (tributary to Cispus River): Trout, minimum length twelve inches. Selective fishery regulations.

Yellowjacket Ponds: Last Saturday in April through February 28 season. Trout, no more than one over twelve inches in length.

Region VI.

Description: That area of the state contained within the boundaries of Clallam, Grays Harbor, Jefferson, Kitsap, Mason, Pacific, and Thurston counties and that portion of Pierce County on the Kitsap Peninsula and Fox Island.

Exceptions - Region VI regulations. State-wide regulations apply to all waters except where modified in special regulations below except that in all fisheries provided for in this region, crappie minimum size limit ten inches and daily limit 10 fish. For regulations within Olympic National Park, call (206) 452-4501.

Aberdeen Lake: Last Saturday in April through October 31 season.

Aldrich Lake: Last Saturday in April through October 31 season.

Aldwell Lake: Last Saturday in April through October 31 season. Trout - daily limit - two, minimum length twelve inches. Selective fishery regulations, except lawful to fish from any floating device equipped with a motor.

Alexander Lake (Kitsap County): Closed waters.

Anderson Lake (Jefferson County): Internal combustion engines prohibited. Last Saturday in April through October 31 season.

From September 1 through October 31. Catch-and-release only. Selective fishery regulations.

Bay Lake: Last Saturday in April through October 31 season.

Bear River: June 1 through February 28 season. Trout, minimum length fourteen inches.

Beaver Creek (Thurston County): See Black River.

Beaver Ponds in Kitsap County, and those ponds in Mason County on Tahuya Peninsula west of Belfair-Bremerton Highway (S.R. 3): Last Saturday in April through October 31 season. Trout - no minimum length.

Benson Lake: Last Saturday in April through October 31 season.

Big Beef Creek: June 1 through October 31 season. Closed to the taking of cutthroat trout.

Big River: June 1 through February 28 season. Trout, minimum length fourteen inches.

Black Lake (Pacific County): Last Saturday in April through October 31 season.

Black River, from mouth to Black Lake and all tributaries west of Interstate Highway 5 including Waddell Creek, Mima Creek, Beaver Creek, Salmon Creek, Dempsey Creek, and Blooms Ditch: Trout, minimum length twelve inches. Selective fishery regulations.

Blooms Ditch: See Black River.

Bogachiel River, from mouth to National Park boundary: June 1 through April 30 season. Trout, minimum length fourteen inches. Unlawful to fish from vessels.

Buck Lake: Last Saturday in April through October 31 season.

Burley Creek: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

Cady Lake: Last Saturday in April through October 31 season. Trout - daily limit - two. Fly fishing only. Internal combustion engines prohibited.

Calawah River, from mouth to forks: June 1 through April 30 season. Trout, minimum length fourteen inches. Unlawful to fish from vessels.

South Fork from mouth to National Park boundary: June 1 through February 28 season. Trout, minimum length fourteen inches.

Campbell Creek (Mason County): Closed waters.

Canyon Creek (Mason County): Closed waters.

Capitol Lake, from its outlet to a point four hundred feet below the lowest Tumwater Falls (Deschutes River) fish ladder: June 1 through July 31 season. Trout - daily limit - five, minimum length eight inches. Closed waters: Percival Cove, west of a set of markers on the western shoreline of the south basin of Capitol Lake. In accordance with WAC 236-16-020, the operation of all motorboats is prohibited in the area of Capitol Lake north of the railroad trestle crossing said lake unless prior written authorization is first obtained from the director of general administration.

Additional August 1 through March 31 season. Trout - daily limit - two, minimum length fourteen inches.

Carney Lake: Last Saturday in April through June 30 and September 1 through October 31 seasons. Internal combustion engines prohibited.

Carson Lake: Last Saturday in April through October 31 season.

Cases Pond: Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).

Cedar Creek (Jefferson County): June 1 through February 28 season. Trout, minimum length fourteen inches.

Chehalis River, from Union Pacific Railroad Bridge in Aberdeen to high bridge on Weyerhaeuser (~~logging road #17~~) 1000 line (approximately ~~(seven miles south of Pe EH)~~) 400 yards downstream from Roger Creek): June 1 through April 15 season. Trout, minimum length fourteen inches. Wild cutthroat release. Wild steelhead release.

PROPOSED

Chehalis River, south fork from mouth to Highway Bridge at Boistfort: June 1 through April 15 season. Trout, minimum length fourteen inches. Wild cutthroat release. Wild steelhead release.

Chehalis River Potholes (adjacent to the Chehalis River south of Highway 12 in Grays Harbor County, this does not include sloughs or beaver ponds): Last Saturday in April through October 31 season.

Chimacum Creek, from mouth to Ness's Corner Road: June 1 through August 31 season. Trout, minimum length fourteen inches.

From Ness's Corner Road to headwaters: Trout, minimum length fourteen inches.

Clallam River: June 1 through February 28 season. Trout, minimum length fourteen inches.

Clara Lake: Last Saturday in April through October 31 season.

Clear Lake: Last Saturday in April through October 31 season.

Clearwater River, from mouth to Snahapish River: June 1 through April 15 season. Trout, minimum length fourteen inches.

From Snahapish River upstream: Trout, minimum length fourteen inches.

Cloquallum Creek, from mouth to second bridge on Cloquallum Road: June 1 through February 28 season. Trout, minimum length twelve inches. Wild cutthroat release.

From mouth to Highway 8 Bridge: Additional March 1 through March 31 season. Trout, minimum length twelve inches. Wild cutthroat release.

Copalis River: June 1 through February 28 season. Trout, minimum length fourteen inches.

Coulter Creek: Trout, minimum length fourteen inches.

Cranberry Creek, mouth to Lake Limerick: Closed waters.

Crocker Lake (Jefferson County): Unlawful to fish from floating devices equipped with internal combustion engines.

Curley Creek: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

Cushman Reservoir: Closed to the taking of Dolly Varden/Bull Trout.

Damon Lake: June 1 through October 31 season.

Deep Creek: Closed waters.

Deep Lake: Last Saturday in April through October 31 season.

Deer Creek (Mason County): Closed waters.

Deer Lake: Last Saturday in April through October 31 season.

Dempsey Creek: See Black River.

Deschutes River, from old U.S. Highway 99 Bridge near Tumwater to Vail Road Bridge one mile southwest of Lawrence Lake: June 1 through March 31 season. Trout, minimum length fourteen inches.

From Old Highway 99 Bridge to four hundred feet below lowest Tumwater Falls fish ladder: Closed waters.

Devereaux Lake: Last Saturday in April through October 31 season.

Devil's Lake: Last Saturday in April through October 31 season.

Dewatto River: Trout, minimum length twelve inches. Wild cutthroat release.

From mouth to bridge on Bear Creek-Dewatto Road: June 1 through February 28 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Dickey River (includes all forks): June 1 through April 30 season. Trout, minimum length fourteen inches.

Dosewallips River, from mouth to Olympic National Park boundary about three-quarters mile downstream of falls: June 1 through February 28 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Duckabush River, from mouth to the Olympic National Park Boundary: June 1 through February 28 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

~~Dungeness River (from mouth to junction of Gray Wolf and Dungeness River: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release. Closed to taking of steelhead August 1 to October 15.~~

~~From junction of Gray Wolf River upstream to headwaters: Trout, minimum length fourteen inches.))~~ Closed waters.

~~((1995 Conservation Measures.~~

~~Mouth to mouth of Gray Wolf River: Closed to fishing for steelhead, night closure and unlawful to fish with nonbuoyant lures having more than one single pointed hook July 1, 1995, through July 31, 1995.~~

~~Upstream of the mouth of the Gray Wolf River: Night closure and unlawful to fish with nonbuoyant lures having more than one single pointed hook July 1, 1995, through July 31, 1995.))~~

East Twin River: June 1 through February 28 season. Trout, minimum length fourteen inches.

Elk River, from the Highway 105 Bridge upstream: June 1 through February 28 season. Trout, minimum length twelve inches. Wild cutthroat release.

Elwha River, from mouth to two hundred feet below the south spillway on the Aldwell Lake Dam: June 1 through April 15 season. Trout, minimum length fourteen inches. Fishing from any floating device prohibited. Closed waters: From south spillway on Aldwell Lake Dam downstream two

hundred feet and from approximately fifty yards upstream to fifty yards downstream of Elwha Tribal Hatchery outfall as posted.

From Lake Aldwell upstream to four hundred feet below spillway at Lake Mills Dam, including all tributaries except Indian Creek (see below): Trout, minimum length twelve inches; selective fishery regulations.

Failor Lake: Last Saturday in April through October 31 season.

Goldsborough Creek: June 1 through February 28 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Goodman Creek (Jefferson County) outside Olympic National Park: June 1 through February 28 season. Trout, minimum length fourteen inches.

Gorst Creek (Kitsap County), from lower bridge on the old Belfair Highway upstream to source (including tributaries): Closed waters.

From mouth upstream to lower bridge: Trout, minimum length fourteen inches.

Gosnell Creek and all its tributaries (tributary to Lake Isabella, Mason County): Trout, minimum length fourteen inches.

Grass Lake: Last Saturday in April through October 31 season.

Gray Wolf River: Trout, minimum length fourteen inches. Selective fishery regulations.

1995 Conservation Measures.

Night closure and unlawful to fish with nonbuoyant lures having more than one single pointed hook July 1, 1995, through July 31, 1995.

Hamma Hamma River, from mouth to four hundred feet below falls: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

From falls to mouth of Boulder Creek: Trout - daily limit - five - no minimum length.

Hammersley Inlet Freshwater Tributaries (except Mill Creek): Closed waters.

Hatchery Lake: Last Saturday in April through October 31 season.

Haven Lake: Last Saturday in April through October 31 season.

Heins Lake (Kitsap County): Closed waters.

Hicks Lake: Last Saturday in April through October 31 season.

Hoh River, from mouth to mouth of South Fork and in South Fork outside National Park boundary: June 1 through April 15 season. Trout, minimum length fourteen inches. Unlawful to fish from vessels.

Hoko River: Trout, minimum length fourteen inches.

From mouth to cement bridge on Lake Ozette Highway (upper Hoko Bridge): Additional November 1 through March 15 season. Trout, minimum length fourteen inches.

From upper Hoko Bridge to Ellis Creek Bridge (river mile 18.5): Additional November 1 through March 31 season. Catch-and-release, fly fishing only and use of motors prohibited.

Hoquiam River (includes all forks): June 1 through March 31 season. Trout, minimum length twelve inches. Wild cutthroat release.

Horseshoe Lake (Jefferson County): Last Saturday in April through October 31 season. Trout - daily limit 1. Selective fishery regulations.

Horseshoe Lake (Kitsap County): Last Saturday in April through October 31 season.

Howell Lake: Last Saturday in April through October 31 season.

Humptulips River (mainstem), from mouth to forks: June 1 through April 30 season. Trout, minimum length fourteen inches.

East Fork, from mouth to concrete bridge on Forest Service Road between Humptulips Guard Station and Grisdale: June 1 through April 30 season. Trout, minimum length fourteen inches.

West Fork, from mouth to bridge on Forest Service Road #2204 (about one-half mile above the mouth of Chester Creek): June 1 through April 30 season. Trout, minimum length fourteen inches.

Indian Creek (tributary to Elwha River), from mouth upstream to first Highway 101 crossing: Trout, minimum length twelve inches. Selective fishery regulations.

John's Creek (Mason County): Closed waters.

Johns River (includes North, South forks): June 1 through February 28 season. Trout, minimum length twelve inches. Wild cutthroat release.

Kalaloch Creek, outside Olympic National Park: June 1 through February 28 season. Trout, minimum length fourteen inches.

Kennedy Creek, from mouth to four hundred feet below falls: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

Kennedy Creek Pond: Last Saturday in April through October 31 season.

Koeneman Lake (formerly Fern Lake) (Kitsap County): Last Saturday in April through October 31 season. Selective fishery regulations. Catch-and-release only.

Lawrence Lake (Thurston County): Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Leland Lake (Jefferson County): Unlawful to fish from floating devices equipped with internal combustion engines.

Lincoln Pond (Clallam County): Juveniles only (under fifteen years old).

Little Quilcene River, from mouth to the Little Quilcene River Bridge on Penny Creek Road: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

Long Lake (Kitsap County): Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Long Lake (Thurston County): Last Saturday in April through October 31 season.

Loomis Lake: Last Saturday in April through October 31 season.

Loomis Pond (Grays Harbor County): Closed waters.

~~((Lost Lake (Jefferson County): Last Saturday in April through October 31 season. Trout daily limit two, minimum length fourteen inches.))~~

Lower Lena Lake, inlet stream from mouth upstream to footbridge (about one hundred feet): Closed waters.

Ludlow Lake: Last Saturday in April to October 31 season.

Lyre River, from mouth to falls near river mile 3: June 1 through February 28 season. Trout, minimum length fourteen inches.

Remainder of river: Trout, minimum length twelve inches.

Maggie Lake: Last Saturday in April through October 31 season.

McAllister Creek: Trout, minimum length fourteen inches.

McDonald Creek (Clallam County): Trout, minimum length fourteen inches.

McIntosh Lake: Last Saturday in April through October 31 season.

McLane Creek, from the south bridge on Highway 101 upstream: Trout, minimum length fourteen inches.

McLane Creek Pond: Last Saturday in April through October 31 season.

Melaney Creek: Closed waters.

Melbourne Lake: Last Saturday in April through October 31 season.

Middle Nemah Pond (Pacific County): June 1 through October 31 season.

~~((Mill Creek (Clallam County): Last Saturday in April through October 31 season. Juveniles only (under fifteen years old). Trout no minimum length.))~~

Mill Creek (Mason County): June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

Mill Creek Pond (Grays Harbor County): Juveniles only (under fifteen years old).

Mills Lake: Check Olympic National Park regulations, call (206) 452-4501.

Mima Creek: See Black River.

Minter Creek: Trout, minimum length fourteen inches. Area from department intake dam downstream to mouth: Closed waters.

Mission Lake: Last Saturday in April through October 31 season.

Moclips River, from mouth to outside the Quinault Indian Reservation: June 1 through February 28 season. Trout, minimum length fourteen inches.

Moose Pond (Pacific County): June 1 through October 31 season.

Morse Creek, from mouth to Port Angeles Dam: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

Mosquito Creek (Jefferson County) outside Olympic National Park: June 1 through February 28 season. Trout, minimum length fourteen inches.

Mud Lake (Mason County): Last Saturday in April through October 31 season.

Munn Lake: Last Saturday in April through October 31 season.

Naselle River, from Highway 101 Bridge upstream (includes all forks): Fishing from vessels equipped with internal combustion engines prohibited. Trout, minimum length fourteen inches. ~~((Note:))~~ Waters within four hundred feet both upstream and downstream of the entrance to the Naselle Salmon Hatchery are closed during the period September 1 through January 31.

That area from falls in Sec. 6, T10N, R8W, (Wahkiakum County) downstream four hundred feet: Closed waters.

From Highway 101 Bridge to mouth of North Fork: Additional November 1 through March 31 season. Trout, minimum length fourteen inches.

South Fork, from mouth to Bean Creek: Additional November 1 through February 28 season. Trout, minimum length fourteen inches.

Nemah River (North, Middle, South): June 1 through February 28 season. Trout, minimum length fourteen inches.

Nisqually River, from mouth to four hundred feet below LaGrande Powerhouse: June 1 through February 28 season. Trout, minimum length fourteen inches.

From mouth to highway bridge at McKenna: Additional March 1 through March 31 season. Trout, minimum length fourteen inches.

North River, from Highway 105 Bridge upstream: Trout, minimum length fourteen inches.

From Highway 105 Bridge to Falls River: Additional November 1 through February 28 season. Trout, minimum length fourteen inches.

Oakland Bay freshwater tributaries (except Goldsborough Creek) (including Shelton Creek, Canyon Creek, Uncle John Creek, Campbell Creek, Melaney Creek, Deer Creek, John's Creek, and Cranberry Creek to Lake Limerick): Closed waters.

~~((Offutt Lake: Last Saturday in April through October 31 season.))~~

Osborne Lake: Last Saturday in April through October 31 season.

Owens Pond (Pacific County): June 1 through October 31 season.

Ozette Lake: Check Olympic National Park regulations (206) 452-4501.

Ozette River, outside Olympic National Park: June 1 through February 28 season. Trout, minimum length fourteen inches.

Palix River (includes all forks): June 1 through February 28 season. Trout, minimum length fourteen inches.

Panhandle Lake: Last Saturday in April through October 31 season.

Panther Lake: Last Saturday in April through October 31 season.

~~((Pattison Lake: Last Saturday in April through October 31 season.))~~

Peabody Creek (Clallam County): Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).

Percival Creek: Trout, minimum length fourteen inches.

Pheasant Lake: Last Saturday in April to October 31 season.

Pine Lake: Last Saturday in April through October 31 season.

Pleasant Lake: Kokanee - minimum length eight inches, maximum length twenty inches.

Prices Lake: ~~((Last Saturday in))~~ April 1 through October 31 season. Selective fishery regulations, catch-and-release only.

Promise Land Pond: June 1 through October 31 season.

Purdy Creek (Mason County): June 1 through August 15 season. Trout, minimum length fourteen inches.

Pysht River: June 1 through February 28 season. Trout, minimum length fourteen inches.

Queets River: Check Olympic National Park regulations, (206) 452-4501.

Quilcene River, from mouth to upper boundary of Falls View Campground: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

From Highway 101 Bridge upstream to the electric weir at the Quilcene National Fish Hatchery: Closed waters.

From the upper boundary of Falls View Campground to the water diversion at the mouth of Tunnel Creek: Trout - daily limit - five, no minimum length.

1995 Conservation Measures.

Mouth to upper boundary of Falls View Campground: Closed to fishing for steelhead August 16, 1995, through October 31, 1995.

Quillayute River: June 1 through April 30 season. Trout, minimum length fourteen inches.

Quinault Lake and Lower Quinault River: When fishing within the boundaries of the Quinault Indian Reservation, contact the Quinault Indian Tribe to find out what tribal permits and regulations apply (206) 276-8211.

Quinault River, Upper, from mouth at upper end of Quinault Lake to the National Park boundary: June 1 through March 31 season. Trout, minimum length fourteen inches.

Raft River: When fishing within the boundaries of the Quinault Indian Reservation, contact the Quinault Indian Tribe to find out what tribal permits and regulations apply (206) 276-8211.

Robbins Lake: Last Saturday in April through October 31 season.

Rose Lake: Last Saturday in April through October 31 season.

Salmon Creek (Jefferson County, includes all forks): Closed waters.

Salmon Creek Naselle River: June 1 through February 28 season. Trout, minimum length fourteen inches.

Salmon Creek (Thurston County): See Black River.

Salmon River (Jefferson County): June 1 through February 28 season. Trout, minimum length fourteen inches.

Salt Creek: Trout, minimum length fourteen inches.

Sandyshore Lake: Last Saturday in April to October 31 season.

From mouth to bridge on Highway 112: Additional November 1 through February 28 season. Trout, minimum length fourteen inches.

Satsop Lakes: Last Saturday in April through October 31 season.

Satsop River (includes all forks): Trout, minimum length twelve inches. Wild cutthroat release except on east fork above Bingham Creek. Selective fishery regulations on East Fork upstream from mouth of Bingham Creek.

From mouth to bridge at Schafer Park: Additional November 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Turnow Branch, from mouth to posted deadline at bridge on Matlock Grisdale Road: Additional November 1 through February 28 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

West Fork, from mouth to bridge on Matlock Grisdale Road: Additional November 1 through February 28 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Sekiu River: Trout, minimum length fourteen inches.

PROPOSED

From mouth to forks: Additional November 1 through February 28 season. Trout, minimum length fourteen inches.

Shelton Creek: Closed waters.

Sherwood Creek: Trout, minimum length fourteen inches.

Sherwood Creek Mill Pond (Mason County): June 1 through October 31 season. Trout - minimum length 14 inches, daily limit 2 fish.

Shoe Lake: Last Saturday in April through October 31 season.

Shye Lake: June 1 through October 31 season.

Siebert Creek: Trout, minimum length fourteen inches.

Silent Lake: Last Saturday in April through October 31 season.

Skokomish River, mouth to forks: June 1 through February 28 season. Trout, minimum length ~~((twelve))~~ 14 inches. Wild steelhead release and wild cutthroat release.

~~((1995 Conservation Measures.~~

~~Mouth to Forks: Closed to fishing for steelhead September 1, 1995, through October 31, 1995.))~~

Skokomish River, South Fork, mouth to mouth of Church Creek: June 1 through February 28 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Mouth of Church Creek to headwaters: Trout, minimum length twelve inches. Selective fishery regulations.

Skokomish River, North Fork, mouth to lower dam: June 1 through February 28 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

North Fork above Lake Cushman mouth to Olympic National Park boundary: June 1 through August 31 season. Trout catch-and-release only. Selective fishery regulations.

Skookum Creek (Mason County): June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

Skookumchuck Reservoir: June 1 through October 31 season. Trout - daily limit - two, minimum length twelve inches.

Skookumchuck River, from Skookumchuck Reservoir upstream and all tributaries: Trout, minimum length twelve inches. Selective fishery regulations.

From mouth to four hundred feet below the outlet of the PP&L/WDFW steelhead rearing pond located at the base of the Skookumchuck Dam: June 1 through April 30 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Smith Creek (Pacific County near North River): June 1 through February 28 season. Trout, minimum length fourteen inches.

Snow Creek (includes all tributaries except Crocker Lake): Closed waters.

Soleduck River, from mouth to National Park boundary: Trout, minimum length fourteen inches.

From mouth to the concrete pump station at the Soleduck Hatchery: Additional November 1 through April 30 season. Trout, minimum length fourteen inches.

From the concrete pump station at the Soleduck Hatchery to the Highway 101 Bridge downstream from Snider Creek: Additional November 1 through April 30 season. Trout, minimum length fourteen inches. Wild steelhead release, selective fishery regulations.

South Bend Mill Pond (Pacific County): Juveniles only (under fifteen years old).

Stevens Creek, mouth to Highway 101 Bridge: June 1 through February 28 season. Trout, minimum length fourteen inches.

Steves Lake: Last Saturday in April through October 31 season.

Stump Lake: Last Saturday in April through October 31 season. Fishing from vessels with internal combustion engines prohibited.

Suez River (Sooes River): June 1 through February 28 season. Trout, minimum length fourteen inches.

Summit Lake: Last Saturday in April through October 31 season.

Sutherland Lake: Feeding (chumming) permitted.

~~((Sylvia Lake: Last Saturday in April through October 31 season.))~~

Tahuya River: Trout, minimum length twelve inches. Wild cutthroat release.

From mouth to the Bear Creek-Dewatto Road crossing: June 1 through February 28 season. Trout, minimum length twelve inches. Wild steelhead and wild cutthroat release.

Tarboo Lake: Last Saturday in April through October 31 season.

Teal Lake: Last Saturday in April to October 31 season.

Tenas Lake: Last Saturday in April through October 31 season.

Tiger Lake: Last Saturday in April through October 31 season.

Twin Lake: Last Saturday in April through October 31 season.

U Lake: Last Saturday in April through October 31 season.

Uncle John Creek: Closed waters.

Union River (main river and tributaries upstream from watershed boundary to source): Closed waters.

From mouth to watershed boundary: Trout, minimum length fourteen inches.

From mouth to lower bridge on the Old Belfair Highway: Additional November 1 through February 28 season.

Trout, minimum length fourteen inches. Wild steelhead release.

Valley Creek (Clallam County): Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).

Vance Creek (Mason County): Trout, minimum length fourteen inches.

Vance Creek/Elma Ponds: Last Saturday in April through October 31 season.

Waddell Creek: See Black River.

Ward Lake: Last Saturday in April through October 31 season.

West Twin River: June 1 through February 28 season. Trout, minimum length fourteen inches.

Wildberry Lake: Last Saturday in April through October 31 season.

Wildcat Lake: Last Saturday in April through October 31 season.

Willapa River (includes all forks) upstream from department boat launch in South Bend: Trout, minimum length fourteen inches.

From department boat launch in South Bend to Forks Creek: Additional November 1 through March 31 season. Trout, minimum length fourteen inches. Fishing from any floating device prohibited from the bridge on Willapa Road (Camp One Bridge) to Forks Creek.

South Fork: Additional November 1 through last day of February season. Trout, minimum length fourteen inches.

Falls on South Fork downstream four hundred feet: Closed waters.

Williams Creek (Pacific County): June 1 through February 28 season. Trout, minimum length fourteen inches.

Wishkah River (includes all forks): Trout, minimum length twelve inches. Wild cutthroat release.

Mainstem from dam at Wishkah Rearing Ponds (formerly Mayr Bros.) downstream to four hundred feet below the outlet: Closed waters.

From the mouth to Cedar Creek: Additional November 1 through March 31 season. Trout, minimum length twelve inches. Wild cutthroat release. East and West forks: Closed waters.

Wood Lake: Last Saturday in April through October 31 season.

Woodland Creek: Trout, minimum length fourteen inches.

Wooten Lake: Last Saturday in April through October 31 season.

Wynoochee River, areas four hundred feet downstream from the bases of Wynoochee Dam and the barrier dam near Grisdale: Closed waters.

Remainder of river: Trout, minimum length twelve inches. Wild cutthroat release.

From mouth to 7400 line bridge above mouth of Schafer Creek: Additional November 1 through March 31 season. Trout, minimum length twelve inches. Wild cutthroat release.

Wynoochee Reservoir: June 1 through October 31 season. Trout - daily limit - two, minimum length twelve inches.

Marine waters regulations.

These regulations apply to all marine waters contained within the boundaries of Washington state, within Puget Sound, Hood Canal, the Strait of Juan de Fuca, the San Juan Islands, the Strait of Georgia, and the Pacific Ocean, including estuaries (river mouths) from salt water upstream to a line between the outermost headlands measured at the highest high tide (usually the debris line furthest inshore on surrounding beaches), unless otherwise described under area regulations (see individual areas, below).

Fishing hours: Twenty-four hours per day year around.

License requirements: A valid current Washington state department of fish and wildlife game fishing license is required to fish for game fish in marine waters.

Permit requirements: A valid current steelhead license is required of persons fishing for steelhead in marine waters. All steelhead taken from the above described marine areas shall be entered on the steelhead catch record card using the words Marine Area and followed by the appropriate marine area code number.

Underwater spearfishing: Game fish may be taken by means of legal angling gear only. Spearing, gaffing, clubbing, netting, or trapping game fish is unlawful.

**MARINE WATERS RULES
CATCH AND MINIMUM SIZE LIMITS:**

GAME FISH SPECIES	DAILY CATCH LIMITS	MINIMUM SIZE LIMITS
Trout (Including steelhead)	Two, wild cutthroat release in Marine Areas ((12- (Hood Canal) and)) 1 through 13- (South Puget Sound). Wild steelhead release in Marine Areas 1 through 13.	Fourteen inches
Dolly Varden	Closed year around to fishing for or retaining Dolly Varden/Bull Trout.	

Marine waters: Gear restrictions.

Area 10: Those waters downstream of the First Avenue South Bridge to an east-west line through southwest Hanford Street on Harbor Island and parallel to southwest Spokane Street where it crosses Harbor Island - Nonbuoyant lure restriction July 1 through November 30.

Marine waters: Closed waters.

PROPOSED

Area 10 - Those waters west of the Lake Washington Ship Canal to a north-south line 175 feet west of the Burlington-Northern Railroad Bridge are closed to fishing at all times.

Area 10 - Those waters within lines 1/2 mile north and south of the mouth of Pipers Creek and within 600 feet of shore are closed to fishing from September 1 through January 31.

Marine waters: Area codes and boundaries.

(1) Area 1 (Ilwaco): West of the Megler-Astoria Bridge - north to Leadbetter Point. Effective January 1, 1989, Area 1 includes only waters west of the Buoy 10 Line and north to Leadbetter Point.

(2)(a) Area 2 (Westport-Ocean Shores): From Leadbetter Point north to the Queets River. Area 2 excludes waters of Willapa Bay and Grays Harbor.

(b) Area 2-1: Willapa Bay east of a line from Leadbetter Point to Willapa Channel Marker 8 (Buoy 8) then to the westerly most landfall on Cape Shoalwater.

(c) Area 2-2: Grays Harbor east of a line from the outermost end of the north jetty to the outermost exposed end of the south jetty.

(3) Area 3 (La Push): From the Queets River north to Cape Alava.

(4) Area 4 (Neah Bay): From Cape Alava north and inside Juan de Fuca Strait to the Sekiu River.

(5) Area 5 (Sekiu and Pillar Point): From mouth of Sekiu River east to Low Point, mouth of the Lyre River.

(6) Area 6 (East Juan de Fuca Strait): From Low Point east to the Partridge Point-Point Wilson line north to the line from Trial Island (near Victoria, B.C.) - Navigation Buoy BW "R" - Smith Island - the most northeasterly of the Lawson Reef lighted buoys (RB1 QK Fl Bell) - Northwest Island - the Initiative 77 marker on Fidalgo Island.

(7) Area 7 (San Juan Islands): All marine waters north of the line described under Area 6 to the United States-Canadian boundary.

(8)(a) Area 8 (Deception Pass, Hope and Camano Islands): Line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island east through Deception Pass, including all waters east of Whidbey Island to the Possession Point - Shipwreck Line.

(b) Area 8-1 (Deception Pass and Hope Island): East of a line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island, south of the Burlington Northern Railroad Bridge at the north end of Swinomish Slough, north of the Highway 532 Bridge between Camano Island and the mainland, and westerly of a line from the East Point Light on Whidbey Island to the Saratoga Pass Light #2 on Camano Island (F1 red 4 sec.).

(c) Area 8-2 (Port Susan and Port Gardner): East of a line from the East Point Light on Whidbey Island to the Saratoga Pass Light #2 on Camano Island (F1 red 4 sec.) and north of a line from the south tip of Possession Point 110 degrees true to a shipwreck on the opposite shore.

(9) Area 9 (Admiralty Inlet): All waters inside and south of the Partridge Point-Point Wilson Line and a line projected from the southerly tip of Possession Point 110 degrees true to a shipwreck on the opposite shore and

northerly of the Hood Canal Bridge and the Apple Cove Point-Edwards Point Line.

(10) Area 10 (Seattle-Bremerton): From the Apple Cove Point-Edwards Point Line to a line projected true east-west through the northern tip of Vashon Island.

(11) Area 11 (Tacoma-Vashon Island): From the northern tip of Vashon Island to the Tacoma Narrows Bridge.

(12) Area 12 (Hood Canal): All contiguous waters south of the Hood Canal Bridge and adjacent waters north of the Hood Canal Bridge when fishing from the pontoon beneath the bridge.

(13) Area 13 (South Puget Sound): All contiguous waters south of the Tacoma Narrows Bridge.

COLUMBIA RIVER REGULATIONS

Daily, size, and possession limits: Unless specified otherwise by special regulations, for waters or categories of waters listed individually, the daily limits and minimum size limits for game fish are as follows:

GAME FISH SPECIES	DAILY LIMITS	MINIMUM SIZE LIMITS
Bass	Five—not more than three over fifteen inches	None
Dolly Varden/ Bull Trout	Closed year around to fishing for or retaining Dolly Varden/Bull Trout.	
Grass Carp	It is unlawful to fish for or retain grass carp	
Trout (Including kokanee and steelhead)	Two	Twelve inches
Walleye	Five, not more than one over twenty-four inches.	Eighteen inches
Whitefish	Fifteen	None
All other game fish	No limit	None
Bullfrogs	Ten	None

In the Columbia River between Washington and Oregon, the license of either state is valid. Anglers must comply with the fishing regulations of the state in which they are fishing. This provision does not allow an angler licensed in Oregon to fish on the Washington shore, or in the sloughs or tributaries in Washington.

Anglers fishing the Columbia River are restricted to one daily limit, as defined by the laws of the state in which they are fishing, even if they are licensed by both states.

Including the Columbia River and impoundments and all connecting sloughs, except Wells Ponds in Region II.

Columbia River from a true north-south line through Buoy 10 to the Megler-Astoria Bridge: August 1 through

PROPOSED

March 31 season for steelhead. Wild steelhead release. Fishing from the north jetty is allowed during salmon season openings.

~~((1995 Conservation Measures:~~

~~From a true north and south line (magnetic 338°N) projected through Buoy 10 upstream to Megler Astoria Bridge: Unlawful to fish for steelhead with barbed hooks August 1, 1995, through September 4, 1995.))~~

From the Megler-Astoria Bridge to the I-5 Bridge: May 16 to March 31 season for steelhead and trout, except closed September 1 through September 30 at mouth of Abernathy Creek from the Washington shore to a line between Abernathy Point light and a boundary marker east of the mouth of Abernathy Creek. Wild steelhead release and wild cutthroat release. Closed to fishing for steelhead April 1 through May 15.

From the I-5 Bridge to the Highway 395 Bridge at Pasco(~~including Drano Lake~~): Wild steelhead release. Closed to fishing for steelhead March 16 through June 15. Drano Lake: See Region 5.

Closed waters: (1) From the upstream line of Bonneville Dam to boundary markers located six hundred feet below the fish ladder. (2) Waters from the upstream side of the Interstate Bridge at The Dalles to upper line of The Dalles Dam except that bank fishing is permitted up to four hundred feet below the fishway entrance on the Washington shore. (3) From John Day Dam downstream about three thousand feet except that bank fishing is permitted up to four hundred feet below the fishway entrance on the Washington shore. (4) From McNary Dam downstream to a line across the river from the red and white marker on the Oregon shore on a line that intersects the downstream end of the wingwall of the boat lock near the Washington shore.

From the Highway 395 Bridge at Pasco to the old Hanford townsite (wooden towers) powerline crossing, in Sec. 30, T13N, R28E: Year around season. Wild steelhead release.

Closed waters: Ringold Springs Creek (Hatchery Creek).

From the old Hanford townsite (wooden towers) powerline crossing in Sec. 30, T13N, R28E, to Vernita Bridge, (Highway 24), 46: June 16 through October 22 season. Wild steelhead release.

From Vernita Bridge (Highway 24) to Priest Rapids Dam: June 1 through March 31 season. Wild steelhead release.

Closed waters: (1) Priest Rapids Dam - waters between the upstream line of Priest Rapids Dam downstream to the boundary markers six hundred fifty feet below the fish ladders. (2) Jackson (Moran Creek or Priest Rapids Hatchery outlet) Creek - all waters of the Priest Rapids Hatchery system to the outlet on the Columbia River, extending to midstream Columbia between boundary markers located one hundred feet upstream and four hundred feet downstream of the mouth.

From Priest Rapids Dam to Chief Joseph Dam: Year around season. Barbless hooks when fishing for trout or

steelhead. Lawful to fish to base of Washburn Pond outlet structure. Wild steelhead release.

Closed waters: (1) Wanapum Dam - waters between the upstream line of Wanapum Dam to the boundary markers seven hundred fifty feet downstream of the east fish ladder and five hundred feet downstream of the west fish ladder. (2) Rock Island Dam to boundary markers four hundred feet downstream of the fish ladders. (3) Rocky Reach Dam - waters between the upstream line of Rocky Reach Dam to boundary markers four hundred feet downstream of the fish ladders. (4) Wells Dam - waters between the upstream line of Wells Dam to boundary markers four hundred feet downstream of the spawning channel discharge (Chelan County) and fish ladder (Douglas County). (5) Chief Joseph Dam - waters between the west end of the tailrace deck downstream four hundred feet to boundary marker in Okanogan County.

Above Chief Joseph Dam: See Region I, Lake Roosevelt and Region II, Rufus Woods Lake.

PROPOSED



WSR 95-22-001
PERMANENT RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Order R-435, Docket No. TS-941485—Filed October 18, 1995, 1:25 p.m.]

In the matter of repealing chapter 480-50 WAC and adopting chapter 480-51 WAC, relating to the regulation of commercial ferries.

The Washington Utilities and Transportation Commission takes this action under Notice WSR No. 95-17-122, filed with the code reviser on August 23, 1995. The commission brings this proceeding pursuant to RCW 81-84-070; chapter 427, Laws of 1993; chapter 361, Laws of 1995, and RCW 80.01.040(4).

This proceeding complies with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.05 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 34.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

This proposal repeals the existing administrative code provisions in chapter 480-50 WAC governing commercial ferries and replaces them with a new chapter. The new chapter contains many of the former provisions, reorganized, and adds provisions, *inter alia*, to reflect (a) 1993 statutory amendments; (b) 1995 statutory amendments; and (c) Attorney General Opinion AGO 92-7.

The commission filed a preproposal statement of intent (CR-101) for this matter on December 7, 1994, at WSR 94-24-087. Because of a 1995 statutory amendment, the commission filed a modified preproposal statement of intent on June 23, 1995, at WSR 95-14-025, to expand the proposal to consider matters affected by the 1995 legislation. The commission filed a notice of proposed rule making (CR-102) on August 23, 1995, at WSR 95-17-122. The commission scheduled this matter for oral comment and adoption under Notice No. WSR 95-17-122 at 9:00 a.m., Wednesday, September 28, 1995, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA. The notice provided interested persons the opportunity to submit written comments to the commission.

The commission received written comments from John Ebel, representing San Juan Express, *et al.*; John Blackman, president of Argosy, and from W. F. Gormley of Gormley Marine Transport.

Commission staff recommended several changes from the noticed language, based upon comments. It also recommended rejecting several requested changes, stating its reasons.

One matter raised in the written comments concerned the proposed adoption of definitions for the terms "termini" and "intermediate points" in draft WAC 480-51-020. The carriers contended that the proposed definitions were based on a theory reversed by 1995 legislation, that all intermediate points are "terminals" and therefore termini, and that the definitions were in any event unnecessary. In its response, commission staff expressed the view that the terms were not changed by the law, that the proposed definitions were consistent with the use of the same terms historically and in other regulated transportation industries and statutes, that the

term "termini" is the plural of "terminus," not "terminal," and that the proposed terms would not adversely affect the immediate operations of existing regulated carriers. Commission staff, however, accepted Mr. Ebel's suggestion that the definitions are not absolutely essential to implementing the proposed rules and recommended that the terms be removed from the proposal.

The theory underlying the carriers' proposal to delete the terms could run counter to prior transportation industry meaning, run counter to other statutory definition, reverse prior commission orders, and render ineffective a portion of the 1995 law. We will not rule on the arguments in this order — the magnitude of the proposed changes dictates a closer examination of the issues in a fully contested setting where a deeper inquiry may be made. The commission accepts the commission staff recommendation to delete the definitions, but makes it clear that doing so is based only on the conclusion that the proposed definitions are not essential to immediate implementation of the law and that doing so does not signal the commission's acceptance of the carriers' other arguments for deletion. The commission recognizes that the issue may thus be deferred rather than resolved.

Other matters were more technical and appeared to be less fervently fought. The suggestions for change are addressed in the commission staff memorandum, which recommends specific responses, and which the commission adopts as its concise statement of its own reasons for changes from the noticed language and for declining to accept recommended changes.

The rule change proposal was considered for adoption, pursuant to the notice, at the commission's regularly scheduled open public meeting on September 27, 1995, before Chairman Sharon L. Nelson, Commissioner Richard Hemstad, and Commissioner William R. Gillis. Oral comments were made to the commission by Cathie Anderson of the commission staff. She briefly explained the history of the rule making and referenced the commission staff memo for a description of changes recommended by the commission staff and of the effect of the proposal. Ms. Anderson recommended by the commission staff and of the effect of the proposal. The commission also heard oral comments from John Ebel, who spoke in opposition to the proposed definitions for the terms "termini" and "intermediate points" in the proposal that had been noticed.

After considering all of the information regarding this proposal, the commission adopted the proposed rule amendment, with changes from the text noticed at WSR 95-17-122 as recommended by commission staff.

In reviewing the entire record, the commission determines that the present sections in chapter 480-50 WAC should be repealed and that new chapter 480-51 WAC should be adopted to read as set forth in Appendix A as rules of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 8.04.010 [80.04.010] on the thirty-first day after filing with the code reviser.

ORDER

THE COMMISSION ORDERS:

1. The existing sections in chapter 480-50 WAC are repealed.

2. The proposed sections in chapter 480-51 WAC are adopted as set forth in Appendix A, as rules of the Washington Utilities and Transportation Commission, to take effect on the 31st day after the date of its filing with the code reviser pursuant to RCW 8.04.010 [80.04.010] and 34.05.-380(2).

3. This order and the rules shown below, after being recorded in the register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapters 80.04 and 35.05 [34.05] RCW and chapter 1-21 WAC.

4. The commission adopts the commission staff memorandum, presented when the commission considered filing a preproposal statement of intent, when it considered filing the formal notice of proposed rule making, and when it considered adoption of this proposal, with the modifications expressed in this order, as its brief explanatory statement of the reasons for adoption and of the reasons for changes from the noticed proposal and for its deciding against making recommended changes, under RCW 34.05.325.

Note: The following is added at code reviser request for statistical purposes:

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 17, repealed 5.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 5, amended 0, repealed 15.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

DATED at Olympia, Washington, this 17th day of October, 1995.

Washington Utilities and Transportation Commission
Sharon L. Nelson, Chairman
William R. Gillis, Commissioner

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 480-50-010 Definitions.
- WAC 480-50-020 General operation.
- WAC 480-50-030 Applications.
- WAC 480-50-035 Notice of application; protests; contemporaneous applications.
- WAC 480-50-040 Tariffs.
- WAC 480-50-050 Freight classification.
- WAC 480-50-060 Time schedules.
- WAC 480-50-070 Suspension of service.
- WAC 480-50-080 Accounts.
- WAC 480-50-090 Annual reports.
- WAC 480-50-100 Fees.
- WAC 480-50-110 Discontinuance.

- WAC 480-50-120 Failure.
- WAC 480-50-130 Cancellation.
- WAC 480-50-140 General.

**Chapter 480-51 WAC
COMMERCIAL FERRIES**

NEW SECTION

WAC 480-51-010 General. (1) Commercial ferries shall comply with the terms of this chapter in addition to rules prescribed by the commission for public service companies in general.

(2) This chapter is subject to such exceptions as the commission may consider just and reasonable in individual cases.

(3) Application for exception to any of the rules of this chapter shall be made in accordance with the following:

- (a) Application must be directed to the commission at its Olympia headquarters office;
- (b) The application must be legibly presented on 8-1/2 inch by 11 inch paper, on one side of each sheet only;
- (c) The applicant must identify the rule to which exception is sought and give a full explanation of the reasons for requesting the exception.

NEW SECTION

WAC 480-51-020 Definitions. For the purposes of these rules, the following definitions shall apply:

(1) The term "commercial ferry" means every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers, appointed by any court whatever, owning, controlling, leasing, operating or managing any vessel over and upon the waters of this state.

(2) The term "certificated commercial ferry" means a person required by chapter 81.84 RCW to obtain a certificate of public convenience and necessity before operating any vessel upon the waters of this state.

(3) The term "common carrier ferry vessel" means a vessel primarily engaged in transporting freight other than vehicles, whose gross earnings from the transportation of passengers and/or vehicles are not more than ten percent of the total gross annual earnings of such vessel.

(4) The term "vessel" includes every species of watercraft, by whatever power operated, for public use in the conveyance of persons or property for hire over and upon the waters within this state, excepting all towboats, tugs, scows, barges, and lighters, and excepting rowboats and sailing boats under twenty gross tons burden, open steam launches of five tons gross and under, and vessels under five tons gross propelled by gas, fluid, naphtha, or electric motors.

(5) The term "transportation of property" includes any service in connection with the receiving, delivery, elevation, transfer in transit, ventilation, refrigeration, icing, storage and handling of the property transported, and the transmission of credit.

(6) The term "transportation of persons" includes any service in connection with the receiving, carriage and delivery of the person transported and that passenger's baggage and all facilities used, or necessary to be used in

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connection with the safety, comfort and convenience of the person transported.

(7) The term "for hire" means transportation offered to the general public for compensation.

(8) The term "transfer" means sale, assignment, mortgage, lease or any other voluntary or involuntary conveyance of an interest in a certificate by the entity owning a certificate.

(9) The term "launch service" means transportation of passengers and/or freight to or from a vessel under way, at anchor or at a dock.

(10) The term "person" means any natural person or persons or any entity legally capable of taking any action.

(11) The term "published schedule" means a time schedule that is published by the certificate holder and filed with the commission in accordance with the provisions of WAC 480-51-090.

(12) For the purposes of these rules, where the terms "United States Coast Guard" and/or "Coast Guard" are used, the term "Washington state department of labor and industries, marine division" shall be substituted if the commercial ferry boat operates on Washington state waterways not subject to Coast Guard regulation or if the vessel itself is subject to department of labor and industries, marine division, rules and regulations rather than those of the United States Coast Guard.

(13) The term "excursion service" means the carriage or conveyance of persons for compensation over the waters of this state from a point of origin and returning to the point of origin with an intermediate stop or stops at which passengers leave the vessel and reboard before the vessel returns to its point of origin.

(14) The term "charter service" means the hiring of a vessel, with captain and crew, by a person or group for carriage or conveyance of persons or property.

NEW SECTION

WAC 480-51-022 Exempt vessels and operations.

The rules of this chapter do not apply to the following vessels or operations:

- (1) Charter services;
- (2) Passenger-carrying vessels that depart and return to the point of origin without stopping at another location within the state where passengers leave the vessel;
- (3) Vessels operated by not-for-profit or governmental entities that are replicas of historical vessels or that are recognized by the United States Department of the Interior as national historical landmarks;
- (4) Excursion services that:
 - (a) Originate and primarily operate at least six months per year in San Juan County waters and use vessels less than sixty-five feet in length with a United States Coast Guard certificate that limits them to forty-nine passengers or less;
 - (b) Do not depart from the point of origin on a regular published schedule;
 - (c) Do not operate between the same point of origin and the same intermediate stop more than four times in any month or more than fifteen times during any twelve-month period;
 - (d) Use vessels that do not return to the point of origin on the day of departure; or

(e) Operate vessels upon the waters of the Pend Oreille River, Pend Oreille County, Washington.

NEW SECTION

WAC 480-51-025 General operation. (1) Commercial ferries must comply with all pertinent federal and state laws, chapter 81.84 RCW, and the rules of this commission.

(2) No certificated commercial ferry shall provide service subject to the regulation of this commission without first having obtained from the commission a certificate declaring that public convenience and necessity require, or will require, that service.

(3) No company may operate any vessel providing excursion service subject to the regulation of this commission over the waters of this state without first having obtained a certificate of public convenience and necessity as provided in RCW 81.84.010.

(4) Any operator holding unrestricted commercial ferry authority may provide excursion service on an existing route without the need to obtain additional authority. The commission may restrict grants of commercial ferry authority to operations in excursion service.

(5) Any certificate of public convenience and necessity obtained by any false affidavit, statement or misrepresentation shall be subject to revocation and cancellation by this commission.

NEW SECTION

WAC 480-51-030 Applications. (1) Any person desiring to operate a commercial ferry which is required by the provisions of chapter 81.84 RCW to be certificated, to acquire a controlling interest in, or to acquire by transfer any certificate, shall file with the Washington utilities and transportation commission an application for a certificate of public convenience and necessity on a form furnished by the commission. Applications shall include, but are not limited to the following:

- (a) Pro forma financial statement of operations;
- (b) Ridership and revenue forecasts;
- (c) The cost of service for the proposed operation;
- (d) An estimate of the cost of the assets to be used in providing service;
- (e) A statement of the total assets on hand of the applicant that will be expended on the proposed operation; and
- (f) A statement of prior experience, if any, in providing commercial ferry service.

(2) Certificate holders wishing to issue stocks and stock certificates, or other evidences of interest or ownership, and bonds, notes, and other evidences of indebtedness and to create liens on their property in this state shall comply with chapter 81.08 RCW, as amended, and with all pertinent commission rules.

- (3) Application fees:

Original application for certificate	\$200.00
Application for extension of certificate	200.00
Application to transfer a certificate	200.00
Application for issuance of a duplicate certificate	3.00
Application for temporary certificate	200.00

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NEW SECTION

WAC 480-51-040 Notice of application—Protests—Contemporaneous applications. (1) The commission shall send a notice of each application for certificated commercial ferry service and each application to operate vessels providing excursion service, with a description of the terms of that application, to all persons presently certificated to provide service; all present applicants for certificates to provide service; the department of transportation; affected cities and counties; and any other person who has requested, in writing, to receive such notices. Interested persons may file a protest with the commission within thirty days after service of the notice. The protest shall state the specific grounds for opposing the application and contain a concise statement of the interest of the protestant in the proceeding. A person who is eligible to file a protest and fails to do so may not participate further in the proceeding in any way, unless it can be demonstrated that failure to file a protest was due to an omission by the commission in providing proper notification of the pending application.

(2) If any person wishes to seek authority which overlaps, in whole or in part, with that sought in any pending application, it must apply for that authority within thirty days following mailing of the notice of filing of the initial application in order for the applications to be considered jointly. During the thirty-day period, pending applications will be on file and available for inspection in the commission's headquarters office in Olympia.

(3) The commission may consolidate overlapping pending applications, pursuant to WAC 480-09-610, for joint consideration.

(4) Overlapping applications which are not filed within thirty days of the initial application will not be jointly considered with the initial application and will not be decided until after the conclusion of proceedings resolving the initial application and any other application qualifying for joint consideration.

(5) The commission may consider and decide, on any schedule, portions of an overlapping application when:

(a) The portions to be heard do not overlap a prior pending application; and

(b) The overlapping portions may appropriately be severed from the portions to be heard.

NEW SECTION

WAC 480-51-050 Waiver of ten-mile restriction. (1) **Application.** An application to provide service otherwise forbidden by the ten-mile restriction in RCW 47.60.120 shall include a request for waiver of that restriction.

(2) **Notice—Protests.** The commission shall send a notice of each application for waiver of the ten-mile restriction pursuant to WAC 480-51-030. Interested persons shall have twenty days from the date of mailing of the notice in which to file a protest with the commission stating opposition to the waiver petition and application. Protests should set forth specifically the grounds upon which they are made and contain a concise statement of the interest of the protestant in the proceeding.

(3) **Standards.** In determining whether to grant or deny a waiver, the commission shall consider, but is not limited to, the impact of the waiver on:

(a) Transportation congestion mitigation;

(b) Air quality improvement; and

(c) The Washington state ferry system.

(4) **Resolution—Hearing.** The commission shall act upon a request for a waiver of the ten-mile restriction within ninety days after the conclusion of the hearing. The commission may in its discretion separate the request for a waiver of the ten-mile restriction from other issues in the application when necessary to comply with the statutory ninety-day deadline.

(5) **Effective period of waiver.**

(a) A waiver granted to an applicant or certificate holder under RCW 47.60.010(3) shall be effective for a period of five years from the date of grant of the waiver.

(b) Pursuant to RCW 47.60.010(3), the waiver shall automatically become permanent unless appealed to the commission, or unless reviewed by the commission upon its own motion, no later than thirty days after the fifth anniversary of the effective date of the waiver as set forth in (a) of this subsection. The commission will issue no notice of the expiration date of the five-year period. The burden of proof to show that the waiver should not become permanent shall be upon the party who files the appeal or upon the commission, if the review is on the commission's own motion. Persons who may appeal include the department of transportation, affected cities and counties, and any interested party. An interested party, for the purposes of this rule, means any party to the proceeding in which the application was granted, any person certificated to provide service possessing overlapping authority, and any applicant for overlapping authority.

(c) Upon receipt of an appeal of a waiver and the holder's answer, if any, the commission shall set the matter for adjudication. The commission may, in its discretion, on the request of a party, or on its own motion, order a brief adjudicative proceeding on the appeal. WAC 480-09-500 governs applications for and procedures in brief adjudicative proceedings.

(6) **Certificates containing waiver.** Certificates granted in conjunction with the grant of a waiver shall include the following proviso:

"Pursuant to RCW 47.60.010(3), the waiver of the ten-mile restriction granted in this certificate is effective until (DATE). This waiver shall become permanent if not appealed within thirty days after this date."

NEW SECTION

WAC 480-51-060 Temporary certificates. (1) The commission may issue temporary certificates for authority to provide service for a period not to exceed one hundred eighty days.

(2) The commission shall not issue a temporary certificate to operate on a route for which a certificate has been issued or for which an application is pending.

(3) The commission shall only issue temporary certificates upon finding that the issuance is due to an urgent and immediate need and is otherwise consistent with the public interest. In determining whether to grant the requested temporary certificate, the commission will consider evidence of the following factors:

- (a) An immediate and urgent need for the requested service;
- (b) Any available service capable of meeting the need;
- (c) The fitness of the applicant; and
- (d) Any other circumstance indicating that a grant of temporary authority is consistent with the public interest.

(4) An application for a temporary certificate shall be completed legibly on a form furnished by the commission, giving all information requested and accompanied by:

- (a) The application fee;
- (b) A copy of a certificate or letter from the United States Coast Guard certifying that any vessel to be used under that temporary certificate has been inspected by the United States Coast Guard and is safe and seaworthy for the intended operation;
- (c) Evidence of proper insurance as required by WAC 480-51-070;
- (d) Statements from potential customers, riders, shippers or interested parties demonstrating that there is an immediate and urgent need for the requested service.

(5) The commission shall send a notice of each temporary certificate granted, with a description of the temporary certificate's terms, to all persons presently certificated to provide service; all present applicants for certificates to provide service; the department of transportation; affected cities and counties; and any other person who has requested, in writing, to receive such notices. Interested persons may file a protest with the commission within twenty days after service of the notice. The protest shall state the specific grounds for opposing the application and contain a statement of the interest of the protestant in the proceeding.

(6) The commission may grant or deny the protest without hearing. The commission may, in its discretion, on the application of a party, or on its own motion, order a brief adjudicative proceeding on the protest. WAC 480-09-500 governs applications for and procedures in brief adjudicative proceedings.

(7) The commission may impose special terms and conditions in connection with the grant of any temporary certificate.

(8) If the holder of temporary authority files a valid application for parallel permanent certificated authority within thirty days after the grant of temporary authority, that temporary authority shall continue in force until the commission grants or denies the application for the permanent certificate authority, or until the temporary certificate is otherwise cancelled pursuant to law, whichever occurs first.

NEW SECTION

WAC 480-51-070 Insurance. (1) Liability and property damage insurance or surety bond.

(a) Prior to the commission issuing a certificate, and prior to the commission issuing a registration to a common carrier ferry operating passenger-carrying vessels, each applicant shall file with the commission evidence of currently effective liability and property damage insurance or a surety bond, the form of which is set out below, written by a company authorized to write such insurance or bond in the state of Washington, covering each vessel to be used under the certificate or registration granted. Coverage shall be for not less than the following amounts:

- \$100,000 for any recovery for personal injury by one person, and
- \$1,000,000 for all persons receiving personal injury and property damage by reason of one act of negligence, and
- \$50,000 for damage to property of any person other than the insured, or
- \$1,000,000 combined bodily injury and property damage liability insurance.

(b) Evidence of insurance shall be submitted on either a certificate of insurance, filed in triplicate with the commission, or a written binder issued by an insurance agent or insurance company evidencing the coverage as required above. If a binder is submitted, it shall be effective for not longer than sixty days, during which time the operator must file the required certificate of insurance.

(c) Form of surety bond.

"Know all persons by these presents:

*That we _____ of the City of _____, State of Washington, as principal, and _____, a corporation organized and existing under and by virtue of the Laws of the State of Washington under the laws thereof, as surety, are held and firmly bound unto the State of Washington, in the just and full sum or lawful money of the United States of America, upon each and every vessel operated by the principal herein in the amounts as set out in the schedule above for the payment of which well and truly to be made, do hereby bind ourselves, or heirs, executors, administrators, successors and assigns, severally by these presents.
Signed, sealed and dated this ____ day of ____ 19__.*

This bond is written in pursuance of and is to be construed in accordance with chapter 81.84 RCW, and the rules and regulations of the Washington Utilities and Transportation Commission, adopted thereunder; is to be filed with the State for the benefit of persons who sustain damage or injury from the negligent operations of any and all vessels operated by the company (principal herein) under and by virtue of its certificate or registration granted by the Washington Utilities and Transportation Commission, and Tariffs and Time Schedules filed thereunder.

SCHEDULE

- \$100,000 for any recovery for personal injury by one person and
- \$1,000,000 for all persons receiving personal injury and property damage by reason of one act of negligence, and
- \$50,000 for damage to property of any person other than the insured, or
- \$1,000,000 combined bodily injury and property damage liability.

Now, therefore, the condition of this obligation is such that if the said principal in accordance with the provision of chapter 81.84 RCW, shall pay all damages for personal injuries which may be sustained by any person or any damage to property of any person other than the assured, by reason of any act of negligence on the part of the said principal, its agents or employees in the operation of vessels in transporting persons and property for compensation, under its Certificate of Public Convenience and Necessity or registration issued by the Washington Utilities and Transportation Commission, and Tariffs and Time Schedules filed thereunder, then this obligation to be void, otherwise to remain in full force and effect.

This bond may be cancelled by the surety at any time by filing written notice with the Washington Utilities and Transportation Commission stating when the cancellation shall be effective, but in no case shall such cancellation notice be

effective until thirty (30) days after the receipt of such notice by the Washington Utilities and Transportation Commission.

Principal

Surety"

(2) Insurance, continuance of. Proper evidence of continued insurance or surety bond shall be filed with the commission not less than ten days prior to the termination date of coverage then on file so there is no question of continuous coverage as required by law.

(3) Insurance termination.

(a) All insurance policies issued under the requirements of chapter 81.84 RCW shall provide that the coverage shall continue in full force and effect unless and until cancelled by at least thirty days' written notice served on the insured and the Washington utilities and transportation commission by the insurance company. The thirty days' notice period runs from the date the notice is actually received by the commission. Exception: Binders may be cancelled on ten days' written notice.

(b) Notice of cancellation or expiration shall be submitted in duplicate and shall not be submitted more than sixty days before the intended termination date, except that binders may be cancelled by written notification from the insurance agency or insurance company on ten days' written notice.

(4) Involuntary suspension—Cancellation.

(a) Involuntary suspension. No certificate holder and no registered passenger-carrying common carrier may operate in this state without the required insurance. Any certificate holder or registered passenger-carrying common carrier who fails to maintain evidence that its insurance is in current force and effect shall have its certificate or registration suspended by operation of law beginning with the time of the failure.

(i) A person whose certificate or registration is suspended may secure reinstatement of the same by correcting conditions leading to suspension.

(ii) A certificate or registration holder may contest suspension by requesting a brief adjudication or an adjudication.

(iii) The suspension shall last until the cause of the suspension is cured and the certificate or registration is reinstated or until the certificate or registration is cancelled.

(b) Cancellation.

(i) The commission may cancel a certificate or registration for failure to demonstrate that the holder has corrected the conditions leading to suspension with the time defined in the order of suspension.

(ii) The commission will hold a hearing prior to canceling a certificate or registration, except when cancellation results from failure to correct causes of a suspension in which an adjudicative or brief adjudication was held or was available to the certificate or registration holder.

(5) All persons holding certificates on the effective date of this rule shall, within sixty days of the effective date, file evidence of proper insurance with the commission.

NEW SECTION

WAC 480-51-075 Safety. (1) No commercial ferry shall operate any vessel that has not been inspected by the United States Coast Guard and certified to be safe and seaworthy for its intended operation.

(2) Each commercial ferry shall maintain in its main office a copy of the most current certificate issued for each vessel operated.

(3) The commission may periodically require commercial ferry operators to provide proof that each vessel operated has been inspected and found to be safe and seaworthy. Such proof may be contained on the annual report form required by WAC 480-51-100.

(4) No commercial ferry shall augment its fleet with a vessel leased, borrowed, or obtained from another party unless the commercial ferry operator first obtains proof that the vessel has been inspected within the past twelve months and found to be safe and seaworthy for its intended purpose. A copy of the inspection certificate must be maintained in the commercial ferry operator's files for a period of not less than twelve months following use of such vessel.

NEW SECTION

WAC 480-51-077 Operators of common carrier ferry vessels—Registration—Regulations. (1) No person shall operate a common carrier ferry vessel without first having registered with the commission and filing a tariff in accordance with the provisions of WAC 480-51-080. Registration to be made on forms supplied by the commission. Operators of passenger-carrying common carrier ferry vessels must provide evidence of insurance as required by WAC 480-51-070.

(2) Any person who operates a common carrier ferry vessel shall be required to submit annual reports and regulatory fees in accordance with the provisions of WAC 480-51-100.

(3) Operators of common carrier ferry vessels shall maintain accounts in accordance with the provisions of WAC 480-51-110.

(4) Any person operating a common carrier ferry vessel on the date this rule is adopted must file a registration application within sixty days of the effective date of the rule.

NEW SECTION

WAC 480-51-080 Tariffs. (1) All commercial ferries shall file with the commission tariffs containing fair, just and reasonable rates governing the transportation services to be provided.

(a) Pursuant to Article 12, section 12 of the Washington Constitution and RCW 81.28.180 and 81.28.190, rates contained in commercial ferry tariffs must be nondiscriminatory and nonpreferential.

(b) Tariffs may provide for variations within a band of rates, and may provide for exceptions and conditions in defined circumstances.

(2) Operators of commercial ferries shall prepare, publish, file and reissue their tariffs in accordance with the provisions of the commission's Tariff Circular No. 6.

(3) Tariffs must be issued in the registered name of the operator and must show its certificate or registration number.

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(4) Tariffs must contain a title page which identifies the name of the company; its business name, if any; its business address; its business telephone number; and the name, address and business telephone number of the issuing agent.

NEW SECTION

WAC 480-51-090 Time schedules. Each certificate holder, excluding launch services, shall publish and file with the commission, time schedules showing all service given under their certificate and the manner in which it is available, as follows:

(1) Time schedules shall be typewritten or printed on 8-1/2 x 11 inch paper.

(2) The title page of each time schedule must show the following (see sample time schedule in subsection (8) of this section):

(a) A consecutive number in the upper right hand corner, indicating the number of the current version of the time schedule (beginning with Number 1), and must show the number of the time schedule cancelled thereby, if any.

(b) The name of the certificate holder, approved trade name under which operation is conducted, and the number of the certificate.

(c) The termini or points between which the time schedule applies, briefly stated.

(d) A definite statement of the regular route or routes traversed including all intermediate stops and the names and locations of all docks and landings used along the route.

(e) The date when the time schedule is issued, posted and filed with the commission and the date when the time schedule is to become effective.

(f) The name, title and address (including both street address and mailing address, if different from street address) of the official issuing the time schedule.

(3) Time schedules must show (see sample time schedule in subsection (8) of this section):

(a) The time of **Arrival** and **Departure** at and from all **Points Served**.

(b) The **Days** upon which each trip will be given.

(c) The **Distance** between all points shown in the schedule.

(e) Any limitations of service contained in the certificate and any restriction or limitation of the service given at or between the points shown as served.

(4) At least one copy of each time schedule shall be posted on or before the date shown as the date of its issuance, in a conspicuous place, easily accessible for public inspection, at each dock, waiting room and regular stopping place on the route and on each vessel used.

(5) Two copies of each time schedule shall be filed with the commission at its Olympia headquarters on or before the date shown as the date of its issuance.

(6) Changes in the operation under a certificate which affect in any way the information or service shown in the time schedule then in effect must be made only after a new time schedule has been issued and been made effective as follows:

(a) A new time schedule must be issued, bearing the next consecutive number, and stating the number of the time schedule cancelled thereby as provided in subsection (2) of this section, as for example:

*"Time Schedule No. 2
cancels
Time Schedule No. 1"*

(b) **Notice period required.** Copies of the new time schedule shall be posted and filed, in accordance with subsections (3) and (4) of this section, at least fifteen days before the effective date thereof. *Exception:* If the sole change accomplished by a new time schedule is to increase the number of runs on an established route currently operated, and no change is otherwise made in existing schedules, the filing must be made with the commission not less than one full day before the effective date and advance notice to the public will not be required.

(c) After such fifteen days, the new time schedule will be considered in full force and effect, unless ordered withdrawn, modified or suspended.

(d) The commission may, prior to the effective date of a new time schedule, on its own motion or on the filing of a sufficient protest by any person or persons affected, order the time schedule withdrawn, modified or suspended.

(e) In case of actual emergency or when real merit is shown, the commission may, in its discretion, permit a time schedule to become effective on less than fifteen days notice.

(7) Time schedules as filed with the commission and posted for the information of the public must be adhered to.

(8) Sample time schedule:

*Time Schedule No. 2
cancels
Time Schedule No. 1*

**TIME SCHEDULE
of
NELS PETERSON**

Certificate No. 500

**Operating Under Trade Name of
PUGET FERRIES
Furnishing
passenger, freight and ferry service
Between
PONSEND, Washington, and BELL, Washington
via
CORTANA
With terminals at**

**PONSEND: Puget Dock, Foot of Puget St.
CORTANA: Dock at 912 Water St.
BELL: Pier 4, Foot of Victoria Way**

Issued January 1, 1995

Effective January 16, 1995

**Issued by J. B. Doe, Manager
912 Water Street
Cortana, Washington**

PERMANENT

		<i>Northbound (Daily, except Sunday)</i>			
<i>Miles</i>	<i>Stations</i>	<i>Daily</i>		<i>Sunday Only</i>	
		<i>A.M.</i>	<i>P.M.</i>	<i>P.M.</i>	
0.0	<i>Lv. PONSEND</i>	7:30	2:30	5:30	
18.5	<i>Lv. CORTANA</i>	8:45	3:45	6:45	
32.5	<i>Ar. BELL</i>	9:30	4:30	7:30	

		<i>Southbound (Daily Except Sunday)</i>			
<i>Miles</i>	<i>Stations</i>	<i>Daily</i>		<i>Sunday Only</i>	
		<i>A.M.</i>	<i>P.M.</i>	<i>P.M.</i>	
0.0	<i>Lv. BELL</i>	10:00	5:00	8:00	
14.0	<i>Lv. CORTANA</i>	10:45	5:45	8:45	
32.5	<i>Ar. PONSEND</i>	12:00	7:00	10:00	

Note 1: *In bad weather, landing will be made at Long Cove Dock instead of Cortana.*

Note 2: *Vehicles more than 8 ft. 6 in. in height cannot be carried except by special arrangement.*

PERMANENT

NEW SECTION

WAC 480-51-100 Annual reports—Regulatory fees.

(1) Each person operating a commercial ferry shall after the close of each year file with the commission reports covering its operations during the preceding calendar year containing the information required by the commission. The annual report must be prepared on forms furnished by the commission and must be filed not later than May 1st of the succeeding year.

(2) Persons operating commercial ferries shall on or before the first day of May of each year file with the commission a statement showing the gross operating revenue of the company for the preceding calendar year. The statement shall be accompanied by the regulatory fee as provided in RCW 81.24.030 based upon such gross operating revenue and in an amount to be fixed each year by order of the commission.

(3) When a certificate is transferred or cancelled or for any reason a certificate holder ceases its operation under a certificate, an annual report, a statement of the gross operating revenue, and the gross operating revenue fee as required by this section must be filed with the commission within fifteen days after the certificate operator ceases operation and must cover the period from the first day of the year to the date operations ceased.

NEW SECTION

WAC 480-51-110 Accounts. (1) The accounts and records of certificate holders shall be kept in accordance with the commission's "uniform classification of accounts and statistics for water transportation companies" including all current supplements, amendments, revisions and reissuances.

(2) The accounts, records and statistics of certificate holders must be kept reasonably up-to-date to disclose at all times the information and data required to be kept.

(3) Operators of common carrier ferry vessels shall maintain accounts, books and records sufficient to allow calculation of the gross revenue earned in providing passenger and vehicle water transportation services and sufficient to complete annual reports as required in WAC 480-51-100.

NEW SECTION

WAC 480-51-120 Failure to initiate service—Extensions of time to initiate service—Progress reports. (1) **Progress reports.**

(a) If a certificate holder has not initiated service to all or any portion of the route or routes granted in its certificate, the certificate holder must, during the first five years after obtaining the certificate, and during each twelve-month extension period granted by the commission, file written progress reports with the commission every six months after the certificate is granted.

(b) For purposes of these rules the following definitions shall apply:

(i) The term "portion of a route or routes" means service to any named point or points along a route, and service between two or more points named in a certificated commercial ferry certificate; and

(ii) The term "initiating service" means providing regular, ongoing service to all points and between all points granted in a certificated commercial ferry certificate.

(c) Progress reports must include a statement of progress toward overcoming impediments to initiating service, including, but not limited to, the following information: The progress of environmental impact, parking, local government land use, docking, and financial considerations, the purchase or lease of a vessel or vessels, hiring of employees, advertising, and the ability to handle proposed traffic.

(2) Extensions of time to initiate service.

(a) If a certificate holder has not initiated all or any portion of the route or routes granted in its certificate during the first five years after obtaining the certificate, the certificate holder may petition the commission to extend the certificate on a twelve-month basis for up to three years.

(b) If a certificate holder obtained its certificate prior to July 25, 1993, and is not providing service on all or any portion of the route or routes granted in its certificate during the first five years after obtaining its certificate, and has not initiated service during the three-year extension period discussed above in (a) of this subsection, the certificate holder may petition the commission to extend its certificate on a twelve-month basis for up to an additional two years.

(c) The term "providing service" means operating to all points and between all points granted in a certificate by the commission. In determining whether a certificated commercial ferry which operates in on-call service, such as launch service or service to flag stops, is providing service, the commission shall consider whether the certificated commercial ferry is ready, willing, and able to provide the service when requested, and makes a reasonable effort to obtain traffic.

(d) For purposes of these rules, the term "not providing service on all or any portion of the route or routes" does not include:

(i) Service discontinued by grant of the commission under WAC 480-51-130; or

(ii) Temporary interruptions of regular service reported promptly to the commission in accordance with WAC 480-51-140.

(e) In determining whether to grant an extension of time in which to initiate service, the commission will consider whether:

(i) The certificate holder has submitted timely progress reports during the first five years after obtaining the certificate and during any extension period; and

(ii) The progress reports indicate significant advancement toward initiating service.

(3) Failure to initiate service. Certificates, or portions thereof, are subject to cancellation, alteration or amendment by the commission under the provisions of RCW 81.84-.060(1) if:

(a) A certificate holder has not initiated all or a portion of the route or routes granted in its certificate during the first five years after obtaining its certificate, and has not submitted timely progress reports to the commission as required in RCW 81.84.010(2);

(b) The commission has denied a certificate holder's request for an extension of time to initiate service and the certificate holder has not initiated service within thirty days of the denial; or

(c) A certificate holder has not initiated all or a portion of the route or routes granted before the expiration of any extensions of time to initiate service, and the certificate holder has not timely filed for an additional extension.

(4) Petitions for extension of time to initiate service.

(a) A certificate holder must file a petition with the commission seeking an extension of time to initiate service no later than ninety days prior to:

(i) The date upon which the five-year period following the grant of the certificate expires; or

(ii) The date upon which the current twelve-month extension period expires.

(b) Petitions for extension of time to initiate service shall be legibly prepared on forms to be furnished by the commission, giving all information requested.

(c) The commission may grant or deny petitions for extension without hearing. The grant or denial of extensions will be issued by letter of the secretary of the commission. A certificate holder aggrieved by the denial of an extension petition may seek review of the denial by filing a request for review of the decision within twenty days after service of the letter notifying the certificate holder of the denial. Within thirty days after receipt of the request for review, the commission shall schedule an adjudicative proceeding, and provide at least twenty days notice of the proceeding to the certificate holder requesting review. The commission may, in its own discretion, on the request of the aggrieved certificate holder, or on its own motion, order a brief adjudicative proceeding on the petition. WAC 480-09-500 governs applications for and procedures in brief adjudicative proceedings.

NEW SECTION

WAC 480-51-130 Indefinite discontinuance of service. No certificate holder shall discontinue the service authorized under its certificate and set forth in its filed time schedule without first having given to the commission and to the public, at least fifteen days' notice, in writing, of its intention to discontinue such service, and without having secured the commission's permission. The commission shall not grant permission for discontinuance of service for periods exceeding twelve months.

NEW SECTION

WAC 480-51-140 Temporary interruptions of service—Suspension of service. (1) Certificate holders shall report promptly in writing to the commission, and to the public along the route, all interruptions of regular service, where such interruptions are likely to continue for more than twenty-four hours. Said report to include a full statement of the cause of such interruption and its probable duration.

(2) Discontinuance or suspension of service by a certificate holder for a period of five consecutive days without notice to the commission shall be deemed a forfeiture of all right secured under and by virtue of any order or permission to operate, issued by the commission: *Provided,*

however, That the commission may permit the resumption of operation after such five-day discontinuance or suspension, on proper showing that the certificate holder was not responsible for the failure to give service or notice.

NEW SECTION

WAC 480-51-150 Certificates, involuntary cancellation, revocation, suspension, alteration or amendment by the commission. (1) Upon complaint by an interested party, or upon its own motion after notice and opportunity for hearing, the commission may cancel, revoke, suspend, alter, or amend a certificate issued under this chapter for any of the following grounds:

(a) Violation of an order, decision, rule, regulation, or requirement established by the commission or the requirements of law;

(b) Failure of the certificate holder to initiate service by the conclusion of the fifth year after the certificate has been granted or by the conclusion of an extension granted under RCW 81.84.010 (2) or (3), if the commission has considered the progress report information required under RCW 81.84.010 (2) or (3);

(c) Failure of the certificate holder to file an annual report;

(d) Filing by the certificate holder of an annual report that shows no revenue in the previous twelve-month period after service has been initiated;

(e) Violation of any provision of this chapter;

(f) Violation of or failure to observe the provisions or conditions of the certificate, tariffs or filed time schedule;

(g) Failure of the certificate holder to maintain the required insurance coverage in full force and effect; or

(h) Failure or refusal to furnish reasonable and adequate service after initiating service.

(2) The commission shall institute an investigation upon receipt of a complaint by an interested party to determine whether the complaint has merit.

(3) Within thirty days of a finding that a complaint filed by an interested party has merit and that the certificate holder is in violation, or upon its own finding that the certificate holder is in violation, as described in subsection (1)(a) through (h) of this section, the commission shall take appropriate action to cancel, revoke, suspend, alter or amend the certificate. The commission shall notify the certificate holder of the action to be taken, and shall at the same time offer the certificate holder an opportunity for hearing through an adjudication or brief adjudication.

WSR 95-22-006
PERMANENT RULES
DEPARTMENT OF
RETIREMENT SYSTEMS
[Filed October 18, 1995, 4:41 p.m.]

Date of Adoption: October 19, 1995.

Purpose: To rewrite existing rules regarding vehicle allowances and nonmoney maintenance to make the rules more understandable without changing their substantive effect.

Citation of Existing Rules Affected by this Order:
Amending WAC 415-108-470, 415-108-480, 415-112-412, and 415-112-413.

Statutory Authority for Adoption: RCW 41.50.050.

Adopted under notice filed as WSR 95-18-009 on August 23, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 2, amended 4, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, amended 4, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

October 17, 1995

Dennis Smith

Deputy Director

PERMANENT

AMENDATORY SECTION (Amending Order DRS 87-08, filed 8/19/87)

WAC 415-108-470 Nonmoney maintenance (~~(compensation—Determination and reporting—Form and weight of evidence)~~). (~~((1) Except for compensation described in WAC 415-108-450(2) or except as otherwise provided in this section, "nonmoney maintenance compensation" means the fair market value of living quarters, shelter, lodging, food, board, clothing, laundry, transportation, fuel, utilities, or other personal advantages of a similar nature legally furnished in a medium other than cash to a member (or the member and the member's dependents) by the member's employer in partial payment for the member's rendering of personal services to the employer.~~

(2) "Nonmoney maintenance compensation" does not include:

(a) ~~Clothing, materials, vehicles, fuel, or equipment furnished by the member's employer or purchased, rented, or leased by the employee with an allowance provided by the employer, if such clothing, materials, vehicles, fuel, or equipment are used by the member in rendering personal services to the employer;~~

(b) ~~Any form of compensation in a medium other than cash: (i) That is associated with an available corresponding deduction for ordinary and necessary employee business expenses, under any provision of the United States Internal Revenue Code in the tax year the compensation was earned by the member; or (ii) that is excludable from taxation, under any provision of the United States Internal Revenue Code in the tax year the compensation was earned by the member, regardless of whether the employer and/or member reported the nonmonetary compensation to the Internal Revenue Service as taxable.~~

~~(3) Every employer furnishing one or more items of "nonmoney maintenance compensation," to a Plan I PERS member shall contemporaneously establish and regularly update a written schedule reflecting the monthly fair market value of each such item of nonmoney maintenance compensation. The fair market value of an item of nonmoney maintenance compensation is determined on the basis of all objective facts and circumstances. It is usually what the cost of the item would be if acquired in an arm's length purchase or lease.~~

~~(4) For each month during which an employer furnishes to a Plan I PERS member "nonmoney maintenance compensation," the employer shall report to the department as "compensation earnable" the amount by which the fair market value of the "nonmoney maintenance compensation" exceeds the amount, if any, paid by the member for the "nonmoney maintenance compensation."~~

~~(5)(a) No item reported to the department as "nonmoney maintenance compensation" shall be included in the calculation of a Plan I PERS member's retirement benefits unless the employer or the member substantiates, by adequate records or by other sufficient corroborating evidence, the employer's report under subsection (4) of this section and the member's own statement: (i) That the net amount of the item, as reported in accordance with subsection (4) of this section is accurate; (ii) that the item was furnished for the personal use of the member in partial payment for the member's rendering of personal services to the employer; and (iii) that for federal income tax purposes the item was neither associated with an available corresponding deduction for ordinary and necessary employee business expenses nor excludable from taxation, as reflected in subsection (2)(b) of this section. Absent such evidence corroborating each of these elements, the department shall presume that the item neither qualifies as "nonmoney maintenance compensation" nor as "compensation earnable."~~

~~(b) Except as provided in WAC 415-108-480 (containing special substantiation rules for employer provided vehicles and vehicle allowances), corroborating records or other evidence may take any form, but different types of evidence have different degrees of probative value. Usually, oral evidence alone has considerably less probative value than written evidence. In addition, the probative value of written evidence is greater the closer in time it relates to the furnishing of the item. Thus, written evidence prepared at or near the time the item was furnished, absent unusual circumstances, generally has much more probative value than evidence created years later. Except as provided in WAC 415-108-480, the department will carefully weigh the probative value of all forms of evidence submitted or obtained to determine whether it is sufficient, when taken as a whole, to corroborate the employer's report and the member's own statement.) **Are payments from my employer in any form other than money considered compensation earnable?**~~

~~(1) PERS Plan I members.~~

~~(a) **If your employer provides you with materials in lieu of reimbursement for your business expenses, the value of the materials is not compensation earnable.**~~

~~(i) **The value of employer-provided materials is not compensation earnable if you use the materials solely in connection with your employer's business.**~~

(ii) "Materials" includes, but is not limited to, living quarters, food, board, equipment, clothing, laundry, transportation, fuel, and utilities.

Example: An employer provides an employee with uniforms which the employee must wear in performing services for his employer. Because the uniforms are to be used solely in connection with the employer's business, they do not qualify as nonmoney maintenance compensation. Therefore, the value of the uniforms is not compensation earnable.

(b) **The department presumes that your employer provides you materials solely in lieu of reimbursement for business expenses. Unless you or your employer can show by corroborating evidence that your employer provided you materials in whole or in part as payment for your personal expenses, as opposed to business expenses, the value of the materials is not compensation earnable.**

(c) **If your employer provides you with materials for your personal use, the value of that use is nonmoney maintenance compensation and is included in your earnable compensation.**

(i) "Nonmoney maintenance compensation" means the fair market value of any form of materials other than cash legally furnished by your employer to you or your dependents for personal use.

(ii) Nonmoney maintenance does not include any form of payment other than cash that is excludable from taxation under provisions of the Internal Revenue Code. This applies regardless of whether you or your employer reported the compensation to the Internal Revenue Service as taxable income.

(d) **Your use of employer-provided materials will qualify as nonmoney maintenance compensation if your employer substantiates that they were provided to you as payment for personal services. In order for employer-provided materials to qualify as nonmoney maintenance compensation, your employer must:**

(i) Establish and regularly update a written schedule reflecting the monthly fair market value of each item of employer-provided materials claimed as nonmoney maintenance compensation. Typically, the fair market value would be the cost of the item if it were acquired in a purchase or lease transaction;

(ii) Report the fair market value of employer-provided materials as nonmoney maintenance compensation to the department as compensation earnable. If you pay any amount to your employer in order to own or use the materials, your employer must report as compensation earnable the amount by which the fair market value of the materials exceeds the amount of your payment;

(iii) Substantiate by adequate records or by other sufficient corroborating evidence the following:

(A) That the fair market value of each item of nonmoney maintenance compensation as reported to the department is accurate;

(B) That each item of nonmoney maintenance compensation is provided to you for your personal use as payment for your services to the employer; and

(C) That each item of nonmoney maintenance compensation is includable in your taxable income for federal income tax purposes.

Example: An employer leases an apartment for \$700.00 per month. The employer charges an employee \$300.00 per month to use the apartment for temporary living quarters. Because the employee uses the apartment for personal, rather than business, purposes, the amount by which the lease value exceeds the employee's payment is nonmoney maintenance compensation. The employer must report \$400.00 per month to the department as compensation earnable for the employee.

(e) How to corroborate that your use of employer-provided materials qualifies as nonmoney maintenance compensation. In addition to the records required under (d) of this subsection, you may provide the department with any oral or written evidence which you or your employer believe corroborates that your use of employer-provided materials qualifies as compensation earnable. However, oral evidence alone has considerably less value than written evidence. Written evidence prepared at or near the time your employer provides you with the item of compensation is generally much stronger than oral evidence or written evidence created years later.

(2) PERS Plan II members. If you are a PERS Plan II member, you are not entitled to count the value of any nonmoney maintenance compensation you receive from your employer as compensation earnable.

AMENDATORY SECTION (Amending Order DRS 87-08, filed 8/19/87)

WAC 415-108-480 ((Special recordkeeping rules for)) Vehicles ((and vehicle allowances provided by employers to PERS members—Exemption—Presumption in absence of records.))—Does the value of my use of an employer vehicle qualify as compensation earnable?

((1)(a) For fiscal years beginning after the effective date of this regulation, and except as provided in (b) of this subsection, each employer shall maintain monthly contemporaneous records for each vehicle provided to a Plan I PERS member reflecting: (i) Whether the vehicle was authorized and available for personal use, including commuting; (ii) whether the vehicle was used for commuting and, if so, the distance the member normally commuted on a daily basis during the month; (iii) the dates, if any, on which the member used the vehicle for other personal purposes, the miles driven on each such trip, and the itinerary of each such trip; (iv) the total number of miles the vehicle was driven during the month; and (v) the percentages of the total miles driven during the month which were driven by the member for personal use of the vehicle (including commuting) during the month. If the employer maintains such records, the employer shall report to the department as "compensation earnable" for each month the lesser of: (A) The product of the monthly fair market lease value of the vehicle times the percentage of personal use of the vehicle during the month, or (B) one-twelfth of the amount reported by the employer to the Internal Revenue Service as the member's taxable income

attributable to the personal use of the vehicle during the year under any alternative valuation method authorized by Internal Revenue Service regulations.

(b) The monthly records required under (a) of this subsection need not be maintained if: (i) The employer has an established policy that the vehicle shall not be used for personal purposes; (ii) any commuting or other personal use of the vehicle by the member during the month is excludable from the member's taxable income under any provision of the United States Internal Revenue Code; or (iii) any commuting or other personal use of the vehicle by the member is otherwise excluded from the definition of "compensation earnable" under WAC 415-108-450(2).

(c) Unless the employer maintains the records required under (a) of this subsection, the department shall presume that any vehicle provided by an employer to a member is authorized for use solely in connection with the employer's business, and therefore the use of the vehicle neither qualifies as "nonmoney maintenance compensation" nor as "compensation earnable."

(2)(a) For fiscal years beginning after the effective date of this regulation and except as provided in (b) of this subsection, each employer that provides a vehicle allowance to one or more PERS members shall maintain monthly contemporaneous records for each such member reflecting: (i) The dates, if any, on which each such member used a privately owned vehicle in performing services for the employer, (ii) the miles driven on each such trip, and (iii) the itinerary of each such trip. If the employer maintains such records, the employer shall report to the department as "compensation earnable" for each member the difference between: (A) The vehicle allowance; and (B) the number of miles such employee drove a privately owned vehicle in performing services for the employer during the reporting period times the mileage reimbursement rate used by the employer to reimburse its other employees for expenses incurred in performing service to the employer; or (C) if the employer has established no such rate, the rate established by the United States Internal Revenue Service for use by taxpayers in computing deductions for employees business expenses.

(b) The monthly records required under (a) of this subsection need not be maintained if: (i) The contract of employment provides that such allowance is solely in lieu of reimbursement for expenses incurred or expected to be incurred in performing services for the employer; or (ii) the member receiving such allowance also receives separate reimbursement for automobile expenses for each use of a privately owned vehicle in performing services for the employer on the same basis as the other employees of the employer.

(c) For purposes of (a) and (b) of this subsection, a "privately owned vehicle" means any vehicle not owned by or leased to the employer.

(d) Unless the employer maintains the records required under (a) of this subsection or is excused from maintaining the records under (b) of this subsection, the department shall presume that any vehicle allowance provided by an employer to a PERS member is solely in lieu of reimbursement for expenses incurred or expected to be incurred in performing services for the employer and therefore does not constitute "compensation earnable.") (1) PERS Plan I members:

PERMANENT

(a) If you use an employer vehicle solely in connection with your employer's business, your use of the vehicle does not qualify as compensation earnable. Use of an employer-provided vehicle only qualifies as compensation earnable to the extent that you use it for personal, rather than business, purposes. Your use of an employer vehicle does not qualify as compensation earnable if:

(i) You use the vehicle solely in connection with your employer's business; or

(ii) Your employer has an established policy prohibiting you from using the vehicle for any purpose other than in connection with your employer's business.

(b) The department presumes that any employer-provided vehicle is used solely in connection with your employer's business and does not qualify as compensation earnable.

(c) A portion of your use of an employer-provided vehicle may qualify as compensation earnable. In order for any portion of your use of an employer vehicle to qualify as compensation earnable, your employer must either:

(i) Report your personal use of the vehicle to the Internal Revenue Service (IRS) as income; or

(ii) Maintain monthly records reflecting your personal use of the vehicle.

(d) Your personal use of an employer vehicle qualifies as compensation earnable if your employer reports your use to the IRS as taxable income. Your employer may report your personal use of an employer vehicle to the Internal Revenue Service (IRS) as taxable income as provided under the Internal Revenue Code (I.R.C.). See I.R.C. Section 61 and Treas. Reg. Section 1.61-21. If so, the department will consider the amount reported to the IRS as compensation earnable.

(e) Your personal use of an employer vehicle qualifies as compensation earnable to the extent your employer documents your personal use of the vehicle. If your employer does not report your use of an employer vehicle to the IRS as income, your use of the vehicle may qualify as compensation earnable if your employer maintains monthly contemporaneous records detailing your personal use of the vehicle. Your employer records must reflect all of the following:

(i) Whether your employer authorized you to have the vehicle for personal use, including commuting;

(ii) Whether you used the vehicle for commuting and, if so, the distance you normally commuted on a daily basis during the month;

(iii) The dates, if any, on which you used the vehicle for other personal purposes, including the miles you drove the vehicle on each personal trip and your itinerary for each trip;

(iv) The total number of miles you drove the vehicle during the month; and

(v) The percentage of the total miles you drove the car during the month for personal use, including commuting.

(f) Your employer must report as compensation earnable an amount based on your personal use of the vehicle. If your employer maintains records documenting your personal use of the vehicle as provided in (e) of this subsection, your employer must report to the department as monthly compensation earnable the lesser of the following amounts:

(i) Monthly Fair Market Lease Value of the Vehicle

$$\frac{\text{Percentage of Personal Use of the Vehicle During the Month;}}{\text{or}}$$

(ii) Miles of Personal Use

$$\frac{\text{IRS Mileage Rate}}{\text{or}}$$

"IRS mileage rate" means the mileage rate adopted by the Internal Revenue Service for use by taxpayers in computing the value of the use of a vehicle.

(2) PERS Plan II members. If you are a PERS Plan II member, you are not entitled to count any of the value of an employer-provided vehicle as compensation earnable.

NEW SECTION

WAC 415-108-485 Vehicle allowances—Are vehicle allowances earnable compensation? (1) If your employer provides you any payment or allowance in lieu of a reimbursement for expenses you incur or expect to incur in performing services for your employer, the payment or allowance is not compensation earnable. Your vehicle allowance does not qualify as compensation earnable if you receive the allowance in lieu of reimbursement for expenses that you incur or expect to incur in using your own vehicle for business purposes. See WAC 415-108-450 (3)(e) and 415-108-460 (3)(g).

(2) The department presumes that any vehicle allowance provided to you by your employer is a payment in lieu of reimbursement for expenses and is not compensation earnable. If the contract authorizing your vehicle allowance states that it is provided solely in lieu of reimbursement for expenses that you incur or expect to incur in using your own vehicle for business purposes, the department's presumption is not rebuttable.

(3) Your vehicle allowance may qualify as compensation earnable to the extent that it exceeds your actual expenses. If your employer documents that your vehicle allowance exceeds the actual expenses you incur in driving your own vehicle for business purposes, the excess amount is compensation earnable. Your employer must maintain monthly contemporaneous records documenting the following:

(a) The dates, if any, on which you used a privately owned vehicle in performing services for your employer;

(b) The miles you drove the vehicle on each of these trips; and

(c) Your itinerary for each of these trips.

(4) How to determine what amount of your vehicle allowance, if any, is reportable as compensation earnable. If your employer documents that your vehicle allowance exceeds the actual expenses you incur in using your own vehicle for business purposes, your employer must report to the department as compensation earnable:

Your Vehicle Allowance LESS (Miles X IRS Rate)

(a) "Miles" above means the number of miles you drove a privately owned vehicle for business purposes during the month.

(b) "IRS rate" above means the Internal Revenue Service mileage rate for use by taxpayers computing the value of the use of a vehicle.

(5) **Your vehicle allowance qualifies as compensation earnable if you also receive a separate reimbursement for each occasion you use your own vehicle for business purposes.** If, in addition to your vehicle allowance, you receive a separate reimbursement for vehicle expenses for each occasion that you use a privately owned vehicle for business purposes, your vehicle allowance is compensation earnable.

(6) **Any part of your vehicle allowance that qualifies as earnable compensation is excess compensation.** If any part of your vehicle allowance is included in the calculation of your retirement allowance, your employer will be billed for excess compensation under RCW 41.50.150. Your employer's bill will equal the total estimated cost of the portion of your retirement allowance payment attributable to your vehicle allowance.

AMENDATORY SECTION (Amending Order DRS 87-07, filed 8/19/87)

WAC 415-112-412 Nonmoney maintenance compensation (~~—Determination and reporting Form and weight of evidence~~). ((~~(1) Except for compensation described in WAC 415-112-410(3) or except as otherwise provided in this section, "nonmoney maintenance compensation" means the fair market value of living quarters, shelter, lodging, food, board, clothing, laundry, transportation, fuel, utilities, or other personal advantages of a similar nature legally furnished in a medium other than cash to a member (or the member and the member's dependents) by the member's employer in partial payment for the member's rendering of personal services to the employer.~~

(2) ~~"Nonmoney maintenance compensation" does not include:~~

(a) ~~Clothing, materials, vehicles, fuel, or equipment furnished by the member's employer or purchased, rented, or leased by the employee with an allowance provided by the employer, if such clothing, materials, vehicles, fuel, or equipment are used by the member in rendering personal services to the employer;~~

(b) ~~Any form of compensation in a medium other than cash: (i) That is associated with an available corresponding deduction for ordinary and necessary employee business expenses; or (ii) that is excludable from taxation, under any provision of the United States Internal Revenue Code in the tax year the compensation was earned by the member, regardless of whether the employer and/or member reported the nonmonetary compensation to the Internal Revenue Service as taxable.~~

(3) ~~Every employer furnishing one or more items of nonmoney maintenance compensation to a Plan I TRS member shall contemporaneously establish and regularly update a written schedule reflecting the monthly fair market value of each such item of nonmoney maintenance compensation. The fair market value of an item of nonmoney maintenance compensation is determined on the basis of all objective facts and circumstances. It is usually what the cost of the item would be if acquired in an arm's length purchase or lease.~~

(4) ~~For each month during which an employer furnishes to a Plan I TRS member "nonmoney maintenance compensation," the employer shall report to the department as earnable compensation the amount by which the fair market value of the "nonmoney maintenance compensation" exceeds the amount, if any, paid by the member for the "nonmoney maintenance compensation."~~

(5)(a) ~~No item reported to the department as "nonmoney maintenance compensation" shall be included in the calculation of a Plan I TRS member's retirement benefits unless the employer or the member substantiates by adequate records or by other sufficient corroborating evidence, the employer's report under subsection (4) of this section and the member's own statement: (i) That the net amount of the item, as reported in accordance with subsection (4) of this section is accurate; (ii) that the item was furnished for the personal use of the member in partial payment for the member's rendering of personal services to the employer; and (iii) that for federal income tax purposes the item was neither associated with an available corresponding deduction for ordinary and necessary employee business expenses nor excludable from taxation, as reflected in subsection (2)(b) of this section. Absent such evidence corroborating each of these elements, the department shall presume that the item neither qualifies as "nonmoney maintenance compensation" nor as "compensation earnable."~~

(b) ~~Except as provided in WAC 415-112-413 (containing special substantiation rules for employer provided vehicle, and vehicle allowances), corroborating records or other evidence may take any form, but different types of evidence have different degrees of probative value. Usually, oral evidence alone has considerably less probative value than written evidence. In addition, the probative value of written evidence is greater the closer in time it relates to the furnishing of the item. Thus, written evidence prepared at or near the time the item was furnished, absent unusual circumstances, generally has much more probative value than evidence created years later. Except as provided in WAC 415-112-413, the department will carefully weigh the probative value of all forms of evidence submitted or obtained to determine whether it is sufficient, when taken as a whole, to corroborate the employer's report and the member's own statement.)~~ **Are payments from my employer in any form other than money considered compensation earnable?**

(1) TRS Plan I members.

(a) If your employer provides you with materials in lieu of reimbursement for your business expenses, the value of the materials is not earnable compensation.

(i) The value of employer-provided materials is not earnable compensation if you use the materials solely in connection with your employer's business.

(ii) "Materials" includes, but is not limited to, living quarters, food, board, equipment, clothing, laundry, transportation, fuel, and utilities:

Example: An employer provides an employee with uniforms which the employee must wear in performing services for his employer. Because the uniforms are to be used solely in connection with the employer's business, they do not qualify as nonmoney maintenance compensa-

tion. Therefore, the value of the uniforms is not earnable compensation.

(b) The department presumes that your employer provides you materials solely in lieu of reimbursement for business expenses. Unless you or your employer can show by corroborating evidence that your employer provided you materials in whole or in part as payment for your personal expenses, as opposed to business expenses, the value of the materials is not earnable compensation.

(c) If your employer provides you with materials for your personal use, the value of that use is nonmoney maintenance compensation and is included in your earnable compensation.

(i) "Nonmoney maintenance compensation" means the fair market value of materials legally furnished by your employer to you or your dependents for personal use.

(ii) Nonmoney maintenance compensation does not include any form of compensation other than cash that is excludable from taxation under provisions of the Internal Revenue Code. This applies regardless of whether you or your employer reported the compensation to the Internal Revenue Service as taxable income.

(d) Your use of employer-provided materials will qualify as nonmoney maintenance compensation if your employer substantiates that they were provided to you as payment for personal services. In order for employer-provided materials to qualify as nonmoney maintenance compensation, your employer must:

(i) Establish and regularly update a written schedule reflecting the monthly fair market value of each item of employer-provided materials claimed as nonmoney maintenance compensation. Typically, the fair market value would be the cost of the item if it were acquired in a purchase or lease transaction;

(ii) Report the fair market value of employer-provided materials as nonmoney maintenance compensation to the department as earnable compensation. If you pay any amount to your employer in order to own or use the materials, your employer must report as earnable compensation the amount by which the fair market value of the materials exceeds the amount of your payment;

(iii) Substantiate by adequate records, or by other sufficient corroborating evidence the following:

(A) That the fair market value of each item of nonmoney maintenance compensation as reported to the department is accurate;

(B) That each item of nonmoney maintenance compensation is provided to you for your personal use as payment for your services to the employer; and

(C) That each item of nonmoney maintenance compensation is includable in your taxable income for federal income tax purposes.

Example: An employer leases an apartment for \$700.00 per month. The employer charges an employee \$300.00 per month to use the apartment for temporary living quarters. Because the employee uses the apartment for personal, rather than business, purposes, the amount by which the lease value exceeds the employee's payment is nonmoney maintenance compensation. The employer must report \$400.00 per month

to the department as earnable compensation for the employee.

(e) How to corroborate that your use of employer-provided materials qualifies as nonmoney maintenance compensation. In addition to the records required under (d) of this subsection, you may provide the department with any oral or written evidence which you or your employer believe corroborates that your use of employer-provided materials qualifies as earnable compensation. However, oral evidence alone has considerably less value than written evidence. Written evidence prepared at or near the time your employer provides you with the item of compensation is generally much stronger than oral evidence or written evidence created years later.

(2) TRS Plan II members. If you are a TRS Plan II member, you are not entitled to count the value of any nonmoney maintenance compensation you receive from your employer as earnable compensation.

AMENDATORY SECTION (Amending Order DRS 87-07, filed 8/19/87)

WAC 415-112-413 ((Special recordkeeping rules for)) ~~Vehicles ((and vehicle allowances provided by employers to Plan I TRS members—Exemption—Presumption in absence of records.))—Does the value of my use of an employer vehicle qualify as earnable compensation?~~ ((1)(a) For fiscal years beginning after the effective date of this regulation, and except as provided in (b) of this subsection, each employer shall maintain monthly contemporaneous records for each vehicle provided to a Plan I TRS member reflecting: (i) Whether the vehicle was authorized and available for other personal use including commuting; (ii) whether the vehicle was used for commuting and, if so, the distance the member normally commuted on a daily basis during the month; (iii) the dates, if any, on which the member used the vehicle for other personal purposes, the miles driven on each such trip, and the itinerary of each such trip; (iv) the total number of miles the vehicle was driven during the month; and (v) the percentage of the total miles driven during the month which were driven by the member for personal use of the vehicle (including commuting) during the month. If the employer maintains such records, the employer shall report to the department as "earnable compensation" for each month the lesser of: (A) The product of the monthly fair market lease value of the vehicle times the percentage of personal use of the vehicle during the month; or (B) one twelfth of the amount reported by the employer to the Internal Revenue Service as the member's taxable income attributable to the personal use of the vehicle during the year under any alternative valuation method authorized by Internal Revenue Service regulations.

(b) The monthly records required under (a) of this subsection need not be maintained if: (i) The employer has an established policy that the vehicle shall not be used for personal purposes; (ii) any commuting or other personal use of the vehicle by the member during the month is excludable from the member's taxable income under any provision of the United States Internal Revenue Code; or (iii) any commuting or other personal use of the vehicle by the member is otherwise excluded from the definition of "earnable compensation" under WAC 415-112-410(3).

~~(c) Unless the employer maintains the records required under (a) of this subsection, the department shall presume that any vehicle provided by an employer to a member is authorized for use solely in connection with the employer's business, and therefore the use of the vehicle neither qualifies as "nonmoney maintenance compensation" nor as "earnable compensation."~~

~~(2)(a) For fiscal years beginning after the effective date of this regulation and except as provided in (b) of this subsection, each employer that provides a vehicle allowance to one or more TRS members shall maintain monthly contemporaneous records for each such member reflecting:~~ (i) ~~The dates, if any, on which each such member used a privately owned vehicle in performing services for the employer,~~ (ii) ~~the miles driven on each such trip, and~~ (iii) ~~the itinerary of each such trip. If the employer maintains such records, the employer shall report to the department as "compensation earnable" for each member the difference between the vehicle allowance and the number of miles such employee drove a privately owned vehicle in performing services for the employer during the reporting period times the mileage reimbursement rate used by the employer to reimburse its other employees for expenses incurred in performing service to the employer; or (iv) if the employer has established no such rate, the rate established by the United States Internal Revenue Service for use by taxpayers in computing deductions for employees' business expenses.~~

~~(b) The monthly records required under (a) of this subsection need not be maintained if (i) the contract of employment that provides such allowance is solely in lieu of reimbursement for expenses incurred or expected to be incurred in performing services for the employer, or (ii) the member receiving such allowance also receives separate reimbursement for automobile expenses for each use of a privately owned vehicle in performing services for the employer on the same basis as the other employees of the employer.~~

~~(c) For purposes of (a) and (b) of this subsection, a "privately owned vehicle" means any vehicle not owned by or leased to the employer.~~

~~(d) Unless the employer maintains the records required under (a) of this subsection, or is excused from maintaining the records under (b) of this subsection, the department shall presume that any vehicle allowance provided by an employer to a TRS member is solely in lieu of reimbursement for expenses incurred or expected to be incurred in performing services for the employer and therefore does not constitute "earnable compensation.") (1) TRS Plan I members:~~

~~(a) If you use an employer vehicle solely in connection with your employer's business, your use of the vehicle does not qualify as earnable compensation. Use of an employer-provided vehicle only qualifies as earnable compensation to the extent that you use it for personal, rather than business, purposes. Your use of an employer vehicle does not qualify as earnable compensation if:~~

~~(i) You use the vehicle solely in connection with your employer's business; or~~

~~(ii) Your employer has an established policy prohibiting you from using the vehicle for any purpose other than in connection with your employer's business.~~

~~(b) The department presumes that any employer-provided vehicle is used solely in connection with your~~

employer's business and does not qualify as earnable compensation.

(c) A portion of your use of an employer-provided vehicle may qualify as earnable compensation. In order for any portion of your use of an employer vehicle to qualify as earnable compensation, your employer must either:

(i) Report your personal use of the vehicle to the Internal Revenue Service (IRS) as income; or

(ii) Maintain monthly records reflecting your personal use of the vehicle.

(d) Your personal use of an employer vehicle qualifies as earnable compensation if your employer reports your use to the IRS as taxable income. Your employer may report your personal use of an employer vehicle to the Internal Revenue Service (IRS) as taxable income as provided under the Internal Revenue Code (I.R.C.). See I.R.C. Section 61 and Treas. Reg. Section 1.61-21. If so, the department will consider the amount reported to the IRS as earnable compensation.

(e) Your personal use of an employer vehicle qualifies as earnable compensation to the extent your employer documents your personal use of the vehicle. If your employer does not report your use of an employer vehicle to the IRS as income, your use of the vehicle may qualify as earnable compensation if your employer maintains monthly contemporaneous records detailing your personal use of the vehicle. Your employer records must reflect all of the following:

(i) Whether your employer authorized you to use the vehicle for personal use, including commuting;

(ii) Whether you used the vehicle for commuting and, if so, the distance you normally commuted on a daily basis during the month;

(iii) The dates, if any, on which you used the vehicle for other personal purposes, including the miles you drove the vehicle on each personal trip and your itinerary for each trip;

(iv) The total number of miles you drove the vehicle during the month; and

(v) The percentage of the total miles you drove the vehicle during the month for personal use, including commuting.

(f) Your employer must report as earnable compensation an amount based on your personal use of the vehicle. If your employer maintains records documenting your personal use of the vehicle as provided in (e) of this subsection, your employer must report to the department as monthly earnable compensation the lesser of the following amounts;

$$\begin{aligned} & \text{(i) Monthly Fair Market Lease Value of the Vehicle} \\ & \qquad \qquad \qquad \times \\ & \text{Percentage of Personal Use of the Vehicle During} \\ & \text{the Month;} \\ & \qquad \qquad \qquad \text{or} \\ & \text{Miles of Personal Use} \\ & \qquad \qquad \qquad \times \\ & \text{IRS Mileage Rate} \end{aligned}$$

(ii) "IRS mileage rate" means the mileage rate adopted by the Internal Revenue Service for use by taxpayers in computing the value of the use of a vehicle.

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(2) TRS Plan II members. If you are a TRS Plan II member, you are not entitled to count any of the value of an employer-provided vehicle as earnable compensation.

NEW SECTION

WAC 415-112-41301 Vehicle allowances—Are vehicle allowances earnable compensation? (1) **If your employer provides you any payment or allowance in lieu of a reimbursement for expenses you incur or expect to incur in performing services for your employer, the payment or allowance is not earnable compensation.** Your vehicle allowance does not qualify as earnable compensation if you receive the allowance in lieu of reimbursement for expenses that you incur or expect to incur in using your own vehicle for business purposes. See WAC 415-112-410 (3)(e) and 415-112-411 (3)(g).

(2) **The department presumes that any vehicle allowance provided to you by your employer is a payment in lieu of reimbursement for expenses and is not earnable compensation.** If the contract authorizing your vehicle allowance states that it is provided solely in lieu of reimbursement for expenses that you incur or expect to incur in using your own vehicle for business purposes, the department's presumption is not rebuttable.

(3) **Your vehicle allowance may qualify as earnable compensation to the extent that it exceeds your actual expenses.** If your employer documents that your vehicle allowance exceeds the actual expenses you incur in driving your own vehicle for business purposes, the excess amount is earnable compensation. Your employer must maintain monthly contemporaneous records documenting the following:

(a) The dates, if any, on which you used a privately owned vehicle in performing services for your employer;

(b) The miles you drove the vehicle on each of these trips; and

(c) Your itinerary for each of these trips.

(4) **How to determine what amount of your vehicle allowance, if any, is reportable as earnable compensation.** If your employer documents that your vehicle allowance exceeds the actual expenses you incur in using your own vehicle for business purposes, your employer must report to the department as earnable compensation:

Your Vehicle Allowance LESS (Miles X IRS Rate)

(a) "Miles" above means the number of miles you drove a privately owned vehicle for business purposes during the month.

(b) "IRS rate" above means the Internal Revenue Service mileage rate for use by taxpayers computing the value of the use of a vehicle.

(5) **Your vehicle allowance qualifies as earnable compensation if you also receive a separate reimbursement for each occasion you use your own vehicle for business purposes.** If, in addition to your vehicle allowance, you receive a separate reimbursement for vehicle expenses for each occasion that you use a privately owned vehicle for business purposes, your vehicle allowance is earnable compensation.

(6) **Any part of your vehicle allowance that qualifies as earnable compensation is excess compensation.** If any

part of your vehicle allowance is included in the calculation of your retirement allowance, your employer will be billed for excess compensation under RCW 41.50.150. Your employer's bill will equal the total estimated cost of the portion of your retirement allowance payment attributable to your vehicle allowance.

WSR 95-22-008

PERMANENT RULES

DEPARTMENT OF ECOLOGY

[Order 94-30—Filed October 19, 1995, 12:38 p.m.]

Date of Adoption: October 19, 1995.

Purpose: The amendments to the dangerous waste regulations will update the rules both to incorporate federal requirements and to implement recommendations as a result of the dangerous waste regulatory reform project.

Citation of Existing Rules Affected by this Order: Amending chapter 173-303 WAC.

Statutory Authority for Adoption: Chapters 70.105 and 70.105D RCW.

Adopted under notice filed as WSR 95-11-113 on May 23, 1995.

Changes Other than Editing from Proposed to Adopted Version: 1. **WAC 173-303-030 Abbreviations.**

TSD facility - ~~transfer~~, treatment, storage, or disposal facility.

2. **WAC 173-303-040 Acute hazardous waste.**

"Acute hazardous waste" means dangerous waste sources (listed in WAC 173-303-9904) F020, F021, F022, F023, F026, or F027, and discarded chemical products (listed in WAC 173-303-9903) that are identified with a dangerous waste number beginning with a "P", including those wastes mixed with source, special nuclear, or by-product material subject to the Atomic Energy Act of 1954. The abbreviation "AHW" will be used in this chapter to refer to those dangerous and mixed wastes which are acutely hazardous wastes. Note: The terms Acute and Acutely may be used interchangeably.

3. **WAC 173-303-040 Existing and new tank systems.**

"Existing tank system" or "existing component" means a tank system or component that is used for the storage or treatment of dangerous waste and that is in operation, or for which installation has commenced on or prior to July 14, 1986 February 3, 1989. Installation will be considered to have commenced if the owner or operator has obtained all federal, state, and local approvals or permits necessary to begin physical construction of the site or installation of the tank system and if either:

"New tank system" or "new tank component" means a tank system or component that will be used for the storage or treatment of dangerous waste and for which installation has commenced after February 3, 1989; except, however, for purposes of WAC 173-303-640 (4)(g)(ii) and 40 CFR 265.193 (g)(2) as adopted by reference in WAC 173-303-400(3), a new tank system is one for which construction commences after July 14, 1986 February 3, 1989. (See also "existing tank system.")

4. **WAC 173-303-040 Extremely hazardous waste.**

"Extremely hazardous waste" means those dangerous and mixed wastes designated in ~~WAC 173-303-070 through~~

173-303-100 as extremely hazardous. The abbreviation "EHW" will be used in this chapter to refer to those dangerous and mixed wastes which are extremely hazardous. (See also "dangerous waste" and "hazardous waste" definitions.)

5. WAC 173-303-040 Inhalation LC₅₀.

"Inhalation LC₅₀" means a concentration in milligrams of substance per liter of air which, when administered to the respiratory tract for 4 hours or less, kills within 14 days half of a group of ten rats each weighing between 200 and 300 grams.

6. WAC 173-303-040 Mixed waste.

"Mixed waste" means a dangerous, extremely hazardous, or acutely hazardous waste that contains both a non-radioactive hazardous component and, as defined by 10 CFR ~~20.3~~ 20.1003, source, special nuclear, or by-product material subject to the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).

7. WAC 173-303-040 Polycyclic aromatic hydrocarbons.

"Polycyclic aromatic hydrocarbons" (PAH) means those hydrocarbon molecules composed of two or more benzene rings. For purposes of this chapter, the PAHs of concern for designation are: Acenaphthene, acenaphthylene, fluorene, ~~naphthalene~~, anthracene, fluoranthene phenanthrene, benzo(a)anthracene, benzo(b)fluoranthene, benzo(k)fluoranthene, pyrene, chrysene, benzo(a)pyrene, dibenz(a,h)anthracene, indeno(1,2,3-c,d)pyrene, benzo(g,h,i)perylene.

8. WAC 173-303-040 Qualified ground water scientist.

"Qualified ground water scientist" means a scientist or engineer who has received a baccalaureate or post-graduate degree in the natural sciences or engineering, and has sufficient training and experience in ground water hydrology and related fields ~~as may be demonstrated by state registration, professional certifications, or completion of accredited university courses that enable that individual to make sound professional judgments regarding ground water monitoring and contaminant fate and transport. to make sound professional judgements regarding ground water monitoring and contaminant fate and transport. Sufficient training and experience may be demonstrated by state registration, professional certifications, or completion of accredited university courses.~~

9. WAC 173-303-040 Special waste.

"Special waste" means any state-only dangerous waste that is solid only (nonliquid, nonaqueous, nongaseous), that is: ~~Persistent waste (WAC 173-303-100(6)) and that is not EHW, corrosive waste (WAC 173-303-090 (6)(b)(ii), toxic waste that has Category D toxicity (WAC 173-303-100(5)), or PCB waste (WAC 173-303-9904 under State Sources), or persistent waste that is not EHW (WAC 173-303-100(6)).~~ Any solid waste that is regulated by the United States EPA as hazardous waste cannot be a special waste.

10. WAC 173-303-060 Notification and identification numbers.

(5) Any person with a current EPA/state ID# must submit an annual report as required by WAC 173-303-070(8), 173-303-220, and 173-303-390. Any person who has withdrawn or canceled their ID# must submit an annual report up to the effective date of cancellation or withdrawal. The generator should write the effective date on the notifica-

tion form for the cancellation or withdrawal; it is the date by which all regulated waste activities (generation, transportation, and management) have ceased at the site.

11. WAC 173-303-070 (2)(c) Designation of dangerous waste.

(2)(c) Notwithstanding subsections (1) and (2) of this section and provided the debris ~~as defined in 40 CFR Part 268~~ does not exhibit a characteristic identified in WAC 173-303-090, the following materials are not subject to regulation under this chapter:

(i) Hazardous debris ~~as defined in 40 CFR Part 268~~ that has been treated using one of the required extraction or destruction technologies specified in Table 1 of 40 CFR section 268.45; persons claiming this exclusion in an enforcement action will have the burden of proving by clear and convincing evidence that the material meets all of the exclusion requirements; or

(ii) Debris ~~as defined in 40 CFR Part 268~~ that the department, considering the extent of contamination, has determined is no longer contaminated with hazardous waste.

12. WAC 173-303-070(5) Additional designation required.

(5) Additional designation required. A generator must manage dangerous waste under the most stringent management standards that apply. ~~If a generator has designated their waste Subsections (5)(a) through (5)(c) describe how waste that has been designated as DW under the dangerous waste lists, WAC 173-303-080 through 173-303-082, or characteristics, WAC 173-303-090, a generator must also be designated that waste under the dangerous waste criteria, WAC 173-303-100, when because designation under the criteria may change how the waste must be managed. Additional designation is only required when:~~

(a) The waste is designated as DW with a QEL of 220 pounds and the generator ~~has less than 220 pounds of the waste otherwise qualifies as a small quantity generator.~~ In this case, a generator must determine if their DW is also designated as a toxic EHW, WAC 173-303-100, with a QEL of 2.2 pounds; or

(b) The waste is designated as DW and the waste is to be discharged to a POTW operating under WAC 173-303-802(4) (Permits by rule). In this case, a generator must determine if the waste is also an EHW under WAC 173-303-100; or

(c) The waste is designated as a state-only DW and the waste is to be:

(i) ~~Managed as used oil~~ Burned for energy recovery, as used oil under the provisions of WAC 173-303-515; or

13. WAC 173-303-070(7) Quantity exclusion limits; aggregated waste quantities.

WAC 173-303-070 (7)(b) Aggregated waste quantities. ~~People~~ A person may be generating, accumulating, or storing more than one kind of dangerous waste. In such cases, they must consider the aggregate quantity of their wastes when determining whether or not their waste amounts exceed the specific limits for waste accumulation or the specific quantity exclusion limits (QEL) for waste generation. Waste quantities must be aggregated for all wastes with common QEL's. ~~There is an exception the acute hazardous wastes described in WAC 173-303-081 (2)(a)(iv) should not be aggregated with other wastes with the same QEL for the~~

purposes of determining if the accumulation limit is exceeded.

WAC 173-303-070(8) Small quantity generators.

(a) ~~People are~~ A person is a small quantity generators and subject to the requirements of this subsection if:

14. WAC 173-303-070 (7)(c)(i) Quantity exclusion limits.

WAC 173-303-070 (7)(c)(i) Dangerous waste that is recycled and that is excluded from regulation under WAC 173-303-120 (2)(a), (3)(c), (e), or (f) is not included in the quantity determinations of this section and is not subject to any requirements of this subsection.

15. WAC 173-303-070(8) Small quantity generators.

WAC 173-303-070 (8)(a) Small quantity generators.

(i) Their waste is dangerous waste under subsection (3) of this section, and the quantity of waste generated per month (or the aggregated quantity if more than one kind of waste is generated) does not equal or exceed the quantity exclusion limit (QEL) for such waste (or wastes) as described in WAC 173-303-070(7); and

16. WAC 173-303-070 (8)(c) Best management practices.

~~Best management practices for small quantity generators. Ecology recommends that small quantity generators comply with the following best management practices when accumulating dangerous waste in containers.~~

~~(i) Keep wastes in containers that are in good condition. If a container is not in good condition (e.g., severe rusting, apparent structural defects) or if it begins to leak, ecology recommends that generators immediately transfer the contents to a container that is in good condition.~~

~~(ii) Label containers in a way that identifies the contents and the associated major risk(s) for the safety of employees, emergency response personnel, and the public. Ecology recommends the use of the standard, yellow, hazardous waste label and a separate label or hand-written words that identify the major risk(s) (ignitable, reactive, toxic, corrosive).~~

~~(iii) Management of containers.~~

~~(A) Keep containers closed except when necessary to add or remove wastes to avoid spills.~~

~~(B) Open, handle, or store containers in ways that ensure no leakage, ruptures or tipping.~~

~~(C) Have secondary containment for accumulated liquid waste. Have sufficient secondary containment capacity to contain the contents of the largest container (or ten percent of the total volume of liquid, whichever is greater).~~

~~(D) Keep volumes of accumulated waste low by properly recycling or disposing of wastes routinely to reduce risks to human health and the environment that may result from the long term storage of dangerous waste.~~

17. WAC 173-303-071 (3)(y) Used oil filter exclusion.

(y) Used oil filters that are recycled in accordance with WAC 173-303-120 (2)(a)(iii) and (iv), as used oil and scrap metal.

18. WAC 173-303-073 Conditional exclusion of special waste.

WAC 173-303-073 (2)(a)

Generators may not accumulate special waste on-site for more than one hundred eighty days from the date the quantity of wastes were generated exceeds 2200 pounds.

The generator must keep a written record showing the dates when accumulation of the wastes began;

WAC 173-303-073 (2)(e)(i)

(i) The transfer station operator has made specific provisions for ~~segregating and managing special waste in transfer stations~~ managing special waste by physical segregation, packing, or other means to ensure that workers and the public are not exposed to the waste stream at the transfer station;

WAC 173-303-073 (2)(g)(i)

(i) Are permitted in accordance with chapter 173-351 WAC, provided that an engineered liner is used to meet the requirements of arid landfill design requirements, WAC 173-351-300 (2)(b) or are permitted under WAC 173-303-800 through 173-303-840 or if out-of-state under 40 CFR Part 258 or 270; and

WAC 173-303-073 (2)(g)

~~(g) Recycling and treatment of special waste must comply with all the standards applicable to dangerous waste under chapter 173-303 WAC, except for WAC 173-303-120 (4)(a) and (b) and WAC 173-303-500 (2)(b).~~

19. WAC 173-303-100 Dangerous waste criteria.

WAC 173-303-100 (3)(b)

(b) Whether or not each known constituent of the waste is a halogenated hydrocarbon or a polycyclic aromatic hydrocarbon ~~with greater than three rings and less than seven rings as defined in WAC 173-303-040.~~

WAC 173-303-100 (5)(a)

WAC 173-303-100 (5)(a) Except as provided in WAC 173-303-070 (4) ~~or (5)~~, if a person knows only some of the toxic constituents in the waste or only some of the constituent concentrations, and if the waste is undesignated for those known constituents or concentrations, then the waste is not designated for toxicity under this subsection.

WAC 173-303-100 (5)(b)(i)

"Inhalation LC₅₀" means a concentration in milligrams of substance per liter of air which, when administered to the respiratory tract for 4 hours or less, kills within 14 days half of a group of ten rats each weighing between 200 and 300 grams.

WAC 173-303-100 (5)(b)(iii)(B) and (D)

(B) If the equivalent concentration is equal to or greater than 0.001% and less than ~~or equal to 0.1%~~ 1.0%, the person will designate the waste as DW and assign the dangerous waste number WT02; and

(D) If the equivalent concentration is equal to or greater than 0.1% 1.0%, the person will designate the waste as EHW and assign the dangerous waste number WT01.

WAC 173-303-100 (5)(c)(i)

(i) The DW bioassay. To determine if a waste is DW, a person will establish the toxicity category range (D category toxicity or greater toxicity) of a waste by means of the 100 mg/L acute static fish test or the 5000 mg/kg oral rat test, as described in the biological testing methods (bioassay) adopted in WAC 173-303-110(3). If data from the test indicates that the waste is DW, then the person will assign the dangerous waste number WT02. Otherwise, the waste is not regulated as toxic dangerous waste. No further testing must be done except as provided in WAC 173-303-070 (4) and (5), or if the person chooses to determine whether the waste is ~~special waste or EHW,~~ or in the case of state-only

solid dangerous waste, if the person chooses to determine whether the waste is special waste; or

WAC 173-303-100 (5)(d)

(d) If the designation acquired from book designation and bioassay data do not agree, then bioassay data will be used to designate a waste. If a waste is designated as DW or EHW following the book designation procedure, a person may test the waste by means of the biological testing methods (bioassay) adopted under WAC 173-303-110(3), using ~~both~~ either the static acute fish and or the acute oral rat methods, to demonstrate that the waste is not a dangerous waste or should be designated as DW and not EHW.

WAC 173-303-100 (6)(a)

Except as provided in WAC 173-303-070 (4) ~~and (5)~~, if a person knows only some of the persistent constituents in the waste, or only some of the constituent concentrations, and if the waste is undesignated for those known constituents or concentrations, then the waste is not designated for persistence under this subsection.

20. WAC 173-303-110 Sampling and testing methods.

WAC 173-303-110(1)

Purpose. This section describes the testing methods which may be used in the process of designating a dangerous waste or of complying with the air emission standards in WAC 173-303-690 and -691.

WAC 173-303-110 (3)(c)

Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, SW-846 (Third Edition, ~~September November, 1986 as amended by Update I (August, 1993) and Update II (January, 1995)~~ Updates I (July, 1992), II (September, 1994), IIA (August 1993), IIB (January, 1995), and III is adopted by reference. This includes, among others,

21. WAC 173-303-120 Recycled, reclaimed, and recovered wastes.

WAC 173-303-120(4)

(4) Those recycling processes not specifically discussed in subsections (2) and (3) of this section are generally subject to regulation only up to and including storage prior to recycling. For the purpose of this section, recyclable materials received from off-site will be considered stored unless they are moved into an active recycling process within twenty-four hours after being received. An active recycling process refers to a dynamic recycling operation that occurs within a recycling unit such as a distillation or centrifuge unit. The phrase does not refer to passive storage-like activities that occur, for example, when tanks or containers are used for phase separation or for settling impurities. Passive storage-like activities are not eligible for the recycling exemption under this subsection.

The recycling process itself is generally exempt from ~~regulation permitting~~ unless the department determines, on a case-by-case basis, that the recycling process poses a threat to public health or the environment.

WAC 173-303-120 (4)(d)

(4)(d) Owners or operators of facilities that store recyclable materials before they are recycled are subject to the following requirements including, but not limited to:

(i) For all recyclers, the applicable provisions of:

(A) WAC 173-303-280 through 173-303-395,

(B) WAC 173-303-800 through 173-303-840,

(C) WAC 173-303-140 (2)(a),

~~(D) WAC 173-303-690 through 173-303-691 (WAC 173-303-400(3) for interim status), and~~

~~(E) The recycling process itself is generally exempt from regulation except as provided at WAC 173-303-120 (4)(e);~~

WAC 173-303-120

WAC 173-303-120(5) new subsection.

(5) Use of the used oil recycling statute, chapter 70.95I RCW.

(a) This subsection applies to persons who use or manage used oil as defined under chapter 70.95I RCW and its implementing regulations, as amended.

(i) The department requires persons who use or manage used oils to do so in accordance with chapter 70.95I RCW and its implementing regulations, as amended.

22. WAC 173-303-160 (2)(a) Containers.

(b) If the container or inner liner held acutely hazardous waste, as defined in WAC 173-303-040, toxic EHW as defined in WAC 173-303-100 or pesticides bearing the danger or warning label, the container or inner liner has been rinsed at least three times with an appropriate cleaner or solvent. The volume of cleaner or solvent used for each rinsing must be ten percent or more of the container's or inner liner's capacity or of sufficient quantity to thoroughly decontaminate the container. In lieu of rinsing for containers that might be damaged or made unusable by rinsing with liquids (e.g., fiber or cardboard containers without inner liners), an empty container may be vacuum cleaned, struck, with the open end of the container up, three times (e.g., on the ground, with a hammer or hand) to remove or loosen particles from the inner walls and corners, and vacuum cleaned again. Equipment used for the vacuum cleaning of residues from containers or inner liners must be decontaminated before discarding, in accordance with procedures approved by the department.

23. WAC 173-303-161(2) Overpacked containers (labpacks).

(2) The inside containers must be overpacked in an open head DOT-specification drum shipping container which meets all of the requirements of 49 CFR Parts 173, 178, and 179. The overpack container must not exceed a capacity of 416-liter (110 gallon). The overpack container must have a sufficient quantity of sorbent material, ~~determined to be nonbiodegradable in accordance with WAC 173-303-665(10),~~ to completely sorb all of the liquid contents of the inside containers. The sorbent in overpack containers to be placed in a landfill must be nonbiodegradable in accordance with WAC 173-303-140 (4)(b)(iv). The outer container must be full after it has been packed with inside containers and sorbent material;

24. WAC 173-303-170 (3)(b) Requirements for generators of dangerous waste.

Generators who treat dangerous waste on-site in accumulation tanks, containers, and containment buildings provided that the generator maintains a log showing the date and amount of waste treated and complies with:

(i) WAC 173-303-200 or 173-303-201, ((and for tanks, WAC)) 173-303-202 for tanks, and WAC 173-303-695 for containment buildings. The applicable requirements of WAC 173-303-200, 201, and 202; and

(ii) WAC 173-303-283(3);

25. WAC 173-303-200 (1)(b)(iv) Accumulating dangerous waste on-site.

(iv) The waste is placed in containment buildings and the generator complies with 40 CFR Part 265 Subpart DD, which is incorporated by reference in WAC 173-303-400 (3)(a), and the generator has placed its professional engineer certification that the building complies with the design standards specified in 40 CFR 265.1101 in the facility's operating record no later than sixty days after the date of initial operation of the unit. After February 18, 1993, PE certification will be required prior to operation of the unit. The owner or operator shall maintain the following records at the facility:

26. WAC 173-303-300 General waste analysis.

(5)(g) For off-site facilities, the waste analysis that dangerous waste generators have agreed to supply the procedures for confirming that each dangerous waste received matches the identity of the waste specified on the accompanying manifest or shipping paper. This includes at least:

(i) The procedures for identifying each waste movement at the facility; and

(ii) The method for obtaining a representative sample of the waste to be identified, if the identification method includes sampling

27. WAC 173-303-400 Interim status facility standards.**WAC 173-303-400 (2)(c)(x)**

; and (x) Any person, other than an owner or operator who is already subject to the final facility standards, who is carrying out an immediate or emergency response to contain or treat a discharge or potential discharge of a dangerous waste or hazardous substance.

WAC 173-303-400 (3)(a) (3)(b) (3)(c)

(a) Interim status standards will be standards set forth by the Environmental Protection Agency in 40 CFR Part 265 Subparts F through R, Subpart W, and Subparts AA₁ and BB₁, and DD which are incorporated by reference into this regulation (including, by reference, any EPA requirements specified in those subparts which are not otherwise explicitly described in this chapter), and:

The same addition was made at (3)(b) and (3)(c).

WAC 173-303-400 (3)(b)

(b) For purposes of applying the interim status standards of 40 CFR Part 265 Subparts F through R, Subpart W, and Subparts AA₁ and BB₁, and DD to the state of Washington facilities, the federal terms will have (and in the case of the wording used in the financial instruments referenced in Subpart H of Part 265, will be replaced with) the following state of Washington meanings:

WAC 173-303-400 (3)(c)

(c) In addition to the changes described in (b) of this subsection, the following modifications will be made to interim status standards of 40 CFR Part 265 Subparts F through R, Subpart W, and Subparts AA₁ and BB₁, and DD:

28. WAC 173-303-510 Special requirements for dangerous wastes burned for energy recovery.

(1) Applicability. (a) This section applies to generators, marketers, transporters, blenders, and burners of dangerous waste fuels that are to be burned for energy recovery in any boiler or industrial furnace that is not regulated under Subpart O of 40 CFR Part 265 or WAC 173-303-670, except

as provided by (b) of this subsection. These regulations do not apply to gas recovered from dangerous waste management activities when such gas is burned for energy recovery. Note: (This note is a reminder that All generators, transporters, and burners of federally regulated hazardous waste fuels that are to be burned for energy recovery, and all storage facility owners and operators of facilities that store dangerous waste that is burned in a boiler or industrial furnace must comply with the requirements of 40 CFR Part 266 Subpart H.)

29. WAC 173-303-510 Special requirements for dangerous waste burned for energy recovery.**WAC 173-303-510 (4)(b)(iv)(C)**

(C) WAC 173-303-400 for interim status facilities or WAC 173-303-600 through 173-303-680 695 for final status facilities.

WAC 173-303-510 (6)(c)(iii)

(iii) WAC 173-303-400 for interim status facilities or WAC 173-303-600 through 173-303-680 695 for final status facilities;

WAC 173-303-510 (7)(c)(iii)

(iii) WAC 173-303-400 for interim status facilities or WAC 173-303-600 through 173-303-680 695 for final status facilities;

WAC 173-303-510 (8)(c)(ii)(C)

(C) WAC 173-303-400 for interim status facilities or WAC 173-303-600 through 173-303-680 695 for final status facilities (the air emission requirements do not apply to burners that meet the small quantity burner exemption at 40 CFR 266.101);

30. WAC 173-303-675 Drip pads.**WAC 173-303-675 (4)(b)(ii)(C)**

Designed so that it will detect the failure of the drip pad or the presence of a release of dangerous hazardous waste or accumulated liquid at the earliest practicable time.

WAC 173-303-675 (4)(c)

Drip pads must be maintained such that they remain free of cracks, gaps, corrosion, or other deterioration that could cause dangerous hazardous waste to be released from the drip pad.

WAC 173-303-675 (4)(h)(i)

The drip pad surface must be cleaned thoroughly in a manner and frequency such that accumulated residues of dangerous hazardous waste or other materials are removed, with residues being properly managed as dangerous hazardous waste, so as to allow weekly inspections of the entire drip pad surface without interference or hindrance from accumulated residues of dangerous hazardous waste or other materials on the drip pad. The owner or operator must document the date and time of each cleaning and the cleaning procedure used in the facility's operating log. The owner/operator must determine if the residues are dangerous under WAC 173-303-070 and, if so, must manage them under this chapter.

WAC 173-303-675 (4)(j)

Drip pads must be operated and maintained in a manner to minimize tracking of dangerous hazardous waste or dangerous hazardous waste constituents off the drip pad as a result of activities by personnel or equipment.

WAC 173-303-675 (4)(m)

Throughout the active life of the drip pad and as specified in the permit, if the owner or operator detects a

condition that may have caused or has caused a release of dangerous hazardous waste, the condition must be repaired within a reasonably prompt period of time following discovery, in accordance with the following procedures:

(i) Upon detection of a condition that may have caused or has caused a release of dangerous hazardous waste (e.g., upon detection of leakage in the leak detection system), the owner or operator must:

WAC 173-303-675 (6)(a)

At closure, the owner or operator must remove or decontaminate all waste residues, contaminated containment system components (pad, liners, etc.), contaminated subsoils, and structures and equipment contaminated with waste and leakage, and manage them as dangerous hazardous waste.

31. WAC 173-303-690 (1)(c) Air emission standards for process vents.

If the owner or operator of process vents subject to the requirements of 40 CFR 264.1032 through 264.1036 has received a permit under section 3005 of RCRA prior to December 21, 1990, the requirements of 264.1032 through 264.1036 must be incorporated when the permit is reissued under ~~40 CFR 124.15~~ WAC 173-303-840(8) or reviewed under WAC 173-303-806(11).

32. WAC 173-303-691 Air emission standards for equipment leaks.

(1)(c) If the owner or operator of equipment subject to the requirements of 40 CFR 264.1052 through 264.1065 has received a permit under section 3005 of RCRA prior to December 21, 1990, the requirements of 40 CFR 264.1052 through 264.1065 must be incorporated when the permit is reissued under ~~40 CFR 124.15~~ WAC 173-303-840(8) or reviewed under WAC 173-303-806(11).

33. WAC 173-303-695 Containment buildings.

The requirements for containment buildings at 40 CFR Part 264 Subpart DD are incorporated by reference. The words "regional administrator" will mean "department" and "~~hazardous waste~~" will mean "~~dangerous waste~~".

34. WAC 173-303-806 Final facility permits.

WAC 173-303-806 (4)(j)(i)

For facilities that cannot install a closed-vent system and control device to comply with the provisions of WAC 173-303-690 on the effective date that the facility becomes subject to the provisions of ~~40 CFR Part 264~~ WAC 173-303-690 or 40 CFR 265 Subpart AA (incorporated by reference in WAC 173-303-400 (3)(a)), an implementation schedule as specified in 40 CFR section 264.1033 (a)(2).

WAC 173-303-806 (4)(j)(iv)(C)

A design analysis, specifications, drawings, schematics, and piping and instrumentation diagrams based on the appropriate sections of "ATPI Course 415: Control of Gaseous Emissions" (~~incorporated by reference as specified in WAC 173-303-110 (3)(g)(viii)~~ WAC 173-303-110 (3)(g)(viii)) or other engineering texts acceptable to the department that present basic control device design information. The design analysis will address the vent stream characteristics and control device operation parameters as specified in 40 CFR 264.1035 (b)(4)(iii).

WAC 173-303-806 (4)(k)(i)

For each piece of equipment to which WAC 173-303-691 applies:

(D) Percent by weight total organics in the dangerous hazardous waste stream at the equipment.

(E) Dangerous Hazardous waste state at the equipment (e.g., gas/vapor or liquid).

WAC 173-303-806 (4)(k)(ii)

For facilities that cannot install a closed-vent system and control device to comply with the provisions of ~~40 CFR Part 264 Subpart BB~~ WAC 173-303-691 on the effective date that the facility becomes subject to the provisions of ~~40 CFR Part 264~~ WAC 173-303-691 or 40 CFR 265 Subpart BB (incorporated by reference at WAC 173-303-400(3)), an implementation schedule as specified in 40 CFR 264.1033 (a)(2).

WAC 173-303-806 (4)(l)

Special Part B information requirements for drip pads.

Except as otherwise provided by WAC 173-303-600(3), owners and operators of dangerous waste treatment, storage, or disposal facilities that collect, store, or treat dangerous hazardous waste on drip pads must provide the following additional information:

(i) A list of dangerous hazardous wastes placed or to be placed on each drip pad.

WAC 173-303-806 (l)(iii)(C)

The leakage detection system, including the leak detection system and how it is designed to detect the failure of the drip pad or the presence of any releases of dangerous hazardous waste or accumulated liquid at the earliest practicable time;

WAC 173-303-806 (l)(iii)(J)

Operating practices and procedures that will be followed to ensure that tracking of dangerous hazardous waste or waste constituents off the drip pad due to activities by personnel or equipment is minimized;

WAC 173-303-806 (l)(iii)(P)

A description of how dangerous hazardous waste residues and contaminated materials will be removed from the drip pad at closure, as required under WAC 173-303-675 (6)(a).

35. WAC 173-303-9904 Dangerous waste sources list.

F005 The following spent nonhalogenated solvents: Toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, benzene, 2-ethoxyethanol, and 2-nitropropane; all spent solvent mixtures/blends containing, before use, a total of ten percent or more (by volume) of one or more of the above nonhalogenated solvents or those solvents listed in F001, F002, or ~~F005~~ F004; and still bottoms from the recovery of these spent solvents and spent solvent mixtures. (I,T)

For the rationale for the changes, a copy of the concise explanatory statement is available from Patricia Hervieux, P.O. Box 47600, Olympia, WA 98504-7600.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 6, amended 46, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 2, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 39, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 2, amended 13, repealed 3.

Effective Date of Rule: Thirty-one days after filing.
October 19, 1995
Mary Riveland
Director

AMENDATORY SECTION (Amending Order 92-33, filed 12/8/93, effective 1/8/94)

WAC 173-303-016 Identifying solid waste. (1) Purpose and applicability.

(a) The purpose of this section is to identify those materials that are and are not solid wastes.

(b)(i) The definition of solid waste contained in this section applies only to wastes that also are dangerous for purposes of the regulations implementing chapter 70.105 RCW. For example, it does not apply to materials (such as nondangerous scrap, paper, textiles, or rubber) that are not otherwise dangerous wastes and that are recycled.

(ii) This section identifies only some of the materials which are solid wastes and dangerous wastes under chapter 70.105 RCW. A material which is not defined as a solid waste in this section, or is not a dangerous waste identified or listed in this section, is still a solid waste and a dangerous waste for purposes of these sections if reason and authority exists under chapter 70.105 RCW and WAC 173-303-960. Within the constraints of chapter 70.105 RCW, this ~~((shall))~~ includes but is not ~~((be))~~ limited to any material that: Is accumulated, used, reused, or handled in a manner that poses a threat to public health or the environment; or, due to the dangerous constituent(s) in it, when used or reused would pose a threat to public health or the environment.

(c) Certain materials are solid wastes but are excluded from the requirements of this chapter by WAC 173-303-071 and 173-303-073.

(2) The following terms are used and ~~((shall))~~ have the meanings as defined in WAC 173-303-040:

- (a) Boiler
- (b) By-product
- (c) Incinerator
- (d) Industrial furnace
- (e) Reclaim
- (f) Recover
- (g) Recycle
- (h) Used or reused (see reuse or use)
- (i) Sludge
- (j) Scrap metal
- (k) Spent material
- (3) Definition of solid waste.

(a) A solid waste is any discarded material that is not excluded by WAC 173-303-017(2) or that is not excluded by variance granted under WAC 173-303-017(5).

(b) A discarded material is any material which is:

(i) Abandoned, as explained in subsection (4) of this section; or

(ii) Recycled, as explained in subsection (5) of this section; or

(iii) Considered inherently waste-like, as explained in subsection (6) of this section.

(4) Materials are solid waste if they are abandoned by being:

(a) Disposed of; or

(b) Burned or incinerated; or

(c) Accumulated, stored, or treated (but not recycled) before or in lieu of being abandoned by being disposed of, burned, or incinerated.

(5) Materials are solid wastes if they are recycled—or accumulated, stored, or treated before recycling—as specified in (a) through (d) of this subsection.

(a) Used in a manner constituting disposal. Materials noted with a "*" in column 1 of Table 1 are solid wastes when they are:

(i)(A) Applied to or placed on the land in a manner that constitutes disposal; or

(B) Used to produce products that are applied to or placed on the land or are otherwise contained in products that are applied to or placed on the land (in which cases the product itself remains a solid waste).

(ii) However, commercial chemical products listed in WAC 173-303-9903 or which exhibit any of the criteria or characteristics listed in WAC 173-303-090 or 173-303-100 are not solid wastes if they are applied to the land and that is their ordinary manner of use.

(b) Burning for energy recovery. Materials noted with a "*" in column 2 of Table 1 are solid wastes when they are:

(i) Burned to recover energy;

(ii) Used to produce a fuel or are otherwise contained in fuels (in which cases the fuel itself remains a solid waste).

However, commercial chemical products listed in WAC 173-303-9903 or which exhibit any of the criteria or characteristics listed in WAC 173-303-090 or 173-303-100 are not solid wastes if they are themselves fuels.

(c) Reclaimed. Materials noted with a "*" in column 3 of Table 1 are solid wastes when reclaimed.

(d)(i) Accumulated speculatively. Materials noted with a "*" in column 4 of Table 1 are solid wastes when accumulated speculatively.

(ii) A material is "accumulated speculatively" if it is accumulated before being recycled. A material is not accumulated speculatively, however, if the person accumulating it can show that the material is potentially recyclable and has a feasible means of being recycled; and that—during the calendar year (commencing on January 1)—the amount of material that is recycled, or transferred to a different site for recycling, equals at least seventy-five percent by weight or volume of the amount of that material accumulated at the beginning of the period. In calculating the percentage of turnover, the seventy-five percent requirement is to be applied to each material of the same type (e.g., slags from a single smelting process) that is recycled in the same way (i.e., from which the same material is recovered or that is used in the same way). Materials accumulating in units that would be exempt from regulation under WAC 173-303-071 (3)(n) are not to be included in making the calculation. (Materials that are already defined as solid wastes also are not to be included in making the calculation.) Materials are no longer in this category once they are removed from accumulation for recycling, however.

TABLE 1

	Use constituting disposal WAC 173-303- 016 (5)(a)	Energy recovery/ fuel WAC 173-303- 016 (5)(b)	Reclamation WAC 173-303- 016 (5)(c)	Speculative accumulation WAC 173-303- 016 (5)(d)
Spent materials	(*)	(*)	(*)	(*)
Commercial chemical products	(*)	(*)	—	—
By-products listed in WAC 173-303-9904	(*)	(*)	(*)	(*)
Sludges listed in WAC 173-303-9904	(*)	(*)	(*)	(*)
By-products exhibiting a characteristic ¹ or criteria ²	(*)	(*)	—	(*)
Sludges exhibiting a characteristic ¹ or criteria ²	(*)	(*)	—	(*)
Scrap metal	(*)	(*)	(*)	(*)

Note: The terms "spent materials," "sludges," "by-products," and "scrap metal" are defined in WAC 173-303-040.
 1 The characteristics of dangerous waste are described in WAC 173-303-090.
 2 The dangerous waste criteria are described in WAC 173-303-100.

(6) Inherently waste-like materials. The following materials are solid wastes when they are recycled in any manner:

(a) Dangerous Waste Nos. F020, F021 (unless used as an ingredient to make a product at the site of generation), F022, F023, F026, and F028.

(b) Secondary materials fed to a halogen acid furnace that exhibit a characteristic of a dangerous waste or are listed as a dangerous waste as defined in WAC 173-303-090 or 173-303-080 through 173-303-082, except for brominated material that meets the following criteria:

(i) The material must contain a bromine concentration of at least 45%; and

(ii) The material must contain less than a total of 1% of toxic organic compounds listed in WAC 173-303-9905; and

(iii) The material is processed continually on-site in the halogen acid furnace via direct conveyance (hard piping).

(c) The department will use the following criteria to add wastes to (a) of this subsection:

(i)(A) The materials are ordinarily disposed of, burned, or incinerated; or

(B) The materials contain toxic constituents listed in WAC 173-303-9905 and these constituents are not ordinarily found in raw materials or products for which the materials substitute (or are found in raw materials or products in smaller concentrations) and are not used or reused during the recycling process; and

(ii) The material may pose a substantial hazard to human health or the environment when recycled.

(7) Documentation of claims that materials are not solid wastes or are conditionally exempt from regulation. Respondents in actions to enforce regulations implementing chapter 70.105 RCW who raise a claim that a certain material is not a solid waste, or is conditionally exempt from regulation, must demonstrate that there is a known market or disposition

for the material, and that they meet the terms of the exclusion or exemption. In doing so, they must provide appropriate documentation (such as contracts showing that a second person uses the material as an ingredient in a production process) to demonstrate that the material is not a waste, or is exempt from regulation. In addition, owners or operators of facilities claiming that they actually are recycling materials must show that they have the necessary equipment to do so.

AMENDATORY SECTION (Amending Order 90-42, filed 3/7/91, effective 4/7/91)

WAC 173-303-017 Recycling processes involving solid waste. (1) The purpose of this section is to identify those materials that are and are not solid wastes when recycled. Certain materials, as described in subsection (2) of this section, would not typically be considered to involve waste management and are exempt from the requirements of this chapter. All recycling processes not exempted by subsection (2) of this section are subject to the recycling requirements of WAC 173-303-120.

(2) General categories of materials that are not solid waste when recycled.

(a) Except as provided in subsection (3) of this section, materials are not solid wastes when they can be shown to be recycled by being:

(i) Used or reused as ingredients in an industrial process to make a product provided the materials are not being reclaimed; or

(ii) Used or reused as effective substitutes for commercial products; or

(iii) Returned to the original process from which they are generated, without first being reclaimed or land disposed. The material must be returned as a substitute for (~~raw material~~) feedstock(~~(, and the process must use raw materials as principal feedstocks)~~) materials. In cases where the original process to which the material is returned is a secondary process, the materials must be managed such that there is no placement on the land.

(b) Except as provided in subsection (3) of this section, the department has determined that the following materials when used as described are not solid wastes:

(i) Pulping liquors (i.e., black liquor) that are reclaimed in a pulping liquor recovery furnace and then reused in the pulping process;

(ii) Spent pickle liquor which is reused in wastewater treatment at a facility holding a national pollutant discharge elimination system (NPDES) permit, or which is being accumulated, stored, or treated before such reuse;

(iii) Spent sulfuric acid used to produce virgin sulfuric acid.

(3) The following materials are solid wastes, even if the recycling involves use, reuse, or return to the original process (as described in subsection (2)(a) of this section):

(a) Materials used in a manner constituting disposal, or used to produce products that are applied to the land; or

(b) Materials burned for energy recovery, used to produce a fuel, or contained in fuels; or

(c) Materials accumulated speculatively as defined in WAC 173-303-016 (5)(d)(ii); or

(d) Materials listed in WAC 173-303-016(6); or

PERMANENT

(e) Any materials that the department determines are being accumulated, used, reused or handled in a manner that poses a threat to public health or the environment.

(4) Documentation of claims that materials are not solid wastes or are conditionally exempt from regulation. Respondents in actions to enforce regulations implementing chapter 70.105 RCW who raise a claim that a certain material is not a solid waste, or is conditionally exempt from regulation, must demonstrate that there is a known market or disposition for the material, and that they meet the terms of the exclusion or exemption. In doing so, they must provide appropriate documentation (such as contracts showing that a second person uses the material as an ingredient in a production process) to demonstrate that the material is not a waste, or is exempt from regulation. In addition, owners or operators of facilities claiming that they actually are recycling materials must show that they have the necessary equipment to do so.

(5) Variances from classification as a solid waste.

(a) In accordance with the standards and criteria in (b) of this subsection and the procedures in subsection (7) of this section, the department may determine on a case-by-case basis that the following recycled materials are not solid wastes:

(i) Materials that are accumulated speculatively without sufficient amounts being recycled (as defined in WAC 173-303-016 (5)(d)(ii));

(ii) Materials that are reclaimed and then reused within the original ((primary)) production process in which they were generated;

(iii) Materials that have been reclaimed but must be reclaimed further before the materials are completely recovered;

(iv) State-only dangerous materials (not regulated as hazardous wastes (defined in WAC 173-303-040) by EPA) which serve as an effective substitute for a commercial product or raw material.

(b) Standards and criteria for variances from classification as a solid waste.

(i) The department may grant requests for a variance from classifying as a solid waste those materials that are accumulated speculatively without sufficient amounts being recycled if the applicant demonstrates that sufficient amounts of the material will be recycled or transferred for recycling in the following year. If a variance is granted, it is valid only for the following year, but can be renewed, on an annual basis, by filing a new application. The department's decision will be based on the following standards and criteria:

(A) The manner in which the material is expected to be recycled, when the material is expected to be recycled, and whether this expected disposition is likely to occur (for example, because of past practice, market factors, the nature of the material, or contractual arrangements for recycling);

(B) The reason that the applicant has accumulated the material for one or more years without recycling seventy-five percent of the volume accumulated at the beginning of the year;

(C) The quantity of material already accumulated and the quantity expected to be generated and accumulated before the material is recycled;

(D) The extent to which the material is handled to minimize loss;

(E) Other relevant factors.

(ii) The department may grant requests for a variance from classifying as a solid waste those materials that are reclaimed and then reused as feedstock within the original ((primary)) production process in which the materials were generated if the reclamation operation is an essential part of the production process. This determination will be based on the following criteria:

(A) How economically viable the production process would be if it were to use virgin materials, rather than reclaimed materials;

(B) The prevalence of the practice on an industry-wide basis;

(C) The extent to which the material is handled before reclamation to minimize loss;

(D) The time periods between generating the material and its reclamation, and between reclamation and return to the original primary production process;

(E) The location of the reclamation operation in relation to the production process;

(F) Whether the reclaimed material is used for the purpose for which it was originally produced when it is returned to the original process, and whether it is returned to the process in substantially its original form;

(G) Whether the person who generates the material also reclaims it;

(H) Other relevant factors.

(iii) The department may grant requests for a variance from classifying as a solid waste those materials that have been reclaimed but must be reclaimed further before recovery is completed if, after initial reclamation, the resulting material is commodity-like (even though it is not yet a commercial product, and has to be reclaimed further). This determination will be based on the following factors:

(A) The degree of processing the material has undergone and the degree of further processing that is required;

(B) The value of the material after it has been reclaimed;

(C) The degree to which the reclaimed material is like an analogous raw material;

(D) The extent to which an end market for the reclaimed material is guaranteed;

(E) The extent to which the reclaimed material is handled to minimize loss;

(F) Other relevant factors.

(iv) The department may grant requests for a variance from classifying as a solid waste those materials that serve as an effective substitute for a commercial product or raw material, when such material is not regulated as hazardous waste (defined in WAC 173-303-040) by EPA, if the materials are recycled in a manner such that they more closely resemble products or raw materials rather than wastes. This determination will be based on the following factors:

(A) The effectiveness of the material for the claimed use;

(B) The degree to which the material is like an analogous raw material or product;

(C) The extent to which the material is handled to minimize loss or escape to the environment;

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(D) The extent to which an end market for the reclaimed material is guaranteed;

(E) The time period between generating the material and its recycling;

(F) Other factors as appropriate.

(6) Variance to be classified as a boiler.

In accordance with the standards and criteria in WAC 173-303-040 (definition of "boiler"), and the procedures in subsection (7) of this section, the department may determine on a case-by-case basis that certain enclosed devices using controlled flame combustion are boilers, even though they do not otherwise meet the definition of boiler contained in WAC 173-303-040, after considering the following criteria:

(a) The extent to which the unit has provisions for recovering and exporting thermal energy in the form of steam, heated fluids, or heated gases; and

(b) The extent to which the combustion chamber and energy recovery equipment are of integral design; and

(c) The efficiency of energy recovery, calculated in terms of the recovered energy compared with the thermal value of the fuel; and

(d) The extent to which exported energy is utilized; and

(e) The extent to which the device is in common and customary use as a "boiler" functioning primarily to produce steam, heated fluids, or heated gases; and

(f) Other factors, as appropriate.

(7) Procedures for variances from classification as a solid waste or to be classified as a boiler.

The department will use the following procedures in evaluating applications for variances from classification as a solid waste or applications to classify particular enclosed controlled flame combustion devices as boilers:

(a) The applicant must apply to the department for the variance. The application must address the relevant criteria contained in subsections (5)(b) or (6) of this section.

(b) The department will evaluate the application and issue a draft public notice tentatively granting or denying the application. Notification of this tentative decision will be provided by newspaper advertisement and radio broadcast in the locality where the recycler is located. The department will accept comment on the tentative decision for thirty days, and may also hold a public hearing upon request or at its discretion. The department will issue a final decision after receipt of comments and after the hearing (if any), and this decision may not be appealed to the department.

AMENDATORY SECTION (Amending Order 92-33, filed 12/8/93, effective 1/8/94)

WAC 173-303-020 Applicability. Except as expressly provided elsewhere herein, this chapter 173-303 WAC (~~shall apply~~) applies to all persons who handle dangerous wastes and solid wastes that may designate as dangerous wastes including, but not limited to:

- (1) Generators;
- (2) Transporters;
- (3) Owners and operators of dangerous waste recycling, transfer, storage, treatment, and disposal facilities; and
- (4) The operator of the state's extremely hazardous waste management facility.

AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)

WAC 173-303-030 Abbreviations. The following abbreviations are used in this regulation.

- (1) ASTM - American Society for Testing Materials
- (2) APHA - American Public Health Association
- (3) CDC - Center for Disease Control
- (4) CFR - Code of Federal Regulations
- (5) DOT - Department of Transportation
- (6) °C - degrees Celsius
- (7) DW - dangerous waste
- (8) DWS - drinking water standards of the Safe Drinking Water Act
- (9) EHW - extremely hazardous waste
- (10) EP - extraction procedure
- (11) EPA - Environmental Protection Agency
- (12) °F - degrees Fahrenheit
- (13) g - gram
- (14) IARC - International Agency for Research on Cancer
- (15) kg - kilogram (one thousand grams)
- (16) L - liter
- (17) lb - pound
- (18) LC₅₀ - median lethal concentration (~~(50 percent kill)~~)
- (19) LD₅₀ - median lethal dose (~~(50 percent kill)~~)
- (20) M - molar (gram molecular weights per liter of solution)
- (21) mg - milligram (one thousandth of a gram)
- (22) NFPA - National Fire Protection Association
- (23) NIOSH - National Institute for Occupational Safety and Health
- (24) pH - negative logarithm of the hydrogen ion concentration
- (25) POTW - publicly owned treatment works
- (26) ppm - parts per million (weight/weight)
- (27) RCRA - Resource Conservation and Recovery Act
- (28) RCW - Revised Code of Washington
- (29) (~~(TLM₉₆ - toxic limit median, 96 hours (30))~~) TSD facility - (~~(transfer)~~) treatment, storage, or disposal facility
- (~~(31)~~) (30) UBC - Uniform Building Code
- (~~(32)~~) (31) UFC - Uniform Fire Code
- (~~(33)~~) (32) USCG - United States Coast Guard
- (~~(34)~~) (33) USGS - United States Geological Survey
- (~~(35)~~) (34) WAC - Washington Administrative Code
- (~~(36)~~) (35) % - percent
- (~~(37)~~) (36) # - number

AMENDATORY SECTION (Amending Order 92-33, filed 12/8/93, effective 1/8/94)

WAC 173-303-040 Definitions. When used in this (~~regulation~~) chapter, the following terms have the meanings given below.

"Aboveground tank" means a device meeting the definition of "tank" in this section and that is situated in such a way that the entire surface area of the tank is completely above the plane of the adjacent surrounding surface and the entire surface area of the tank (including the tank bottom) is able to be visually inspected.

"Active life" of a facility means the period from the initial receipt of dangerous waste at the facility until the department receives certification of final closure.

"Active portion" means that portion of a facility which is not a closed portion, and where dangerous waste recycling, reuse, reclamation, transfer, treatment, storage or disposal operations are being or have been conducted after:

The effective date of the waste's designation by 40 CFR Part 261; and

March 10, 1982, for wastes designated only by this chapter and not designated by 40 CFR Part 261. (See also "closed portion" and "inactive portion.")

~~(((Acutely)))~~ Acute hazardous waste means dangerous waste sources (listed in WAC 173-303-9904) F020, F021, F022, F023, F026, or F027, and discarded chemical products (listed in WAC 173-303-9903) that are identified with a dangerous waste number beginning with a "P" ~~((or that show an "X" or "A" in the reason for designation column))~~, including those wastes mixed with source, special nuclear, or by-product material subject to the Atomic Energy Act of 1954. The abbreviation "AHW" will be used in this chapter to refer to those dangerous and mixed wastes which are acute hazardous wastes. Note - the terms acute and acutely are used interchangeably.

"Ancillary equipment" means any device including, but not limited to, such devices as piping, fittings, flanges, valves, and pumps, that is used to distribute, meter, or control the flow of dangerous waste from its point of generation to a storage or treatment tank(s), between dangerous waste storage and treatment tanks to a point of disposal on-site, or to a point of shipment for disposal off-site.

~~(((Aquatic LC₅₀ (same as TLM₉₆)) means a concentration in mg/L (ppm) which kills in 96 hours half of a group of ten or more of a medium sensitivity warm water species of fish such as Lepomis macrochirus (bluegill) or Pimephales promelas (flathead minnow), or cold water species such as salmonidae, when using the testing method described in WAC 173-303-110.))~~

"Aquifer" means a geologic formation, group of formations, or part of a formation capable of yielding a significant amount of ground water to wells or springs.

"Asbestos containing waste material" means any waste that contains more than one percent asbestos by weight and that can be crumbled, pulverized, or reduced to powder when dry, by hand pressure.

"Batch" means any waste which is generated less frequently than once a month.

"Berm" means the shoulder of a dike.

"Boiler" means an enclosed device using controlled flame combustion and having the following characteristics:

The unit must have physical provisions for recovering and exporting thermal energy in the form of steam, heated fluids, or heated gases; and

The unit's combustion chamber and primary energy recovery section(s) must be of integral design. To be of integral design, the combustion chamber and the primary energy recovery section(s) (such as waterwalls and superheaters) must be physically formed into one manufactured or assembled unit. A unit in which the combustion chamber and the primary energy recovery section(s) are joined only by ducts or connections carrying flue gas is not integrally designed; however, secondary energy recovery equipment

(such as economizers or air preheaters) need not be physically formed into the same unit as the combustion chamber and the primary energy recovery section. The following units are not precluded from being boilers solely because they are not of integral design: Process heaters (units that transfer energy directly to a process stream), and fluidized bed combustion units; and

While in operation, the unit must maintain a thermal energy recovery efficiency of at least sixty percent, calculated in terms of the recovered energy compared with the thermal value of the fuel; and

The unit must export and utilize at least seventy-five percent of the recovered energy, calculated on an annual basis. In this calculation, no credit ~~(((shall)))~~ will be given for recovered heat used internally in the same unit. (Examples of internal use are the preheating of fuel or combustion air, and the driving of induced or forced draft fans or feedwater pumps); or

The unit is one which the department has determined, on a case-by-case basis, to be a boiler, after considering the standards in WAC 173-303-017(6).

"By-product" means a material that is not one of the primary products of a production process and is not solely or separately produced by the production process. Examples are process residues such as slags or distillation column bottoms. The term does not include a co-product that is produced for the general public's use and is ordinarily used in the form it is produced by the process.

"Carbon regeneration unit" means any enclosed thermal treatment device used to regenerate spent activated carbon.

"Carcinogenic" means a material known to contain a substance which has sufficient or limited evidence as a human or animal carcinogen as listed in both IARC and either IRIS or HEAST.

"Closed portion" means that portion of a facility which an owner or operator has closed, in accordance with the approved facility closure plan and all applicable closure requirements.

"Closure" means the requirements placed upon all TSD facilities to ensure that all such facilities are closed in an acceptable manner (see also "post-closure").

"Commercial chemical product or manufacturing chemical intermediate" refers to a chemical substance which is manufactured or formulated for commercial or manufacturing use which consists of the commercially pure grade of the chemical, any technical grades of the chemical that are produced or marketed, and all formulations in which the chemical is the sole active ingredient.

"Commercial fertilizer" means any substance containing one or more recognized plant nutrients and which is used for its plant nutrient content and/or which is designated for use or claimed to have value in promoting plant growth, and ~~(((shall)))~~ includes, but is not ~~(((be)))~~ limited to, limes, gypsum, and manipulated animal manures and vegetable compost. The commercial fertilizer must be registered with the state or local agency regulating the fertilizer in the locale in which the fertilizer is being sold or applied.

"Compliance procedure" ~~(((shall)))~~ means any proceedings instituted pursuant to the Hazardous Waste ~~(((Disposal)))~~ Management Act as amended in 1980 and 1983, and chapter 70.105A RCW, or regulations issued under authority of state law, which seeks to require compliance, or which is in the

nature of an enforcement action or an action to cure a violation. A compliance procedure includes a notice of intention to terminate a permit pursuant to WAC 173-303-830(5), or an application in the state superior court for appropriate relief under the Hazardous Waste Management Act. A compliance procedure is considered to be pending from the time a notice of violation or of intent to terminate a permit is issued or judicial proceedings are begun, until the department notifies the owner or operator in writing that the violation has been corrected or that the procedure has been withdrawn or discontinued.

"Component" means either the tank or ancillary equipment of a tank system.

"Constituent" or "dangerous waste constituent" means a chemically distinct component of a dangerous waste stream or mixture.

"Container" means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

"Containment building" means a hazardous waste management unit that is used to store or treat hazardous waste under the provisions of WAC 173-303-695.

"Contingency plan" means a document setting out an organized, planned, and coordinated course of action to be followed in case of a fire, explosion, or release of dangerous waste or dangerous waste constituents which could threaten the public health or environment.

"Contract" means the written agreement signed by the department and the state operator.

"Corrective action management unit" or "CAMU" means an area within a facility that is designated by the director pursuant to WAC 173-303-646 (4), (5), and (6) for the purpose of implementing the corrective action requirements of WAC 173-303-646(2). A CAMU (~~shall only~~) may be used only for the management of remediation wastes pursuant to implementing such corrective action requirements at the facility.

"Corrosion expert" means a person who, by reason of his knowledge of the physical sciences and the principles of engineering and mathematics, acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal tanks. Such a person must be certified as being qualified by the National Association of Corrosion Engineers (NACE) or be a registered professional engineer who has certification or licensing that includes education and experience in corrosion control on buried or submerged metal piping systems and metal tanks.

"Dangerous waste constituents" means those constituents listed in WAC 173-303-9905 and any other constituents that have caused a waste to be a dangerous waste under this chapter.

"Dangerous waste management unit" is a contiguous area of land on or in which dangerous waste is placed, or the largest area in which there is a significant likelihood of mixing dangerous waste constituents in the same area. Examples of dangerous waste management units include a surface impoundment, a waste pile, a land treatment area, a landfill cell, an incinerator, a tank and its associated piping and underlying containment system and a container storage area. A container alone does not constitute a unit; the unit

includes containers and the land or pad upon which they are placed.

"Dangerous wastes" means those solid wastes designated in WAC 173-303-070 through 173-303-100 as dangerous, or extremely hazardous or mixed waste. As used in this chapter, the words "dangerous waste" will refer to the full universe of wastes regulated by this chapter. The abbreviation "DW" will refer only to that part of the regulated universe which is not extremely hazardous waste. (See also "extremely hazardous waste," "hazardous waste," and "mixed waste" definitions.)

"Debris" means solid material exceeding a 60 mm particle size that is intended for disposal and that is: A manufactured object; or plant or animal matter; or natural geologic material. However, the following materials are not debris: Any material for which a specific treatment standard is provided in 40 CFR Part 268 Subpart D (incorporated by reference in WAC 173-303-140 (2)(a)); process residuals such as smelter slag and residues from the treatment of waste, wastewater, sludges, or air emission residues; and intact containers of hazardous waste that are not ruptured and that retain at least seventy-five percent of their original volume. A mixture of debris that has not been treated to the standards provided by 40 CFR 268.45 and other material is subject to regulation as debris if the mixture is comprised primarily of debris, by volume, based on visual inspection.

"Department" means the department of ecology.

"Dermal LD₅₀" means the single dosage in milligrams per kilogram (mg/kg) body weight which, when dermally (skin) applied for 24 hours, within 14 days kills half of a group of ten rabbits each weighing between 2.0 and 3.0 kilograms.

"Designated facility" means the facility designated by the generator on the manifest to receive a dangerous waste shipment and which is authorized pursuant to this chapter or RCRA to recycle or manage dangerous waste.

"Dike" means an embankment or ridge of natural or man-made materials used to prevent the movement of liquids, sludges, solids, or other substances.

"Director" means the director of the department of ecology or his designee.

"Discharge" or "dangerous waste discharge" means the accidental or intentional release of hazardous substances, dangerous waste or dangerous waste constituents such that the substance, waste or a waste constituent may enter or be emitted into the environment.

"Disposal" means the discharging, discarding, or abandoning of dangerous wastes or the treatment, decontamination, or recycling of such wastes once they have been discarded or abandoned. This includes the discharge of any dangerous wastes into or on any land, air, or water.

"Domestic sewage" means untreated sanitary wastes that pass through a sewer system to a publicly owned treatment works (POTW) for treatment.

"Draft permit" means a document prepared under WAC 173-303-840 indicating the department's tentative decision to issue or deny, modify, revoke and reissue, or terminate a permit. A notice of intent to terminate or deny a permit are types of draft permits. A denial of a request for modification, revocation and reissuance, or termination as discussed in WAC 173-303-830 is not a draft permit.

"Drip pad" is an engineered structure consisting of a curbed, free-draining base, constructed of nonferrous materials and designed to convey preservative kick-back or drippage from treated wood, precipitation, and surface water run-on to an associated collection system at wood preserving plants.

"Elementary neutralization unit" means a device which:

Is used for neutralizing wastes which are dangerous wastes only because they exhibit the corrosivity characteristics defined in WAC 173-303-090 or are listed in WAC 173-303-081, or in 173-303-082 only for this reason; and

Meets the definition of tank, tank system, container, transport vehicle, or vessel.

"Environment" means any air, land, water, or ground water.

"EPA/state identification number" or "EPA/state ID#" means the number assigned by EPA or by the department of ecology to each generator, transporter, and TSD facility.

"Existing tank system" or "existing component" means a tank system or component that is used for the storage or treatment of dangerous waste and that is in operation, or for which installation has commenced on or prior to February 3, 1989. Installation will be considered to have commenced if the owner or operator has obtained all federal, state, and local approvals or permits necessary to begin physical construction of the site or installation of the tank system and if either:

A continuous on-site physical construction or installation program has begun; or

The owner or operator has entered into contractual obligations, which cannot be cancelled or modified without substantial loss, for physical construction of the site or installation of the tank system to be completed within a reasonable time.

"Existing TSD facility" means a facility which was in operation or for which construction commenced on or before November 19, 1980, for wastes designated by 40 CFR Part 261, or August 9, 1982, for wastes designated only by this chapter and not designated by 40 CFR Part 261. A facility has commenced construction if the owner or operator has obtained permits and approvals necessary under federal, state, and local statutes, regulations, and ordinances and either:

A continuous on-site, physical construction program has begun; or

The owner or operator has entered into contractual obligation, which cannot be cancelled or modified without substantial loss, for physical construction of the facility to be completed within a reasonable time.

"Extremely hazardous waste" means those dangerous and mixed wastes designated in WAC ((~~173-303-070 through~~) 173-303-100 as extremely hazardous. The abbreviation "EHW" will be used in this chapter to refer to those dangerous and mixed wastes which are extremely hazardous. (See also "dangerous waste" and "hazardous waste" definitions.)

"Facility" means all contiguous land, and structures, other appurtenances, and improvements on the land used for recycling, reusing, reclaiming, transferring, storing, treating, or disposing of dangerous waste. A facility may consist of several treatment, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or combination

of them). Unless otherwise specified in this chapter, the terms "facility," "treatment, storage, disposal facility," "TSD facility," "dangerous waste facility" or "waste management facility" (~~shall be~~) are used interchangeably. For the purposes of implementing corrective action imposed pursuant to WAC 173-303-646 (2) or (3), the term facility has the following meaning: All contiguous property under the control of an owner or operator seeking or required to have a permit under the provisions of chapter 70.105 RCW or chapter 173-303 WAC, including the definition of facility at RCW 70.105D.020(3).

"Final closure" means the closure of all dangerous waste management units at the facility in accordance with all applicable closure requirements so that dangerous waste management activities under WAC 173-303-400 and 173-303-600 through 173-303-670 are no longer conducted at the facility. Areas only subject to generator standards WAC 173-303-170 through 173-303-230 need not be included in final closure.

"Fish LC50" means the concentration that will kill fifty percent of the exposed fish in a specified time period. For book designation, LC50 data must be derived from an exposure period greater than or equal to twenty-four hours. A hierarchy of species LC50 data should be used that includes (in decreasing order of preference) salmonids, fathead minnows (Pimephales promelas), and other fish species. For the ninety-six-hour static acute fish toxicity test, described in WAC 173-303-110 (3)(b)(i), coho salmon (Oncorhynchus kisutch), rainbow trout (Oncorhynchus mykiss), and brook trout (Salvelinus fontinalis) must be used.

"Food chain crops" means tobacco, crops grown for human consumption, and crops grown to feed animals whose products are consumed by humans.

"Freeboard" means the vertical distance between the top of a tank or surface impoundment dike, and the surface of the waste contained therein.

"Fugitive emissions" means the emission of contaminants from sources other than the control system exit point. Material handling, storage piles, doors, windows and vents are typical sources of fugitive emissions.

"Generator" means any person, by site, whose act or process produces dangerous waste or whose act first causes a dangerous waste to become subject to regulation.

"Genetic properties" means those properties which cause or significantly contribute to mutagenic, teratogenic, or carcinogenic effects in man or wildlife.

"Ground water" means water which fills voids below the land surface and in the earth's crust.

"Halogenated hydrocarbons" (HH) means any organic compounds which, as part of their composition, include one or more atoms of fluorine, chlorine, bromine, iodine, or astatine. The requirements of this chapter apply to only those halogenated hydrocarbons which can be obtained using the testing method described in WAC 173-303-110, testing methods, and which are persistent dangerous wastes.

"Hazardous debris" means debris that contains a hazardous waste listed in WAC 173-303-9903 or 173-303-9904, or that exhibits a characteristic of hazardous waste identified in WAC 173-303-090.

"Hazardous substances" means any liquid, solid, gas, or sludge, including any material, substance, product, commodi-

ty, or waste, regardless of quantity, that exhibits any of the physical, chemical or biological properties described in WAC 173-303-090 or 173-303-100.

"Hazardous wastes" means those solid wastes designated by 40 CFR Part 261, and regulated as hazardous and/or mixed waste by the United States EPA. This term will never be abbreviated in this chapter to avoid confusion with the abbreviations "DW" and "EHW." (See also "dangerous waste" and "extremely hazardous waste" definitions.)

"Ignitable waste" means a dangerous waste that exhibits the characteristic of ignitability described in WAC 173-303-090(5).

"Inactive portion" means that portion of a facility which has not recycled, treated, stored, or disposed dangerous waste after:

The effective date of the waste's designation, for wastes designated under 40 CFR Part 261; and

March 10, 1982, for wastes designated only by this chapter and not designated by 40 CFR Part 261.

"Incinerator" means any enclosed device that:

Uses controlled flame combustion and neither meets the criteria for classification as a boiler, sludge dryer, or carbon regeneration unit, nor is listed as an industrial furnace; or

Meets the definition of infrared incinerator or plasma arc incinerator.

"Incompatible waste" means a dangerous waste which is unsuitable for placement in a particular device or facility because it may corrode or decay the containment materials, or is unsuitable for mixing with another waste or material because the mixture might produce heat or pressure, fire or explosion, violent reaction, toxic dusts, fumes, mists, or gases, or flammable fumes or gases.

"Independent qualified registered professional engineer" means a person who is licensed by the state of Washington, or a state which has reciprocity with the state of Washington as defined in RCW 18.43.100, and who is not an employee of the owner or operator of the facility for which construction or modification certification is required. A qualified professional engineer is an engineer with expertise in the specific area for which a certification is given.

"Industrial-furnace" means any of the following enclosed devices that are integral components of manufacturing processes and that use (~~controlled flame devices~~) thermal treatment to accomplish recovery of materials or energy((?)); cement kilns((?)); lime kilns((?)); aggregate kilns((?)); phosphate kilns((?)); blast furnaces((?)); smelting, melting, and refining furnaces (including pyrometallurgical devices such as cupolas, reverberator furnaces, sintering machines, roasters and foundry furnaces)((?)); titanium dioxide chloride process oxidation reactors((?)); coke ovens((?)); methane reforming furnaces((?)); combustion devices used in the recovery of sulfur values from spent sulfuric acid(~~and~~); pulping liquor recovery furnaces; combustion devices used in the recovery of sulfur values from spent sulfuric acid; and halogen acid furnaces (HAFs) for the production of acid from halogenated dangerous waste generated by chemical production facilities where the furnace is located on the site of a chemical production facility, the acid product has a halogen acid content of at least 3%, the acid product is used in a manufacturing process, and, except for dangerous waste burned as fuel, dangerous waste fed to the furnace has a minimum halogen content of 20% as-generated. The

department may decide to add devices to this list on the basis of one or more of the following factors:

The device is designed and used primarily to accomplish recovery of material products;

The device burns or reduces secondary materials as ingredients in an industrial process to make a material product;

The device burns or reduces secondary materials as effective substitutes for raw materials in processes using raw materials as principal feedstocks;

The device burns or reduces raw materials to make a material product;

The device is in common industrial use to produce a material product; and

Other factors, as appropriate.

~~("Infectious waste" means organisms or materials listed in WAC 173-303-083, infectious dangerous wastes.)~~

"Infrared incinerator" means any enclosed device that uses electric powered resistance heaters as a source of radiant heat followed by an afterburner using controlled flame combustion and which is not listed as an industrial furnace.

"Inground tank" means a device meeting the definition of "tank" in this section whereby a portion of the tank wall is situated to any degree within the ground, thereby preventing visual inspection of that external surface area of the tank that is in the ground.

~~("Inhalation LC₅₀" means a concentration in milligrams of substance per liter of air which, when administered to the respiratory tract for 4 hours or less, kills within 14 days half of a group of ten rats each weighing between 200 and 300 grams.)~~

"Inner liner" means a continuous layer of material placed inside a tank or container which protects the construction materials of the tank or container from the waste or reagents used to treat the waste.

"Installation inspector" means a person who, by reason of his knowledge of the physical sciences and the principles of engineering, acquired by a professional education and related practical experience, is qualified to supervise the installation of tank systems.

"Interim status permit" means a temporary permit given to TSD facilities which qualify under WAC 173-303-805.

"Land disposal" means placement on the land, except in a corrective action management unit, and includes, but is not limited to, placement in a: Landfill; surface impoundment; waste pile; injection well; land treatment facility; salt dome or salt bed formation; underground mine or cave; concrete vault; bunker; or miscellaneous unit.

"Landfill" means a disposal facility, or part of a facility, where dangerous waste is placed in or on land and which is not a pile, a land treatment facility, a surface impoundment, or an underground injection well, a salt dome formation, a salt bed formation, an underground mine, a cave, or a corrective action management unit.

"Land treatment" means the practice of applying dangerous waste onto or incorporating dangerous waste into the soil surface so that it will degrade or decompose. If the waste will remain after the facility is closed, this practice is disposal.

"Leachable inorganic waste" means solid dangerous waste (i.e., passes paint filter test) that is not an organic/

carbonaceous waste and exhibits the toxicity characteristic (dangerous waste numbers D004 to D011, only) under WAC 173-303-090(8).

"Leachate" means any liquid, including any components suspended in the liquid, that has percolated through or drained from dangerous waste.

"Leak-detection system" means a system capable of detecting the failure of either the primary or secondary containment structure or the presence of a release of dangerous waste or accumulated liquid in the secondary containment structure. Such a system must employ operational controls (e.g., daily visual inspections for releases into the secondary containment system of aboveground tanks) or consist of an interstitial monitoring device designed to detect continuously and automatically the failure of the primary or secondary containment structure or the presence of a release of dangerous waste into the secondary containment structure.

"Legal defense costs" means any expenses that an insurer incurs in defending against claims of third parties brought under the terms and conditions of an insurance policy.

"Liner" means a continuous layer of man-made or natural materials which restrict the escape of dangerous waste, dangerous waste constituents, or leachate through the sides, bottom, or berms of a surface impoundment, waste pile, or landfill.

"Major facility" means a facility or activity classified by the department as major.

"Manifest" means the shipping document, prepared in accordance with the requirements of WAC 173-303-180, which is used to identify the quantity, composition, origin, routing, and destination of a dangerous waste while it is being transported to a point of transfer, disposal, treatment, or storage.

"Manufacturing process unit" means a unit which is an integral and inseparable portion of a manufacturing operation, processing a raw material into a manufacturing intermediate or finished product, reclaiming spent materials or reconditioning components.

"Miscellaneous unit" means a dangerous waste management unit where dangerous waste is treated, stored, or disposed of and that is not a container, tank, surface impoundment, pile, land treatment unit, landfill, incinerator, boiler, industrial furnace, containment building, corrective action management unit, temporary unit, underground injection well with appropriate technical standards under 40 CFR Part 146, or unit eligible for a research, development, and demonstration permit under WAC 173-303-809.

"Mixed waste" means a dangerous, extremely hazardous, or acutely hazardous waste that contains both a non-radioactive hazardous component and, as defined by 10 CFR ((20.3)) 20.1003, source, special nuclear, or by-product material subject to the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).

"New tank system" or "new tank component" means a tank system or component that will be used for the storage or treatment of dangerous waste and for which installation has commenced after February 3, 1989; except, however, for purposes of WAC 173-303-640 (4)(g)(ii) and 40 CFR 265.193(g)(2) as adopted by reference in WAC 173-303-400(3), a new tank system is one for which construction

commences after February 3, 1989. (See also "existing tank system.")

"New TSD facility" means a facility which began operation or for which construction commenced after November 19, 1980, for wastes designated by 40 CFR Part 261, or August 9, 1982, for wastes designated only by this chapter and not designated by 40 CFR Part 261.

"NIOSH registry" means the registry of toxic effects of chemical substances which is published by the National Institute for Occupational Safety and Health.

"Nonsudden accident" or "nonsudden accidental occurrence" means an unforeseen and unexpected occurrence which takes place over time and involves continuous or repeated exposure.

"Occurrence" means an accident, including continuous or repeated exposure to conditions, which results in bodily injury or property damage which the owner or operator neither expected nor intended to occur.

"Off-specification used oil fuel" means used oil fuel that exceeds any specification level described in Table 1 in WAC 173-303-515.

"Onground tank" means a device meeting the definition of "tank" in this section and that is situated in such a way that the bottom of the tank is on the same level as the adjacent surrounding surface so that the external tank bottom cannot be visually inspected.

"On-site" means the same, geographically contiguous, or bordering property. Travel between two properties divided by a public right of way ((τ)) and owned, operated, or controlled by the same person, ((shall)) will be considered on-site travel if: The travel crosses the right of way at a perpendicular intersection; or, the right of way is controlled by the property owner and is inaccessible to the public.

"Operator" means the person responsible for the overall operation of a facility. (See also "state operator.")

"Oral LD₅₀" means the single dosage in milligrams per kilogram (mg/kg) body weight, when orally administered, which, within 14 days, kills half a group of ten or more white rats each weighing between 200 and 300 grams.

"Organic/carbonaceous waste" means a dangerous waste that contains combined concentrations of greater than ten percent organic/carbonaceous constituents in the waste; organic/carbonaceous constituents are those substances that contain carbon-hydrogen, carbon-halogen, or carbon-carbon chemical bonding.

"Partial closure" means the closure of a dangerous waste management unit in accordance with the applicable closure requirements of WAC 173-303-400 and 173-303-600 through 173-303-670 at a facility that contains other active dangerous waste management units. For example, partial closure may include the closure of a tank (including its associated piping and underlying containment systems), landfill cell, surface impoundment, waste pile, or other dangerous waste management unit, while other units of the same facility continue to operate.

"Permit" means an authorization which allows a person to perform dangerous waste transfer, storage, treatment, or disposal operations, and which typically will include specific conditions for such facility operations. Permits must be issued by one of the following:

The department, pursuant to this chapter;
United States EPA, pursuant to 40 CFR Part 270; or

Another state authorized by EPA, pursuant to 40 CFR Part 271.

"Permit-by-rule" means a provision of this chapter stating that a facility or activity is deemed to have a dangerous waste permit if it meets the requirements of the provision.

"Persistence" means the quality of a material which retains more than half of its initial activity after one year (365 days) in either a dark anaerobic or dark aerobic environment at ambient conditions.

"Person" means any person, firm, association, county, public or municipal or private corporation, agency, or other entity whatsoever.

"Pesticide" means but is not limited to: Any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any insect, rodent, nematode, mollusk, fungus, weed, and any other form of plant or animal life, or virus (except virus on or in living man or other animal) which is normally considered to be a pest or which the department of agriculture may declare to be a pest; any substance or mixture of substances intended to be used as a plant regulator, defoliant, or desiccant; any substance or mixture of substances intended to be used as spray adjuvant; and, any other substance intended for such use as may be named by the department of agriculture by regulation. Herbicides, fungicides, insecticides, and rodenticides are pesticides for the purposes of this chapter.

"Pile" means any noncontainerized accumulation of solid, nonflowing dangerous waste that is used for treatment or storage.

"Plasma arc incinerator" means any enclosed device using a high intensity electrical discharge or arc as a source of heat followed by an afterburner using controlled flame combustion and which is not listed as an industrial furnace.

"Point source" means any confined and discrete conveyance from which pollutants are or may be discharged. This term includes, but is not limited to, pipes, ditches, channels, tunnels, wells, cracks, containers, rolling stock, concentrated animal feeding operations, or watercraft, but does not include return flows from irrigated agriculture.

"Polycyclic aromatic hydrocarbons" (PAH) means those hydrocarbon molecules composed of two or more benzene rings. For ~~((the))~~ purposes of this chapter, the PAHs of concern ~~((for designation are only those PAH with more than three and less than seven fused benzene rings))~~ for designation are: Acenaphthene, acenaphthylene, fluorene, anthracene, fluoranthene phenanthrene, benzo(a)anthracene, benzo(b)fluoranthene, benzo(k)fluoranthene, pyrene, chrysene, benzo(a)pyrene, dibenz(a,h)anthracene, indeno(1,2,3-c,d)pyrene, benzo(g,h,i)perylene.

"Post-closure" means the requirements placed upon disposal facilities (e.g., landfills, impoundments closed as disposal facilities, etc.) after closure to ensure their environmental safety for a number of years after closure. (See also "closure.")

"Publicly owned treatment works" or "POTW" means any device or system, owned by the state or a municipality, which is used in the treatment, recycling, or reclamation of municipal sewage or liquid industrial wastes. This term includes sewers, pipes, or other conveyances only if they convey wastewater to a POTW.

"Qualified ground water scientist" means a scientist or engineer who has received a baccalaureate or post-graduate degree in the natural sciences or engineering, and has sufficient training and experience in ground water hydrology and related fields to make sound professional judgments regarding ground water monitoring and contaminant fate and transport. Sufficient training and experience may be demonstrated by state registration, professional certifications, or completion of accredited university courses.

"Reactive waste" means a dangerous waste that exhibits the characteristic of reactivity described in WAC 173-303-090(7).

"Reclaim" means to process a material in order to recover useable products, or to regenerate the material. Reclamation is the process of reclaiming.

"Recover" means extract a useable material from a solid or dangerous waste through a physical, chemical, biological, or thermal process. Recovery is the process of recovering.

"Recycle" means to use, reuse, or reclaim a material.

"Regulated unit" means any new or existing surface impoundment, landfill, land treatment area or waste pile that receives any dangerous waste after:

~~((January 26, 1983))~~ July 26, 1982, for wastes regulated by 40 CFR Part 261;

October 31, 1984 for wastes designated only by this chapter and not regulated by 40 CFR Part 261; or

The date six months after a waste is newly identified by amendments to 40 CFR Part 261 or this chapter which cause the waste to be regulated.

"Release" means any intentional or unintentional spilling, leaking, pouring, emitting, emptying, discharging, injecting, pumping, escaping, leaching, dumping, or disposing of dangerous wastes, or dangerous constituents as defined at WAC 173-303-646 (1)(c), into the environment and includes the abandonment or discarding of barrels, containers, and other receptacles containing dangerous wastes or dangerous constituents and includes the definition of release at RCW 70.105D.020(10).

"Remediation waste" means all solid or dangerous wastes, and all media (including ground water, surface water, soils, and sediments) and debris, which contain listed dangerous wastes, or which themselves exhibit a dangerous waste characteristic or criteria, that are managed for the purpose of implementing corrective action requirements imposed pursuant to WAC 173-303-646 (2) or (3). For a given facility, remediation wastes may originate only from within the facility boundary, except that remediation waste may include wastes managed in implementing corrective action in accordance with WAC 173-303-646 (2)(b) for releases extending beyond the facility boundary.

"Replacement unit" means a landfill, surface impoundment, or waste pile unit from which all or substantially all of the waste is removed, and that is subsequently reused to treat, store, or dispose of dangerous waste. "Replacement unit" does not apply to a unit from which waste is removed during closure, if the subsequent reuse solely involves the disposal of waste from that unit and other closing units or corrective action areas at the facility, in accordance with an approved closure plan or EPA or state approved corrective action.

"Representative sample" means a sample which can be expected to exhibit the average properties of the sample source.

"Reuse or use" means to employ a material either:

As an ingredient (including use as an intermediate) in an industrial process to make a product (for example, distillation bottoms from one process used as feedstock in another process). However, a material will not satisfy this condition if distinct components of the material are recovered as separate end products (as when metals are recovered from metal-containing secondary materials); or

In a particular function or application as an effective substitute for a commercial product (for example, spent pickle liquor used as phosphorous precipitant and sludge conditioner in wastewater treatment).

"Run-off" means any rainwater, leachate, or other liquid which drains over land from any part of a facility.

"Run-on" means any rainwater, leachate, or other liquid which drains over land onto any part of a facility.

"Satellite accumulation area" means a location at or near any point of generation where hazardous waste is initially accumulated in containers (during routine operations) prior to consolidation at a designated ninety-day accumulation area or storage area. The area must be under the control of the operator of the process generating the waste or secured at all times to prevent improper additions of wastes into the satellite containers.

"Schedule of compliance" means a schedule of remedial measures in a permit including an enforceable sequence of interim requirements leading to compliance with this chapter.

"Scrap metal" means bits and pieces of metal parts (e.g., bars, turnings, rods, sheets, wire) or metal pieces that may be combined together with bolts or soldering (e.g., radiators, scrap automobiles, railroad box cars), which when worn or superfluous can be recycled.

"Sludge" means any solid, semisolid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility. This term does not include the treated effluent from a wastewater treatment plant.

"Sludge dryer" means any enclosed thermal treatment device that is used to dehydrate sludge and that has a maximum total thermal input, excluding the heating value of the sludge itself, of 2,500 Btu/lb of sludge treated on a wet-weight basis.

"Solid acid waste" means a dangerous waste that exhibits the characteristic of low pH under the corrosivity tests of either WAC 173-303-090 (6)(a)(ii) or (b).

"Solid waste management unit" or "SWMU" means any discernible location at a facility, as defined for the purposes of corrective action, where solid wastes have been placed at any time, irrespective of whether the location was intended for the management of solid or dangerous waste. Such locations include any area at a facility at which solid wastes, including spills, have been routinely and systematically released. Such units include regulated units as defined by chapter 173-303 WAC.

"Sorberent" means a material that is used to soak up free liquids by either adsorption or absorption, or both. Sorb means to either adsorb or absorb, or both.

"Special incinerator ash" means ash residues resulting from the operation of incineration or energy recovery

facilities managing municipal solid waste from residential, commercial and industrial establishments, if the ash residues are designated as dangerous waste only by this chapter and not designated as hazardous waste by 40 CFR Part 261.

"Special waste" means any state-only dangerous waste that is solid only (nonliquid, nonaqueous, nongaseous), that is ~~((not a regulated hazardous waste under 40 CFR Part 261, and that is designated as only DW in WAC 173-303-090 or 173-303-100))~~: Corrosive waste (WAC 173-303-090 (6)(b)(ii)), toxic waste that has Category D toxicity (WAC 173-303-100(5)), PCB waste (WAC 173-303-9904 under State Sources), or persistent waste that is not EHW (WAC 173-303-100(6)). Any solid waste that is ~~((EHW or that is))~~ regulated by the United States EPA as hazardous waste cannot be a special waste.

"Spent material" means any material that has been used and as a result of contamination can no longer serve the purpose for which it was produced without processing.

"Stabilization" and "solidification" means a technique that limits the solubility and mobility of dangerous waste constituents. Solidification immobilizes a waste through physical means and stabilization immobilizes the waste by bonding or chemically reacting with the stabilizing material.

"State-only dangerous waste" means a waste designated only by this chapter, chapter 173-303 WAC, and is not regulated as a hazardous waste under 40 CFR Part 261.

"State operator" means the person responsible for the overall operation of the state's extremely hazardous waste facility on the Hanford Reservation.

"Storage" means the holding of dangerous waste for a temporary period. "Accumulation" of dangerous waste, by the generator on the site of generation, is not storage as long as the generator complies with the applicable requirements of WAC 173-303-200 and 173-303-201.

"Sudden accident" means an unforeseen and unexpected occurrence which is not continuous or repeated in nature.

"Sump" means any pit or reservoir that meets the definition of tank and those troughs/trenches connected to it that serves to collect dangerous waste for transport to dangerous waste storage, treatment, or disposal facilities; except that as used in the landfill, surface impoundment, and waste pile rules, "sump" means any lined pit or reservoir that serves to collect liquids drained from a leachate collection and removal system or leak detection system for subsequent removal from the system.

"Surface impoundment" means a facility or part of a facility which is a natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials (although it may be lined with man-made materials), and which is designed to hold an accumulation of liquid dangerous wastes or dangerous wastes containing free liquids. The term includes holding, storage, settling, and aeration pits, ponds, or lagoons, but does not include injection wells.

"Tank" means a stationary device designed to contain an accumulation of dangerous waste, and which is constructed primarily of nonearthen materials to provide structural support.

"Tank system" means a dangerous waste storage or treatment tank and its associated ancillary equipment and containment system.

"Temporary unit" or "TU" means a tank or container unit used temporarily for the treatment or storage of remediation waste, that is designated by the director pursuant to WAC 173-303-646(7) for the purpose of implementing the corrective action requirements of WAC 173-303-646 (2) or (3).

"Thermal treatment" means the treatment of dangerous waste in a device which uses elevated temperatures as the primary means to change the chemical, physical, or biological character or composition of the dangerous waste. Examples of thermal treatment processes are incineration, molten salt, pyrolysis, calcination, wet air oxidation, and microwave discharge.

"TL_{m96}" means the same as "Aquatic LC₅₀."

"Totally enclosed treatment facility" means a facility for treating dangerous waste which is directly connected to a production process and which prevents the release of dangerous waste or dangerous waste constituents into the environment during treatment.

"Toxic" means having the properties to cause or to significantly contribute to death, injury, or illness of man or wildlife.

"Transfer facility" means any transportation related facility including loading docks, parking areas, storage areas, and other similar areas where shipments of hazardous waste are held for ten days or less during the normal course of transportation.

"Transport vehicle" means a motor vehicle or rail car used for the transportation of cargo by any mode. Each cargo-carrying body (trailer, railroad freight car, etc.) is a separate transport vehicle.

"Transportation" means the movement of dangerous waste by air, rail, highway, or water.

"Transporter" means a person engaged in the off-site transportation of dangerous waste.

"Travel time" means the period of time necessary for a dangerous waste constituent released to the soil (either by accident or intent) to enter any on-site or off-site aquifer or water supply system.

"Treatability study" means a study in which a dangerous waste is subjected to a treatment process to determine: Whether the waste is amenable to the treatment process; what pretreatment (if any) is required; the optimal process conditions needed to achieve the desired treatment; the efficiency of a treatment process for a specific waste or wastes; or the characteristics and volumes of residuals from a particular treatment process. Also included in this definition for the purpose of the exemptions contained in WAC 173-303-071 (3)(r) and (s), are liner compatibility, corrosion, and other material compatibility studies and toxicological and health effects studies. A "treatability study" is not a means to commercially treat or dispose of dangerous waste.

"Treatment" means the physical, chemical, or biological processing of dangerous waste to make such wastes nondangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume, with the exception of compacting, repackaging, and sorting as allowed under WAC 173-303-400(2) and 173-303-600(3).

"Treatment zone" means a soil area of the unsaturated zone of a land treatment unit within which dangerous wastes are degraded, transformed or immobilized.

"Triple rinsing" means the cleaning of containers in accordance with the requirements of WAC 173-303-160 (2)(b), containers.

"Underground injection" means the subsurface emplacement of fluids through a bored, drilled, or driven well, or through a dug well, where the depth of the dug well is greater than the largest surface dimension.

"Underground tank" means a device meeting the definition of "tank" in this section whose entire surface area is totally below the surface of and covered by the ground.

"Unfit-for-use tank system" means a tank system that has been determined through an integrity assessment or other inspection to be no longer capable of storing or treating dangerous waste without posing a threat of release of dangerous waste to the environment.

"Unsaturated zone" means the zone between the land surface and the water table.

"Uppermost aquifer" means the geological formation nearest the natural ground surface that is capable of yielding ground water to wells or springs. It includes lower aquifers that are hydraulically interconnected with this aquifer within the facility property boundary.

"Used oil" means oil that has been refined from crude oil, used, and, as a result of such use, is contaminated by physical or chemical impurities.

"Vessel" includes every description of watercraft, used or capable of being used as a means of transportation on the water.

"Wastewater treatment unit" means a device that:

Is part of a wastewater treatment facility which is subject to regulation under either:

Section 402 or section 307(b) of the Federal Clean Water Act; or

Chapter 90.48 RCW, State Water Pollution Control Act, provided that the waste treated at the facility is a state-only dangerous waste; and

Handles dangerous waste in the following manner:

Receives and treats or stores an influent wastewater; or

Generates and accumulates or treats or stores a wastewater treatment sludge; and

Meets the definition of tank or tank system in this section.

"Water or rail (bulk shipment)" means the bulk transportation of dangerous waste which is loaded or carried on board a vessel or railcar without containers or labels.

"Zone of engineering control" means an area under the control of the owner/operator that, upon detection of a dangerous waste release, can be readily cleaned up prior to the release of dangerous waste or dangerous constituents to ground water or surface water.

Any terms used in this chapter which have not been defined in this section (~~shall~~) have either the same meaning as set forth in Title 40 CFR Parts 260, 264, 270, and 124 or else (~~shall~~) have their standard, technical meaning.

As used in this chapter, words in the masculine gender also include the feminine and neuter genders, words in the singular include the plural, and words in the plural include the singular.

AMENDATORY SECTION (Amending Order 92-33, filed 12/8/93, effective 1/8/94)

WAC 173-303-045 References to EPA's hazardous waste and permit regulations. Any references in this chapter to any parts, subparts, or sections from EPA's hazardous waste regulations, including 40 CFR Parts 260 through 280 and Part 124, ~~((shall be))~~ are in reference to those rules as they existed on July 1, ~~((1993))~~ 1995. Copies of the appropriate referenced federal requirements are available upon request from the department.

AMENDATORY SECTION (Amending Order DE-87-4, filed 6/26/87)

WAC 173-303-060 Notification and identification numbers. (1) Any person who generates, transports, offers for transport, or transfers a dangerous waste, or who owns or operates a dangerous waste TSD facility ~~((shall))~~ must have a current EPA/state identification number (EPA/state ID#). Any person who offers a dangerous waste to a transporter or to a dangerous waste TSD facility which does not have an EPA/state ID#, or whose EPA/state ID# has been cancelled or withdrawn, ~~((shall be))~~ is in violation of this regulation.

(2) Every person who must have an EPA/state ID#, and who has not already received his ID#, must notify the department by obtaining and completing a Washington ~~((state notification of dangerous waste activities, Form 2, and submitting the completed form to the department. Any person already assigned an EPA/state ID# must submit a revised notification Form 2 to the department prior to any changes to his company's name, mailing address, ownership, physical location, or type of dangerous waste activity. Any change in location will require the issuance of a new EPA/state ID#))~~ State Notification of Dangerous Waste Activities (Form 2) and submitting the completed form to the department. Any person already assigned an EPA/state ID# must notify the department of any changes to his company's name, mailing address, ownership, physical location, or type of dangerous waste activity, by submitting a revised Form 2. A revised Form 2 must be submitted prior to adding or dropping any of the following activities: Permitted treating, storing and/or disposing, immediate recycling, transporting, permit by rule, and/or treatment by generator. For changes of company name or mailing address, the generator may submit a corrected Registration Verification Report (part of the Dangerous Waste Annual Report) in lieu of a revised Form 2. Any change in site location will require the issuance of a new EPA/state ID# for waste generation and management facilities. An EPA/state ID# may not be used at new company locations. A company that has obtained an ID# as a "transporter only" can move to a new location and continue to use the same ID#. A revised notification Form 2 must be submitted to the department. Notification of dangerous waste activities, Form 2 and instructions for its completion may be obtained by contacting the department.

(3) Any person with an EPA/state ID# may request that his ID# be withdrawn if he will no longer be handling dangerous waste at the site the ID# has been assigned to. Any person whose ID# has been withdrawn must notify the department before he uses the ID# at any later date. Notification must be in writing, except in the case of

emergencies (e.g., fires, spills, etc.) such notification may be provided by telephone first, and followed within one week by a written notification. Withdrawal will only be granted when all applicable requirements of this chapter and chapter 173-305 WAC have been met.

(4) Any person with an EPA/state ID# may request that his ID# be cancelled if he will no longer occupy the site. Notification must be in writing. An EPA/state ID# ~~((shall))~~ will be considered cancelled only after ~~((issuance of written confirmation by the department and when))~~ all applicable requirements of this chapter and chapter 173-305 WAC have been met.

(5) Any person with a current EPA/state ID# must submit an annual report as required by WAC 173-303-070(8), 173-303-220, and 173-303-390. Any person ~~((that))~~ who has withdrawn or cancelled their ID# ~~((and received confirmation from the department))~~ must submit an annual report ~~((for the calendar year in which their request was approved))~~ up to the effective date of cancellation or withdrawal. The generator should write the effective date on the notification form for the cancellation or withdrawal; it is the date by which all regulated waste activities (generation, transportation, and management) have ceased at the site.

AMENDATORY SECTION (Amending Order 92-33, filed 12/8/93, effective 1/8/94)

WAC 173-303-070 Designation of dangerous waste.

(1) Purpose and applicability.

(a) This section describes the procedures for determining whether or not a solid waste is DW or EHW.

(b) The procedures in this section are applicable to any person who generates a solid waste (including recyclable materials) that is not exempted or excluded by this chapter or by the department. Any person who must determine whether or not ~~((his))~~ their solid waste is designated must follow the procedures set forth in subsection (3) of this section. Any person who determines by these procedures that ~~((his))~~ their waste is designated DW or EHW ~~((shall be))~~ is subject to all applicable requirements of this chapter.

(c) The requirements for the small quantity generator exemption are found in subsection (8) of this section.

(2)(a) Once a material has been determined to be a dangerous waste, then any solid waste generated from the recycling, treatment, storage, or disposal of that dangerous waste is a dangerous waste unless and until:

(i) The generator has been able to accurately describe the variability or uniformity of the waste over time, and has been able to obtain demonstration samples which are representative of the waste's variability or uniformity; and

(ii)(A) It does not exhibit any of the characteristics of WAC 173-303-090; however, wastes that exhibit a characteristic at the point of generation may still be subject to the requirements of WAC 173-303-140 (2)(a), even if they no longer exhibit a characteristic at the point of land disposal; and

(B) If it was a listed waste under WAC 173-303-080 through 173-303-083, it also has been exempted pursuant to WAC 173-303-910(3); or

(iii) If originally designated only through WAC 173-303-100, it does not ~~((exhibit))~~ meet any of the criteria of WAC 173-303-100.

Such solid waste (~~shall~~) will include but not be limited to any sludge, spill residue, ash emission control dust, leachate, or precipitation run-off. Precipitation run-off will not be considered a dangerous waste if it can be shown that the run-off has not been contaminated with the dangerous waste, or that the run-off is adequately addressed under existing state laws (e.g. chapter 90.48 RCW), or that the run-off does not exhibit any of the criteria or characteristics described in WAC 173-303-100.

(b) Materials that are reclaimed from solid wastes and that are used beneficially (as provided in WAC 173-303-016 and 173-303-017) are not solid wastes and hence are not dangerous wastes under this section unless the reclaimed material is burned for energy recovery or used in a manner constituting disposal.

(c) Notwithstanding subsections (1) and (2) of this section and provided the debris does not exhibit a characteristic identified in WAC 173-303-090, the following materials are not subject to regulation under this chapter:

(i) Hazardous debris that has been treated using one of the required extraction or destruction technologies specified in Table 1 of 40 CFR section 268.45; persons claiming this exclusion in an enforcement action will have the burden of proving by clear and convincing evidence that the material meets all of the exclusion requirements; or

(ii) Debris that the department, considering the extent of contamination, has determined is no longer contaminated with hazardous waste.

(3) Designation procedures.

(a) To determine whether or not a solid waste is designated as a dangerous waste a person (~~shall check the waste against the following sections, and in the following order~~) must:

(i) First, determine if the waste is a listed discarded chemical product(s), WAC 173-303-081;

(ii) Second, determine if the waste is a listed dangerous waste source(s), WAC 173-303-082;

(iii) Third, if the waste is not listed in WAC 173-303-081 or 173-303-082, or for the purposes of compliance with the federal land disposal restrictions as adopted by reference in WAC 173-303-140, determine if the waste exhibits any dangerous waste characteristics, WAC 173-303-090; and

(iv) Fourth, if the waste is not listed in WAC 173-303-081 or 173-303-082, and does not exhibit a characteristic in WAC 173-303-090, determine if the waste meets any dangerous waste criteria, WAC 173-303-100.

(b) A person (~~shall~~) must check each section, in the order set forth, until (~~he~~) they determine(~~s~~) whether the waste is designated as a dangerous waste. (~~Once the waste is designated through the lists, characteristics, or criteria he need not determine any other designations for the waste, or for the purposes of compliance with the federal land disposal restrictions, as adopted by reference in WAC 173-303-140. If the designation procedures identify a waste as both EHW and DW (e.g., a waste may be DW for corrosivity and EHW for toxicity characteristic), the waste must be designated EHW.)) Once the waste is determined to be a dangerous waste, further designation is not required except as required by subsection (4) or (5) of this section. If a person has checked the waste against each section and the waste is not~~

designated, then the waste is not subject to the requirements of chapter 173-303 WAC.

Any person who wishes to seek an exemption for a waste which has been designated DW or EHW (~~shall~~) must comply with the requirements of WAC 173-303-072.

(c) For the purpose of determining if a solid waste is a dangerous waste as identified in WAC 173-303-080 through 173-303-100, a person (~~shall~~) must either:

(i) Test the waste according to the methods, or an approved equivalent method, set forth in WAC 173-303-110; or

(ii) Apply knowledge of the waste in light of the materials or the process used, when:

(A) Such knowledge can be demonstrated to be sufficient for determining whether or not it designated and/or designated properly; and

(B) All data and records supporting this determination in accordance with WAC 173-303-210(3) are retained on-site.

(4) Testing required. Notwithstanding any other provisions of this chapter, the department may require any person to test a waste according to the methods, or an approved equivalent method, set forth in WAC 173-303-110 to determine whether or not the waste is designated under the dangerous waste lists, characteristics, or criteria, WAC 173-303-080 through 173-303-100. Such testing may be required if the department has reason to believe that the waste would be designated DW or EHW by the dangerous waste lists, characteristics, or criteria, or if the department has reason to believe that the waste is designated improperly (e.g., the waste has been designated DW but should actually be designated EHW). If a person, pursuant to the requirements of this subsection, determines that the waste is a dangerous waste or that its designation must be changed, then (~~he shall be~~) they are subject to the applicable requirements of this chapter 173-303 WAC. The department (~~shall~~) will base a requirement to test a waste on evidence that includes, but is not limited to:

(a) Test information indicating that the person's waste may be DW or EHW;

(b) Evidence that the person's waste is very similar to another persons' already designated DW or EHW;

(c) Evidence that the persons' waste has historically been a DW or EHW;

(d) Evidence or information about a person's manufacturing materials or processes which indicate that the wastes may be DW or EHW; or

(e) Evidence that the knowledge or test results a person has regarding a waste is not sufficient for determining whether or not it designated and/or designated properly.

(5) (~~Special knowledge. If a generator has designated his waste under the dangerous waste lists, WAC 173-303-080 through 173-303-082, or characteristics, WAC 173-303-090, and has knowledge that the waste also exhibits any of the dangerous waste characteristics, WAC 173-303-090, or that the waste also meets any of the dangerous waste criteria, WAC 173-303-100, then he shall also designate the waste in accordance with those dangerous waste characteristics, or criteria, or both.)) Additional designation required. A generator must manage dangerous waste under the most stringent management standards that apply. Subsections (5)(a) and (c) of this section describe how waste that has~~

been designated as DW under the dangerous waste lists, WAC 173-303-080 through 173-303-082, or characteristics, WAC 173-303-090, must also be designated under the dangerous waste criteria, WAC 173-303-100, because designation under the criteria may change how the waste must be managed. Additional designation is required when:

(a) The waste is designated as DW with a QEL of 220 pounds and the generator otherwise qualifies as a small quantity generator. In this case, a generator must determine if their DW is also designated as a toxic EHW, WAC 173-303-100, with a QEL of 2.2 pounds; or

(b) The waste is designated as DW and the waste is to be discharged to a POTW operating under WAC 173-303-802(4) (Permits by rule). In this case, a generator must determine if the waste is also an EHW under WAC 173-303-100; or

(c) The waste is designated as a state-only DW and the waste is to be:

(i) Burned for energy recovery, as used oil, under the provisions of WAC 173-303-515; or

(ii) Land disposed within the state. In this case, a generator must determine if the waste is also an EHW under WAC 173-303-100.

(6) Dangerous waste numbers. When a person is reporting or keeping records on a dangerous waste, ~~(he shall)~~ they must use all the dangerous waste numbers which ~~(he)~~ they know~~(s)~~ are assignable to ~~(his)~~ the waste from the dangerous waste lists, characteristics, or criteria. For example, if ~~(his)~~ the waste is ignitable and contains extremely hazardous concentrations of halogenated hydrocarbons, ~~(he shall)~~ they must use the dangerous waste numbers of D001 and WP01. This ~~(shall)~~ will not be construed as requiring a person to designate ~~(his)~~ their waste beyond those designation requirements set forth in subsections (2), (3), (4), and (5) of this section.

(7) Quantity exclusion limits; aggregated waste quantities.

(a) Quantity exclusion limits. In each of the designation sections describing the lists, characteristics, and criteria, quantity exclusion limits (QEL) are identified. The QEL are used to distinguish when a dangerous waste is only subject to the small quantity generator provisions, and when a dangerous waste is ~~(fully)~~ subject to the full requirements of this chapter. Any solid waste which is not excluded or exempted and which is listed by or exhibits the characteristics or meets the criteria of this chapter is a dangerous waste. Small quantity generators who produce dangerous waste below the QEL are subject to ~~(certain)~~ the requirements described in subsection (8) of this section.

(b) Aggregated waste quantities. A person may be generating, accumulating, or storing more than one kind of dangerous waste ~~(identified by this chapter)~~. In such cases, ~~(the person)~~ they must consider the aggregate quantity of ~~(his)~~ their wastes when determining whether or not ~~(his)~~ their waste amounts exceed the specific limits for waste accumulation or the specific quantity exclusion limits (QEL) for waste generation. Waste quantities must be aggregated for all wastes with common QEL's. ~~(For the purposes of this subsection, when aggregating waste quantities, a person shall include in his calculation dangerous wastes produced by on-site treatment or recycling of dangerous wastes and dangerous wastes being accumulated or stored. For)~~

Example~~(s)~~: If a person generates~~(, accumulates, or stores 300)~~ 100 pounds of an ignitable waste and ~~((300))~~ 130 pounds of a persistent waste, then both wastes are regulated because their aggregate waste quantity ~~((600))~~ 230 pounds exceeds their common QEL of 220 pounds. On the other hand, if a person generates~~(, accumulates, or stores)~~ one pound of ~~((an))~~ a toxic EHW ~~((discarded chemical product))~~ and ~~((300))~~ 218 pounds of a corrosive waste, their quantities would not be aggregated because they do not share a common QEL (2.2 pounds and 220 pounds, respective QEL's). ~~((However, the total quantity of dangerous waste (QEL 220 pounds) and extremely hazardous waste (QEL 2.2 pounds) may not equal or exceed 220 pounds. Additional guidance on aggregating waste quantities is available from the department.))~~

(c) For the purposes of this subsection, when aggregating waste quantities, generators must include in their calculation, dangerous wastes produced by on-site treatment or recycling of dangerous wastes and dangerous wastes being accumulated or stored except for the following ~~((are))~~ categories of waste that are excluded from the quantity determinations ~~((and need not be aggregated as required by (b) of this subsection when calculating total waste quantities))~~.

(i) Dangerous waste that is recycled and that is excluded from regulation under WAC 173-303-120 (2)(a), (3)(c), (e), or (f) is not included in the quantity determinations of this section and is not subject to any requirements of this ~~((section))~~ subsection.

(ii) Spent materials that are generated, reclaimed, and subsequently reused on-site, so long as such spent materials have been counted once.

(iii) Dangerous waste that is removed from on-site storage.

(8) Small quantity generators.

(a) A person is a small quantity generator and ~~((is))~~ subject to the requirements of this subsection if ~~((his))~~:

(i) Their waste is ~~((designated))~~ dangerous waste under subsection (3) of this section, and the quantity of waste ~~((that he generates, accumulates, or stores))~~ generated per month (or the aggregated quantity if ~~((he generates))~~ more than one kind of waste is generated) does not equal or exceed the quantity exclusion limit (QEL) for such waste (or wastes) as ~~((listed in WAC 173-303-081(2), 173-303-082(2), and 173-303-090(4))~~ described in WAC 173-303-070(7); and

(ii) The quantity accumulated or stored does not exceed 2200 pounds for wastes with a 220 pound QEL and 2.2 pounds for waste with a 2.2 pound QEL. (Exception: The accumulation limit for the acute hazardous wastes described in WAC 173-303-081 (2)(iv) is 220 lbs); and

(iii) The total quantity of dangerous waste generated in one month, all DW and EHW regardless of their QELs, does not equal or exceed 220 pounds. If a person generates~~(, accumulates, or stores)~~ any dangerous wastes that exceed the QEL or accumulates or stores waste that exceeds the accumulation limits, then all dangerous waste generated, accumulated, or stored by that person is subject to the requirements of this chapter. ~~((For example, if a person generates four pounds of an EHW discarded chemical product (QEL is 2.2 pounds) and 200 pounds of an ignitable waste (QEL is 220 pounds), then both wastes are fully~~

regulated, and the person is not a small quantity generator for either waste. A small quantity generator may accumulate such listed or characteristic waste on-site, however when the quantity (or aggregate quantity) on-site at any time equals or exceeds the quantity exclusion limit for such waste (or wastes) he will not be a small quantity generator and will be subject to all applicable requirements of this chapter.) A small quantity generator who generates in excess of the quantity exclusion limits or, accumulates, or stores waste in excess of the ((quantity exclusion limit and) accumulation limits becomes subject to the full requirements of this chapter and cannot again be a small quantity generator until after all dangerous waste on-site at the time he or she became fully regulated have been removed, treated, or disposed.

Example. If a person generates four pounds of an acute hazardous waste discarded chemical product (QEL is 2.2 pounds) and 200 pounds of an ignitable waste (QEL is 220 pounds), then both wastes are fully regulated, and the person is not a small quantity generator for either waste.

(Comment: If a generator generates acute hazardous waste in a calendar month in quantities greater than the QELs, all quantities of that acute hazardous waste are subject to full regulation under this chapter. "Full regulation" means the regulations applicable to generators of greater than 2200 pounds of dangerous wastes in a calendar month.)

(b) ~~((A))~~ Small quantity generators will not be subject to the requirements of this chapter if ((he or she)) they:

(i) ~~((Complies with subsections (1), (2), (3), and (4) of this section))~~ Designate their waste in accordance with WAC 173-303-070; and

(ii) Manage their waste in a way that does not pose a potential threat to human health or the environment; and

(iii) Either treat((s)) or dispose((s)) of ((the)) their dangerous waste in an on-site facility, or ensure((s)) delivery to an off-site facility, either of which is:

(A) Permitted (including permit-by-rule, interim status, or final status) under WAC 173-303-800 through 173-303-840;

(B) Authorized to manage dangerous waste by another state with a hazardous waste program approved under 40 CFR Part 271, or by EPA under 40 CFR Part 270;

(C) Permitted to manage moderate-risk waste under chapter 173-304 WAC (Minimum functional standards for solid waste handling), operated in accordance with state and local regulations, and consistent with the applicable local hazardous waste plan that has been approved by the department;

(D) A facility that beneficially uses or reuses, or legitimately recycles or reclaims the dangerous waste, or that treats the waste prior to such recycling activities;

(E) Permitted to manage municipal or industrial solid waste in accordance with state or local regulations, or in accordance with another state's solid waste laws if the waste is sent out-of-state; or

(F) A publicly owned treatment works (POTW) provided that ~~((the))~~ small quantity generator(s) ((complies)) comply with the provisions of the domestic sewage exclusion found in WAC 173-303-071 (3)(a); and

~~((iii))~~ (iv) Submit((s)) an annual report in accordance with WAC 173-303-220 if ((he has)) they have obtained an

EPA/state identification number pursuant to WAC 173-303-060.

(c) If a small quantity generator's wastes are mixed with used oil, the mixture is subject to WAC 173-303-510 if it is destined to be burned for energy recovery. Any material produced from such a mixture by processing, blending, or other treatment is also regulated if it is destined to be burned for energy recovery.

AMENDATORY SECTION (Amending Order 93-34, filed 5/23/94, effective 6/23/94)

WAC 173-303-071 Excluded categories of waste. (1) Purpose. Certain categories of waste have been excluded from the requirements of chapter 173-303 WAC, except for WAC 173-303-050, because they generally are not dangerous waste, are regulated under other state and federal programs, or are recycled in ways which do not threaten public health or the environment. WAC 173-303-071 describes these excluded categories of waste.

(2) Excluding wastes. Any persons who generate a common class of wastes and who seek to categorically exclude such class of wastes from the requirements of this chapter ~~((shall))~~ must comply with the applicable requirements of WAC 173-303-072. No waste class will be excluded if any of the wastes in the class are regulated as hazardous waste under 40 CFR Part 261.

(3) Exclusions. The following categories of waste are excluded from the requirements of chapter 173-303 WAC, except for WAC 173-303-050, 173-303-145, and 173-303-960, and as otherwise specified:

(a)(i) Domestic sewage; and

(ii) Any mixture of domestic sewage and other wastes that passes through a sewer system to a publicly owned treatment works (POTW) for treatment provided:

(A) The generator or owner/operator has obtained a state waste discharge permit issued by the department, a temporary permit obtained pursuant to RCW 90.48.200, or pretreatment permit (or written discharge authorization) from a local sewage utility delegated pretreatment program responsibilities pursuant to RCW 90.48.165;

(B) The waste discharge is specifically authorized in a state waste discharge permit, pretreatment permit or written discharge authorization, or in the case of a temporary permit the waste is accurately described in the permit application;

(C) The waste discharge is not prohibited under 40 CFR Part 403.5; and

(D) The waste prior to mixing with domestic sewage ~~((shall))~~ must not exhibit dangerous waste characteristics for ignitability, corrosivity, reactivity, or toxicity as defined in WAC 173-303-090, and ~~((shall))~~ must not meet the dangerous waste criteria for toxic dangerous waste((s)) or persistent dangerous waste ~~((or for carcinogenic dangerous waste))~~ under WAC 173-303-100, unless the waste is treatable in the publicly owned treatment works (POTW) where it will be received. This exclusion does not apply to the generation, treatment, storage, recycling, or other management of dangerous wastes prior to discharge into the sanitary sewage system;

(b) Industrial wastewater discharges that are point-source discharges subject to regulation under Section 402 of the Clean Water Act. This exclusion does not apply to the

collection, storage, or treatment of industrial waste-waters prior to discharge, nor to sludges that are generated during industrial wastewater treatment. Owners or operators of certain wastewater treatment facilities managing dangerous wastes may qualify for a permit-by-rule pursuant to WAC 173-303-802(5);

(c) Household wastes, including household waste that has been collected, transported, stored, or disposed. Wastes which are residues from or are generated by the management of household wastes (e.g., leachate, ash from burning of refuse-derived fuel) are not excluded by this provision. "Household wastes" means any waste material (including, but not limited to, garbage, trash, and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas);

(d) Agricultural crops and animal manures which are returned to the soil as fertilizers;

(e) Asphaltic materials designated only for the presence of PAHs by WAC 173-303-100(6). For the purposes of this exclusion, asphaltic materials means materials intended and used for structural and construction purposes (e.g., roads, dikes, paving) which are produced from mixtures of oil and sand, gravel, ash or similar substances;

(f) Roofing tars and shingles, except that these wastes are not excluded if mixed with wastes listed in WAC 173-303-081 or 173-303-082, or if they exhibit any of the characteristics specified in WAC 173-303-090;

(g) Treated wood waste and wood products including:

(i) Arsenical-treated wood that fails the test for the toxicity characteristic of WAC 173-303-090(8) (dangerous waste numbers D004 through D017 only), or which fails any state criteria, if the waste is generated by persons who utilize the arsenical-treated wood for the materials' intended end use.

(ii) Wood treated with other preservatives provided such treated wood is, within one hundred eighty days after becoming waste:

(A) Disposed of at a landfill that is permitted in accordance with WAC 173-304-460, minimum functional standards for solid waste handling, or chapter 173-351 WAC, criteria for municipal solid waste landfills, and provided that such wood is neither a listed waste under WAC 173-303-9903 and 173-303-9904 nor a TCLP waste under WAC 173-303-090(8); or

(B) Sent to a facility that will legitimately treat or recycle the treated wood waste, and manage any residue in accordance with that state's dangerous waste regulations; or

(C) Sent off-site to a permitted TSD facility or placed in an on-site facility which is permitted by the department under WAC 173-303-800 through WAC 173-303-845. In addition, creosote-treated wood is excluded when burned for energy recovery in an industrial furnace or boiler that has an order of approval issued pursuant to RCW 70.94.152 by ecology or a local air pollution control authority to burn creosote treated wood.

(h) Irrigation return flows;

(i) Materials subjected to in-situ mining techniques which are not removed from the ground during extraction;

(j) Mining overburden returned to the mining site;

(k) Polychlorinated biphenyl (PCB) wastes:

(i) PCB wastes whose disposal is regulated by EPA under 40 CFR 761.60 (Toxic Substances Control Act) and that are dangerous either because:

(A) They fail the test for toxicity characteristic (WAC 173-303-090(8), Dangerous waste codes D018 through D043 only); or

(B) Because they are designated only by this chapter and not designated by 40 CFR Part 261, are exempt from regulation under this chapter except for WAC 173-303-505 through 173-303-525, (~~and~~) 173-303-960, those sections specified in subsection (3) of this section, and 40 CFR Part 266;

(ii) (~~Wastes that would be designated as dangerous waste under this chapter solely because they are listed as W001 under WAC 173-303-9904 when, using EPA's PCB testing method 600/4-81-045, the waste can be shown to contain less than one part per million (ppm) PCB or when, using ASTM method D 4059-86, the waste can be shown to contain less than two parts per million (ppm) PCB;~~

(iii)) Wastes that would be designated as dangerous waste under this chapter solely because they are listed as W001 under WAC 173-303-9904 when such wastes are(~~:-~~

(A) ~~Stored in a manner equivalent to the requirements of 40 CFR 761.65; and~~

(B) ~~Within one year of removal from service, disposed of either in an incinerator that complies with 40 CFR 761.70, in a chemical waste landfill that complies with 40 CFR 761.75, in a high efficiency boiler that complies with 40 CFR 761.60 (a)(2)(iii) or (a)(3)(iii), or in a facility otherwise approved in accordance with 40 CFR 761.60(e);) stored and disposed in a manner equivalent to the requirements of 40 CFR Part 761 Subpart D for PCB concentrations of 50 ppm or greater.~~

(l) Samples:

(i) Except as provided in (l)(ii) of this subsection, a sample of solid waste or a sample of water, soil, or air, which is collected for the sole purpose of testing to determine its characteristics or composition, is not subject to any requirements of this chapter, when:

(A) The sample is being transported to a lab for testing or being transported to the sample collector after testing; or

(B) The sample is being stored by the sample collector before transport, by the laboratory before testing, or by the laboratory after testing prior to return to the sample collector; or

(C) The sample is being stored temporarily in the laboratory after testing for a specific purpose (for example, until conclusion of a court case or enforcement action).

(ii) In order to qualify for the exemptions in (l)(i) of this subsection, a sample collector shipping samples to a laboratory and a laboratory returning samples to a sample collector must:

(A) Comply with United States Department of Transportation (DOT), United States Postal Service (USPS), or any other applicable shipping requirements; or

(B) Comply with the following requirements if the sample collector determines that DOT or USPS, or other shipping requirements do not apply:

(I) Assure that the following information accompanies the sample:

(AA) The sample collector's name, mailing address, and telephone number;

(BB) The laboratory's name, mailing address, and telephone number;

(CC) The quantity of the sample;

(DD) The date of shipment;

(EE) A description of the sample; and

(II) Package the sample so that it does not leak, spill, or vaporize from its packaging.

(iii) This exemption does not apply if the laboratory determines that the waste is dangerous but the laboratory is no longer meeting any of the conditions stated in (I)(i) of this subsection;

(m) Asbestos wastes or asbestos containing wastes which would be designated only as respiratory carcinogens by WAC 173-303-100, and any other inorganic wastes which are designated only under WAC 173-303-100 because they are respiratory carcinogens, if these wastes are managed in compliance with or in a manner equivalent to the asbestos management procedures of 40 CFR Part 61;

(n) Dangerous waste generated in a product or raw material storage tank, a product or raw material transport vehicle or vessel, a product or raw material pipeline, or in a manufacturing process unit or an associated nonwaste-treatment-manufacturing unit until it exits the unit in which it was generated. This exclusion does not apply to surface impoundments, nor does it apply if the dangerous waste remains in the unit more than ninety days after the unit ceases to be operated for manufacturing, or for storage or transportation of product or raw materials;

(o) Waste pickle liquor sludge generated by lime stabilization of spent pickle liquor from the iron and steel industry (SIC codes 331 and 332), except that these wastes are not excluded if they exhibit one or more of the dangerous waste criteria (WAC 173-303-100) or characteristics (WAC 173-303-090);

(p) Wastes from burning any of the materials exempted from regulation by WAC 173-303-120 (2)(a)(v), (vi), (vii), (viii), or (ix). These wastes are not excluded if they exhibit one or more of the dangerous waste characteristics or criteria;

(q) As of January 1, 1987, secondary materials that are reclaimed and returned to the original process or processes in which they were generated where they are reused in the production process provided:

(i) Only tank storage is involved, and the entire process through completion of reclamation is closed by being entirely connected with pipes or other comparable enclosed means of conveyance;

(ii) Reclamation does not involve controlled flame combustion (such as occurs in boilers, industrial furnaces, or incinerators);

(iii) The secondary materials are never accumulated in such tanks for over twelve months without being reclaimed;

(iv) The reclaimed material is not used to produce a fuel, or used to produce products that are used in a manner constituting disposal; and

(v) A generator complies with the requirements of chapter 173-303 WAC for any residues (e.g., sludges, filters, etc.) produced from the collection, reclamation, and reuse of the secondary materials.

(r) Treatability study samples.

(i) Except as provided in (r)(ii) of this subsection, persons who generate or collect samples for the purpose of

conducting treatability studies as defined in WAC 173-303-040 are not subject to the requirements of WAC 173-303-180, 173-303-190, and 173-303-200 (1)(a), nor are such samples included in the quantity determinations of WAC 173-303-070 (7) and (8) and 173-303-201 when:

(A) The sample is being collected and prepared for transportation by the generator or sample collector; or

(B) The sample is being accumulated or stored by the generator or sample collector prior to transportation to a laboratory or testing facility; or

(C) The sample is being transported to the laboratory or testing facility for the purpose of conducting a treatability study; or

(D) The sample or waste residue is being transported back to the original generator from the laboratory or testing facility.

(ii) The exemption in (r)(i) of this subsection is applicable to samples of dangerous waste being collected and shipped for the purpose of conducting treatability studies provided that:

(A) The generator or sample collector uses (in "treatability studies") no more than 10,000 kg of media contaminated with nonacute dangerous waste, 1000 kg of ~~((any)) nonacute dangerous waste other than contaminated media~~, 1 kg of acutely hazardous waste, ~~((or 250 kg of soils, water, or debris))~~ 2500 kg of media contaminated with acutely hazardous waste for each process being evaluated for each generated waste stream; and

(B) The mass of each sample shipment does not exceed 10,000 kg; the 10,000 kg quantity may be all media contaminated with nonacute dangerous waste or may include 2500 kg of media contaminated with acute hazardous waste, 1000 kg of dangerous waste, and 1 kg of acutely hazardous waste~~((, or 250 kg of soils, water, or debris contaminated with acutely hazardous waste))~~; and

(C) The sample must be packaged so that it will not leak, spill, or vaporize from its packaging during shipment and the requirements of (r)(ii)(C)(I) or (II) of this subsection are met.

(I) The transportation of each sample shipment complies with United States Department of Transportation (DOT), United States Postal Service (USPS), or any other applicable shipping requirements; or

(II) If the DOT, USPS, or other shipping requirements do not apply to the shipment of the sample, the following information must accompany the sample:

(AA) The name, mailing address, and telephone number of the originator of the sample;

(BB) The name, address, and telephone number of the laboratory or testing facility that will perform the treatability study;

(CC) The quantity of the sample;

(DD) The date of shipment; and

(EE) A description of the sample, including its dangerous waste number.

(D) The sample is shipped, within ninety days of being generated or of being taken from a stream of previously generated waste, to a laboratory or testing facility which is exempt under (s) of this subsection or has an appropriate final facility permit or interim status; and

(E) The generator or sample collector maintains the following records for a period ending three years after completion of the treatability study:

- (I) Copies of the shipping documents;
- (II) A copy of the contract with the facility conducting the treatability study;
- (III) Documentation showing:
 - (AA) The amount of waste shipped under this exemption;
 - (BB) The name, address, and EPA/state identification number of the laboratory or testing facility that received the waste;
 - (CC) The date the shipment was made; and
 - (DD) Whether or not unused samples and residues were returned to the generator.

(F) The generator reports the information required under (r)(ii)(E)(III) of this subsection in its annual report.

(iii) The department may grant requests, on a case-by-case basis, for up to an additional two years for treatability studies involving bioremediation. The department may grant requests on a case-by-case basis for quantity limits in excess of those specified in (r)(ii)(A) and (B) of this subsection and (s)(iv) of this subsection, for up to an additional 5000 kg of media contaminated with nonacute dangerous waste, 500 kg of nonacute (~~hazardous~~) dangerous waste, 1 kg of acute hazardous waste, and ((250 kg of soils, water, or debris)) 2500 kg of media contaminated with acute hazardous waste or for up to an additional 10,000 kg of wastes regulated only by this chapter and not regulated by 40 CFR Part 261, to conduct further treatability study evaluation ((when)):

(A) In response to requests for authorization to ship, store and conduct treatability studies on additional quantities in advance of commencing treatability studies. Factors to be considered in reviewing such requests include the nature of the technology, the type of process, (e.g., batch versus continuous), size of the unit undergoing testing (particularly in relation to scale-up considerations), the time/quantity of material required to reach steady state operating conditions, or test design considerations such as mass balance calculations.

(B) In response to requests for authorization to ship, store, and conduct treatability studies on additional quantities after initiation or completion of initial treatability studies, when:

There has been an equipment or mechanical failure during the conduct of a treatability study; there is a need to verify the results of previously conducted treatability study; there is a need to study and analyze alternative techniques within a previously evaluated treatment process; or there is a need to do further evaluation of an ongoing treatability study to determine final specifications for treatment.

(C) The additional quantities and time frames allowed in (r)(iii)(A) and (B) of this subsection are subject to all the provisions in (r)(i) and ((~~(ii)(B)~~)) (r)(ii)(C) through (F) of this subsection. The generator or sample collector must apply to the department where the sample is collected and provide in writing the following information:

((~~(A)~~)) (I) The reason the generator or sample collector requires additional time or quantity of sample for the treatability study evaluation and the additional time or quantity needed;

((~~(B)~~)) (II) Documentation accounting for all samples of dangerous waste from the waste stream which have been sent for or undergone treatability studies including the date each previous sample from the waste stream was shipped, the quantity of each previous shipment, the laboratory or testing facility to which it was shipped, what treatability study processes were conducted on each sample shipped, and the available results of each treatability study;

((~~(C)~~)) (III) A description of the technical modifications or change in specifications which will be evaluated and the expected results;

((~~(D)~~)) (IV) If such further study is being required due to equipment or mechanical failure, the applicant must include information regarding the reason for the failure or breakdown and also include what procedures or equipment improvements have been made to protect against further breakdowns; and

((~~(E)~~)) (V) Such other information that the department considers necessary.

(s) Samples undergoing treatability studies at laboratories and testing facilities. Samples undergoing treatability studies and the laboratory or testing facility conducting such treatability studies (to the extent such facilities are not otherwise subject to chapter 70.105 RCW) are not subject to the requirements of this chapter, except WAC 173-303-050, 173-303-145, and 173-303-960 provided that the conditions of (s)(i) through (xiii) of this subsection are met. A mobile treatment unit (MTU) may qualify as a testing facility subject to (s)(i) through (xiii) of this subsection. Where a group of MTUs are located at the same site, the limitations specified in (s)(i) through (xiii) of this subsection apply to the entire group of MTUs collectively as if the group were one MTU.

(i) No less than forty-five days before conducting treatability studies the laboratory or testing facility notifies the department in writing that it intends to conduct treatability studies under this subsection.

(ii) The laboratory or testing facility conducting the treatability study has an EPA/state identification number.

(iii) No more than a total of 10,000 kg of "as received" media contaminated with nonacute dangerous waste, 2500 kg of media contaminated with acute hazardous waste or 250 kg of other "as received" dangerous waste is ((subjected)) subject to initiation of treatment in all treatability studies in any single day. "As received" waste refers to the waste as received in the shipment from the generator or sample collector.

(iv) The quantity of "as received" dangerous waste stored at the ((~~laboratory or testing~~)) facility for the purpose of evaluation in treatability studies does not exceed ((~~1000 kg, the total of which can include 500 kg of soils, water, or debris contaminated with acutely hazardous waste or~~)) 10,000 kg, the total of which can include 10,000 kg of media contaminated with nonacute dangerous waste, 2500 kg of media contaminated with acute hazardous waste, 1000 kg of nonacute dangerous wastes other than contaminated media, and 1 kg of acutely hazardous waste. This quantity limitation does not include(±

(A) Treatability study residues; and

(B)) Treatment materials (including nondangerous solid waste) added to "as received" dangerous waste.

(v) No more than ninety days have elapsed since the treatability study for the sample was completed, or no more than one year (two years for treatability studies involving bioremediation) has elapsed since the generator or sample collector shipped the sample to the laboratory or testing facility, whichever date first occurs. Up to 500 kg of treated material from a particular waste stream from treatability studies may be archived for future evaluation up to five years from the date of initial receipt. Quantities of materials archived are counted against the total storage limit for the facility.

(vi) The treatability study does not involve the placement of dangerous waste on the land or open burning of dangerous waste.

(vii) The laboratory or testing facility maintains records for three years following completion of each study that show compliance with the treatment rate limits and the storage time and quantity limits. The following specific information must be included for each treatability study conducted:

(A) The name, address, and EPA/state identification number of the generator or sample collector of each waste sample;

(B) The date the shipment was received;

(C) The quantity of waste accepted;

(D) The quantity of "as received" waste in storage each day;

(E) The date the treatment study was initiated and the amount of "as received" waste introduced to treatment each day;

(F) The date the treatability study was concluded;

(G) The date any unused sample or residues generated from the treatability study were returned to the generator or sample collector or, if sent to a designated TSD facility, the name of the TSD facility and its EPA/state identification number.

(viii) The laboratory or testing facility keeps, on-site, a copy of the treatability study contract and all shipping paper associated with the transport of treatability study samples to and from the facility for a period ending three years from the completion date of each treatability study.

(ix) The laboratory or testing facility prepares and submits a report to the department by March 15 of each year that estimates the number of studies and the amount of waste expected to be used in treatability studies during the current year, and includes the following information for the previous calendar year:

(A) The name, address, and EPA/state identification number of the laboratory or testing facility conducting the treatability studies;

(B) The types (by process) of treatability studies conducted;

(C) The names and addresses of persons for whom studies have been conducted (including their EPA/state identification numbers);

(D) The total quantity of waste in storage each day;

(E) The quantity and types of waste subjected to treatability studies;

(F) When each treatability study was conducted;

(G) The final disposition of residues and unused sample from each treatability study.

(x) The laboratory or testing facility determines whether any unused sample or residues generated by the treatability

study are dangerous waste under WAC 173-303-070 and if so, are subject to the requirements of this chapter, unless the residues and unused samples are returned to the sample originator under the exemption in (r) of this subsection.

(xi) The laboratory or testing facility notifies the department by letter when it is no longer planning to conduct any treatability studies at the site.

(xii) The date the sample was received, or if the treatability study has been completed, the date of the treatability study, is marked and clearly visible for inspection on each container.

(xiii) While being held on site, each container and tank is labeled or marked clearly with the words "dangerous waste" or "hazardous waste." Each container or tank must also be marked with a label or sign which identifies the major risk(s) associated with the waste in the container or tank for employees, emergency response personnel and the public.

Note: If there is already a system in use that performs this function in accordance with local, state, or federal regulations, then such system will be adequate.

(t) Petroleum-contaminated media and debris that fail the test for the toxicity characteristic of WAC 173-303-090(8) (dangerous waste numbers D018 through D043 only) and are subject to the corrective action regulations under 40 CFR Part 280.

(u) Special incinerator ash (as defined in WAC 173-303-040).

(v) Wood ash that would designate solely for corrosivity by WAC 173-303-090 (6)(a)(iii). For the purpose of this exclusion, wood ash means ash residue and emission control dust generated from the combustion of untreated wood, wood treated solely with creosote, and untreated wood fiber materials including, but not limited to, wood chips, saw dust, tree stumps, paper, cardboard, residuals from waste fiber recycling, deinking rejects, and associated wastewater treatment solids. This exclusion allows for the use of auxiliary fuels including, but not limited to, oils, gas, coal, and other fossil fuels in the combustion process.

(w)(i) Spent wood preserving solutions that have been reclaimed and are reused for their original intended purpose; and

(ii) Wastewaters from the wood preserving process that have been reclaimed and are reused to treat wood.

(x) Nonwastewater splash condenser dross residue from the treatment of K061 in high temperature metals recovery units, provided it is shipped in drums (if shipped) and not land disposed before recovery.

(y) Used oil filters that are recycled in accordance with WAC 173-303-120, as used oil and scrap metal.

(z) Used oil re-refining distillation bottoms that are used as feedstock to manufacture asphalt products.

(aa) Wastes that fail the test for the toxicity characteristic in WAC 173-303-090 because chromium is present or are listed in WAC 173-303-081 or 173-303-082 due to the presence of chromium. The waste must not designate for any other characteristic under WAC 173-303-090, for any of the criteria specified in WAC 173-303-100, and must not be listed in WAC 173-303-081 or 173-303-082 due to the presence of any constituent from WAC 173-303-9905 other

than chromium. The waste generator must be able to demonstrate that:

(i) The chromium in the waste is exclusively (or nearly exclusively) trivalent chromium; and

(ii) The waste is generated from an industrial process that uses trivalent chromium exclusively (or nearly exclusively) and the process does not generate hexavalent chromium; and

(iii) The waste is typically and frequently managed in nonoxidizing environments.

(bb)(i) Nonwastewater residues, such as slag, resulting from high temperature metals recovery (HTMR) processing of K061, K062 or F006 waste, in units identified as rotary kilns, flame reactors, electric furnaces, plasma arc furnaces, slag reactors, rotary hearth furnace/electric furnace combinations or industrial furnaces (as defined in WAC 173-303-040 - blast furnaces, smelting, melting and refining furnaces, and other devices the department may add to the list - of the definition for "industrial furnace"), that are disposed in subtitle D units, provided that these residues meet the generic exclusion levels identified in the tables in this paragraph for all constituents, and exhibit no characteristics of dangerous waste. Testing requirements must be incorporated in a facility's waste analysis plan or a generator's self-implementing waste analysis plan; at a minimum, composite samples of residues must be collected and analyzed quarterly and/or when the process or operation generating the waste changes. Persons claiming this exclusion in an enforcement action will have the burden of proving by clear and convincing evidence that the material meets all of the exclusion requirements.

Constituent Maximum for any single composite sample-TCLP (mg/l)

Generic exclusion levels for K061 and K062 nonwastewater HTMR residues

<u>Antimony</u>	<u>0.10</u>
<u>Arsenic</u>	<u>0.50</u>
<u>Barium</u>	<u>7.6</u>
<u>Beryllium</u>	<u>0.010</u>
<u>Cadmium</u>	<u>0.050</u>
<u>Chromium (total)</u>	<u>0.33</u>
<u>(2)Lead</u>	<u>0.15</u>
<u>Mercury</u>	<u>0.009</u>
<u>Nickel</u>	<u>1.0</u>
<u>Selenium</u>	<u>0.16</u>
<u>Silver</u>	<u>0.30</u>
<u>Thallium</u>	<u>0.020</u>
<u>Zinc</u>	<u>70</u>

Generic exclusion levels for F006 nonwastewater HTMR residues

<u>Antimony</u>	<u>0.10</u>
<u>Arsenic</u>	<u>0.50</u>
<u>Barium</u>	<u>7.6</u>
<u>Beryllium</u>	<u>0.010</u>
<u>Cadmium</u>	<u>0.050</u>
<u>Chromium (total)</u>	<u>0.33</u>
<u>Cyanide (total) (mg/kg)</u>	<u>1.8</u>
<u>Lead</u>	<u>0.15</u>
<u>Mercury</u>	<u>0.009</u>
<u>Nickel</u>	<u>1.0</u>
<u>Selenium</u>	<u>0.16</u>
<u>Silver</u>	<u>0.30</u>
<u>Thallium</u>	<u>0.020</u>
<u>Zinc</u>	<u>70</u>

(ii) A one-time notification and certification must be placed in the facility's files and sent to the department for K061, K062 or F006 HTMR residues that meet the generic exclusion levels for all constituents and do not exhibit any characteristics that are sent to subtitle D units. The notification and certification that is placed in the generator's or treater's files must be updated if the process or operation generating the waste changes and/or if the subtitle D unit receiving the waste changes. However, the generator or treater need only notify the department on an annual basis if such changes occur. Such notification and certification should be sent to the department by the end of the calendar year, but no later than December 31. The notification must include the following information: The name and address of the subtitle D unit receiving the waste shipments; the dangerous waste number(s) and treatability group(s) at the initial point of generation; and, the treatment standards applicable to the waste at the initial point of generation. The certification must be signed by an authorized representative and must state as follows: "I certify under penalty of law that the generic exclusion levels for all constituents have been met without impermissible dilution and that no characteristic of dangerous waste is exhibited. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment." These wastes are not excluded if they exhibit one or more of the dangerous waste characteristics (WAC 173-303-090) or criteria (WAC 173-303-100).

AMENDATORY SECTION (Amending Order 92-33, filed 12/8/93, effective 1/8/94)

WAC 173-303-072 Procedures and bases for exempting and excluding wastes. (1) Purpose and applicability.

(a) The purpose of this section is to describe the procedures that will be followed by generators and the department when wastes are considered for exemption or exclusion from the requirements of this chapter. Any person(s) whose waste is exempted or excluded will not be subject to the requirements of this chapter unless the department revokes the exemption or exclusion.

(b) Any person seeking a waste exemption must submit a petition to the department according to the procedures of WAC 173-303-910(3). A petition for exemption will be assessed against the applicable bases for exemption described in subsections (3), (4), and (5) of this section.

(c) Any persons seeking to categorically exclude a class of wastes must submit a petition to the department according to the procedures of WAC 173-303-910(4). A petition for exclusion will be assessed against the applicable bases for exclusion described in subsection (6) of this section.

(2) Department procedures. When considering, granting, or denying a petition for exemption or exclusion, the department ~~(shall)~~ will follow the appropriate procedures described in WAC 173-303-910(1).

(3) Bases for exempting wastes. To successfully petition the department to exempt a waste, the petitioner must demonstrate to the satisfaction of the department that:

(a) He has been able to accurately describe the variability or uniformity of his waste over time, and has been able to

PERMANENT

obtain demonstration samples which are representative of his waste's variability or uniformity; and, either

(b) The representative demonstration samples of his waste are not designated DW or EHW by the dangerous waste criteria, WAC 173-303-100; or

(c) It can be shown, from information developed by the petitioner through consultation with the department, that his waste does not otherwise pose a threat to public health or the environment. However, this basis for exemption is not applicable to wastes that exhibit any of the characteristics specified in WAC 173-303-090, except 173-303-090 (6)(a)(iii).

(4) Additional bases for exempting listed wastes. In addition to the demonstrations required by subsections (3)(a) and (b) of this section, for wastes listed in WAC 173-303-081 or 173-303-082 the petitioner must also demonstrate to the satisfaction of the department that his waste is not capable of posing a substantial present or potential threat to public health or the environment when improperly treated, stored, transported, disposed of or otherwise managed. The following factors will be considered by the department when assessing such a demonstration:

(a) Whether or not the listed waste contains the constituent or constituents which caused it to be listed. (For the purposes of this subsection, the constituents referred to will include any of the dangerous waste constituents listed in WAC 173-303-9905);

(b) The nature of the threat posed by the waste constituent(s);

(c) The concentration of the constituent(s) in the waste;

(d) The potential of the constituent(s) or any degradation product of the constituent(s) to migrate from the waste into the environment under the types of improper management considered in (h) of this subsection;

(e) The persistence of the constituent(s) or any degradation product of the constituent(s);

(f) The potential for the constituent(s) or any degradation product of the constituent(s) to degrade into nonharmful constituents and the rate of degradation;

(g) The degree to which the constituent(s) or degradation product of the constituent(s) bioaccumulates in ecosystems;

(h) The plausible types of improper management to which the waste could be subjected;

(i) The quantities of the waste generated at individual generation sites or on a state-wide basis. Under this factor, the department will also consider whether or not the waste is listed under WAC 173-303-081 as a discarded chemical product and occurs in a relatively pure form. Any waste discarded chemical product which exceeds the quantity exclusion limit specified in WAC 173-303-081(2) for that waste will not be exempted;

(j) The nature and severity of the public health and environmental damage that has occurred as a result of the improper management of wastes containing the constituent(s);

(k) Actions taken by other governmental agencies or regulatory programs based on the health or environmental threat posed by the waste or waste constituent(s); and

(l) Such other factors as may be appropriate.

(5) ~~(Bases for exempting wastes designated solely for the presence of chromium. The department will exempt a~~

~~waste which is designated because of the presence of chromium if the petitioner can demonstrate that:~~

~~(a) The waste is not designated for any other characteristic under WAC 173-303-090, or for any of the criteria specified in WAC 173-303-100;~~

~~(b) The waste is not listed in WAC 173-303-081 or 173-303-082 due to the presence of any constituent from WAC 173-303-9905 other than chromium;~~

~~(c) The waste is typically and frequently managed in nonoxidizing environments or under nonoxidizing conditions; and~~

~~(d) Either of the following demonstrations can be made:~~

~~(i) The waste is generated from a process which uses trivalent chromium exclusively (or nearly exclusively), the process does not generate hexavalent chromium, and the chromium in the waste is exclusively (or nearly exclusively) trivalent chromium-)) Reserve.~~

(6) Bases for categorically excluding classes of wastes. This subsection does not apply to any waste class that includes hazardous waste regulated under 40 CFR Part 261. To successfully petition the department to categorically exclude a class of wastes, petitioners must demonstrate to the satisfaction of the department that the petition or petitions for exclusion:

(a) Accurately describe the class of wastes for which categorical exclusion is sought and show that the class of wastes does not include any wastes which would be regulated as hazardous waste under 40 CFR Part 261;

(b) Describe the variability or uniformity of the class of wastes over time and in relation to the individual wastes that comprise the class of waste;

(c) Discuss the generators and their individual wastes that belong to the class of wastes and, to the extent practical, any generators or individual wastes that, although belonging to the class of wastes, are not represented by the petition or petitions; and

(d) For each individual waste within the class of wastes, provide the demonstration described by subsection (3) of this section, except that where it is determined by consultation with the department to be impractical to provide the demonstration for each individual waste, the petitioner or petitioners (shall) will provide the demonstration for samples of the individual wastes determined by consultation with the department to be representative of the class of wastes.

NEW SECTION

WAC 173-303-073 Conditional exclusion of special wastes. (1) Purpose. Special wastes pose a relatively low hazard to human health and the environment. The department believes that special wastes can be safely managed with a level of protection that is intermediate between dangerous and nondangerous solid wastes. This section establishes a conditional exclusion for the management of special wastes.

(2) Exclusion. Special wastes are excluded from the requirements of chapter 173-303 WAC, except for WAC 173-303-050; 173-303-060; 173-303-145; 173-303-960; and 173-303-510 excluding subsections (4)(a), (4)(b)(iii), (5), (6)(c), and (6)(d). In addition, special waste must be treated as dangerous waste for purposes of pollution prevention planning as required in chapters 173-307 and 173-305 WAC.

Special wastes will not be considered as dangerous waste, provided they are managed in accordance with the standards in this subsection and provided they are disposed, legitimately recycled, or treated on-site consistent with the requirements of WAC 173-303-170 (3)(c).

(a) Generators may not accumulate special waste on-site for more than one hundred eighty days from the date the quantity of waste exceeds two thousand two hundred pounds. The generator must keep a written record showing the dates when accumulation of the wastes began;

(b) During accumulation, special waste must be stored in a manner to prevent releases to the environment. This includes, but is not limited to, storing wastes in compatible containers, on impermeable surfaces, or in secondary containment structures, etc.;

(c) Facilities that receive special waste for recycling must meet the requirements of (b) of this subsection and store special wastes for no more than one hundred eighty days.

(d) All workers handling special wastes must be informed of the waste's potential hazard, either through worker training, health and safety plans, or notification of workers on a case-by-case basis;

(e) Special wastes must be transported directly from their site of generation to any off-site recycling, treatment, or disposal destination. The wastes must not pass through any intermediate solid waste processing facility, such as a transfer station, unless:

(i) The transfer station operator has made specific provisions for managing special waste by physical segregation, packing, or other means to ensure that workers and the public are not exposed to the waste stream at the transfer station;

(ii) The provisions are reflected in the facilities operating plans;

(iii) The plans have been approved by the transfer station's solid waste permitting authority; and

(iv) The transfer station operator has informed workers of the wastes' potential hazard according to (d) of this subsection;

(f) A document must accompany special waste during transit which identifies the type and amount of special waste, its place of origin, the identity of the generator, and the facility to which it is directed. An example form is provided in WAC 173-303-9906. The generator and the receiving facility must maintain a record of the facilities receipt of the special waste for at least five years;

(g) Disposal of special waste must be in landfill units which:

(i) Are permitted in accordance with chapter 173-351 WAC, provided that an engineered liner is used to meet the requirements of arid landfill design requirements, WAC 173-351-300 (2)(b), or are permitted under WAC 173-303-800 through 173-303-840 or if out-of-state under 40 CFR Part 258 or Part 270; and

(ii) Are not currently undergoing corrective action under WAC 173-351-440(6), 40 CFR 258.56, or a similar requirement in state regulations approved by the United States EPA pursuant to 42 USC 6945(c)(1)(B).

(3) Approved facilities. Ecology will issue a list of landfills and transfer stations that meet the preceding

qualifying criteria to aid generators who wish to dispose of their waste under the exclusion provided by this section.

AMENDATORY SECTION (Amending Order 92-33, filed 12/8/93, effective 1/8/94)

WAC 173-303-075 Certification of designation. (1) Purpose and applicability.

(a) The purpose of WAC 173-303-075 is to establish procedures by which the generator of a solid waste may apply to the department for a review of his waste, and for a determination of the designation of his waste. When a final determination is made, the department (~~shall~~) will issue a certificate of designation which (~~shall~~) will describe the status of the generator's waste with respect to the designation requirements of this chapter 173-303 WAC.

(b) The provisions of this section are applicable to any person who produces a solid waste, who may be subject to the requirements of this chapter 173-303 WAC as the generator of a dangerous waste and who wishes to obtain a certificate designating the status of his waste.

(2) Certification. Any person who produces a solid waste which could be a dangerous waste may apply to the department, in accordance with the guidelines published pursuant to WAC 173-303-075(4), for a certificate of designation for his waste.

(a) The certificate of designation will describe the status of the designation for a waste or wastes as follows:

(i) Either, the certificate will state that the waste or wastes listed in the certificate are designated dangerous waste; or

(ii) The certificate will state that the waste or wastes listed in the certificate are not designated dangerous waste under the designation lists or characteristics of WAC 173-303-080 through 173-303-090; or

(iii) The certificate will state that the waste or wastes listed in the certificate are not designated dangerous waste under the dangerous waste lists, characteristics or criteria, WAC 173-303-080 through 173-303-100.

(b) The certificate of designation will, at a minimum, include the following information:

(i) The name, address, telephone number and, where applicable, the EPA/state identification number of the person to whom the certificate is issued;

(ii) A statement of the status of the designation of the waste or wastes listed in the certificate and, if designated, whether DW or EHW;

(iii) A listing of the waste or wastes for which the certificate has been issued;

(iv) The signature of the director or his designee;

(v) The date on which the certificate was issued; and

(vi) The period of time or conditions for which the certificate is valid.

(c) Once a certificate of designation has been issued to a person, that person is no longer subject to the designation procedures of WAC 173-303-080 through 173-303-100, unless the period of time for which the certificate is valid expires, the conditions under which the certificate is valid change, or the department withdraws its certification of designation in accordance with WAC 173-303-075(5). If the certificate states that the waste or wastes listed in it are designated, then the person to whom the certificate is issued

~~((shall))~~ must comply with all applicable requirements of this chapter 173-303 WAC. If the certificate states that the waste or wastes listed in it are not designated, then the person to whom the certificate is issued is not subject to the requirements of this chapter 173-303 WAC, unless the certificate becomes invalid or the department withdraws its certification.

(d) While an application for a certificate of designation is pending final action by the department, the person applying for certification must comply with all applicable requirements of this chapter 173-303 WAC.

(e) While a certificate of designation is being amended, in accordance with WAC 173-303-075(5), the certificate ~~((shall))~~ will remain in effect except for those parts of the certificate which the department specifically suspends.

(3) Designation. Determination of the status of designation for a waste or wastes for which a certificate of designation is being sought ~~((shall))~~ will follow the procedures set forth in this subsection.

(a) A waste ~~((shall))~~ will be certified as a dangerous waste if it is designated under any of the methods set forth in WAC 173-303-080 through 173-303-100.

(b) A waste ~~((shall))~~ will be certified as not a dangerous waste if:

(i) It has only been checked against WAC 173-303-080 through 173-303-090 (lists and characteristics) and it is not designated; or

(ii) It has been checked against the dangerous waste lists, characteristics and criteria, WAC 173-303-080 through 173-303-100, and it is not designated.

(4) Application. Any person who wishes to apply for a certificate of designation ~~((shall))~~ must do so according to the certification guidelines published by and available from the department. The department ~~((shall))~~ will follow the procedures specified in the certification guidelines when considering an application for a certificate.

(5) Review of certification. Review of and changes to or withdrawal of certificates of designation ~~((shall))~~ will be performed by the department according to the procedures specified in the certification guidelines, available from the department. At a minimum, the certification guidelines provide for the following procedures:

(a) The department will periodically review each certificate of designation to insure that it is current and accurately states the proper designation for the waste or wastes listed on the certificate.

(b) The department may amend, or any person with a certificate of designation may request the department to amend, any certificate in the event that changes to the certificate are necessary to keep it current or maintain its accuracy. The person will obtain concurrence of the department if he wishes to amend his certificate to reflect changes in the information on the certificate (e.g., new wastes, changes in waste properties, changes of address, etc.).

(c) The department reserves the authority to withdraw any certificate of designation if there is reason to believe that the certificate results in a threat to public health or the environment. If a certificate is withdrawn, then the waste or wastes listed on the certificate ~~((shall))~~ will be subject to all applicable requirements of this chapter 173-303 WAC.

AMENDATORY SECTION (Amending Order 90-42, filed 3/7/91, effective 4/7/91)

WAC 173-303-081 Discarded chemical products. (1)

A waste ~~((shall))~~ will be designated as a dangerous waste if it is handled in any of the manners described in (e) of this subsection, and if it is a residue from the management of:

(a) A commercial chemical product or manufacturing chemical intermediate which has the generic name listed in the discarded chemical products list, WAC 173-303-9903;

(b) An off-specification commercial chemical product or manufacturing chemical intermediate which if it had met specifications would have the generic name listed in the discarded chemical products list, WAC 173-303-9903;

(c) Any containers, inner liners, or residue remaining in a container or in an inner liner removed from a container that has held any commercial chemical product or manufacturing chemical intermediate that has, or any off-specification commercial chemical product or manufacturing chemical intermediate which if it had met specifications would have, the generic name listed on the ~~((acutely dangerous))~~ "P" discarded chemical products list of WAC 173-303-9903, unless the containers or inner liners are empty as described in WAC 173-303-160(2);

(d) Any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill of a commercial chemical product or manufacturing chemical intermediate which has, or of an off-specification commercial chemical product or manufacturing chemical intermediate which if it had met specifications would have, the generic name listed in the discarded chemical products list, WAC 173-303-9903;

(e) The materials or items described in (a), (b), (c), and (d) of this subsection are dangerous wastes when they are:

(i) Discarded or intended to be discarded as described in WAC 173-303-016 (3)(b)(i);

(ii) Burned for purposes of energy recovery in lieu of their original intended use;

(iii) Used to produce fuels in lieu of their original intended use;

(iv) Applied to the land in lieu of their original intended use; or

(v) Contained in products that are applied to the land in lieu of their original intended use.

(2) Quantity exclusion limits:

(a) A person with a waste or wastes (including residues from the management of wastes) identified in subsection (1) of this section, ~~((shall))~~ will be a dangerous waste generator (and may not be considered a small quantity generator as provided in WAC 173-303-070(8)) if the amount of his waste exceeds the following quantity exclusion limits:

(i) For chemicals designated on the ~~((acutely dangerous))~~ "P" discarded chemical products list of WAC 173-303-9903 - 2.2 lbs. (1.0 kg) per month or per batch. Such wastes are designated ~~((EHW))~~ DW and are identified as acute hazardous wastes;

(ii) For chemicals, and for residues from the cleanup of spills involving chemicals, designated on the ~~((moderately dangerous))~~ "U" discarded chemical products list of WAC 173-303-9903 - 220 lbs. (100 kg) per month or per batch. Such wastes are designated DW;

(iii) For containers or inner liners which held any chemical designated on the ~~((acutely dangerous))~~ "P"

discarded chemical products list of WAC 173-303-9903 - 2.2 lbs. (1.0 kg) of residue remaining in the containers or inner liners per month or per batch unless the containers or inner liners meet the definition of empty and have been triple rinsed as described in WAC 173-303-160(2). Such wastes are designated DW and are identified as acute hazardous wastes;

(iv) For residues, contaminated soil, water, or other debris from the cleanup of a spill of any chemical designated on the ~~((acutely dangerous))~~ "P" discarded chemical products list of WAC 173-303-9903 - 220 lbs. (100 kg) per month or per batch. Such wastes are designated ~~((EHW))~~ DW and are identified as acute hazardous wastes.

(b) A person's total monthly waste quantity ~~((shall be))~~ is the sum of all ~~((his))~~ their wastes which share a common quantity exclusion limit (e.g., the total quantity of all ~~((EHW))~~ discarded chemical products with a 2.2 pound QEL, the total quantity of all residues contaminated by ~~((EHW))~~ discarded chemical products with a 2.2 pound QEL, etc.) which were generated during a month or a batch operation at each specific waste generation site.

(3) Dangerous waste numbers and mixtures. A waste which has been designated as a discarded chemical product dangerous waste ~~((shall))~~ must be assigned the dangerous waste number or numbers listed in WAC 173-303-9903 next to the generic chemical or chemicals which caused the waste to be designated. If a person mixes a solid waste with a waste that would be designated as a discarded chemical product under this section, then the entire mixture ~~((shall))~~ must be designated. The mixture designation ~~((shall be))~~ is the same as the designation for the discarded chemical product which was mixed with the solid waste. For example, a mixture containing 2.2 lbs. (1 kg) of Aldrin (dangerous waste number P004~~((EHW))~~), DW designation, QEL of 2.2 lbs.) and 22 lbs. (10 kg) of a solid waste, would be designated ~~((as an EHW))~~ DW, and identified as acute hazardous waste. The mixture would have the dangerous waste number P004.

(4) ~~((For the purposes of this chapter, the term "acutely hazardous waste" shall include discarded chemical products (listed in WAC 173-303-9903) that are identified with a dangerous waste number beginning with a "P" or that show an "X" or "A" in the reason for designation column.))~~ Reserve.

AMENDATORY SECTION (Amending Order 92-33, filed 12/8/93, effective 1/8/94)

WAC 173-303-082 Dangerous waste sources. (1) The dangerous waste sources list appears in WAC 173-303-9904. Any waste ~~((which))~~ that is listed or ~~((which))~~ is a residue from the management of a waste listed on the dangerous waste sources list ~~((shall))~~ must be designated a dangerous waste, and ~~((shall be))~~ identified as DW~~((except that WAC 173-303-9904 includes several footnotes describing circumstances under which certain dangerous waste sources should be designated EHW rather than DW)).~~

(2) Quantity exclusion limit. A person whose waste is listed in WAC 173-303-9904 (including residues from the management of such wastes) ~~((shall be))~~ is a dangerous waste generator (and may not be considered a small quantity generator as provided in WAC 173-303-070(8)) if the

amount of his waste exceeds the following quantity exclusion limits:

(a) 2.2 lbs. (1 kg) per month or per batch for wastes listed with the dangerous waste numbers F020, F021, F022, F023, F026, or F027. ~~((For the purposes of this chapter, the term "acutely hazardous waste" shall include dangerous waste sources F020, F021, F022, F023, F026, and F027)).~~ These wastes are designated DW and identified as acute hazardous wastes;

(b) 220 lbs. (100 kg) per month or per batch of any residue or contaminated soil, waste or other debris resulting from the cleanup of a spill, into or on any land or water of a waste listed in (a) of this subsection. These wastes are designated DW and identified as acute hazardous wastes; or

(c) 220 lbs. (100 kg) per month or per batch for all other wastes.

(3) Care should be taken in the proper designation of these wastes and of mixtures of these wastes and solid wastes. If a person mixes a solid waste with a waste that would be designated as a dangerous waste source under this section, then the entire mixture ~~((shall be))~~ is designated as a dangerous waste source. The mixture ~~((shall have))~~ has the same designation (DW ~~((or EHW))~~), and ~~((shall have))~~ has the same dangerous waste number as the dangerous waste source which was mixed with the solid waste.

(4) ~~((For the purposes of this section, any dangerous waste source listed in WAC 173-303-9904 which lists more than one chemical compound must be designated as a dangerous waste if it contains any one or any combination of the listed chemical compounds. For example, a spent nonhalogenated solvent containing both xylene and acetone must be designated as dangerous waste source F003.~~

~~((5))~~ 40 CFR Part 261 Appendix VII *Basis for Listing Hazardous Waste* is adopted by reference.

AMENDATORY SECTION (Amending Order 92-33, filed 12/8/93, effective 1/8/94)

WAC 173-303-083 ((Reserved.)) Deletion of certain dangerous waste codes following equipment cleaning and replacement. (1) Wastes from wood preserving processes at plants that do not resume or initiate use of chlorophenolic preservatives will not meet the listing definition of F032 once the generator has met all of the requirements of subsections (2) and (3) of this section. These wastes may, however, continue to meet another dangerous waste listing description or may exhibit one or more of the dangerous waste characteristics.

(2) Generators must either clean or replace all process equipment that may have come into contact with chlorophenolic formulations or constituents thereof, including, but not limited to, treatment cylinders, sumps, tanks, piping systems, drip pads, fork lifts, and trams, in a manner that minimizes or eliminates the escape of dangerous waste or constituents, leachate, contaminated drippage, or dangerous waste decomposition products to the ground water, surface water, or atmosphere.

(a) Generators will do one of the following:
(i) Prepare and follow an equipment cleaning plan and clean equipment in accordance with this section;
(ii) Prepare and follow an equipment replacement plan and replace equipment in accordance with this section; or

(iii) Document cleaning and replacement in accordance with this section, carried out after termination of use of chlorophenolic preservatives.

(b) Cleaning requirements.

(i) Prepare and sign a written equipment cleaning plan that describes:

(A) The equipment to be cleaned;

(B) How the equipment will be cleaned;

(C) The solvent to be used in cleaning;

(D) How solvent rinses will be tested; and

(E) How cleaning residues will be disposed.

(ii) Equipment must be cleaned as follows:

(A) Remove all visible residues from process equipment;

(B) Rinse process equipment with an appropriate solvent until dioxins and dibenzofurans are not detected in the final solvent rinse.

(iii) Analytical requirements.

(A) Rinses must be tested in accordance with SW-846, Method 8290.

(B) "Not detected" means at or below the lower method calibration limit (MCL) in Method 8290, Table 1.

(iv) The generator must manage all residues from the cleaning process as F032 waste.

(c) Replacement requirements.

(i) Prepare and sign a written equipment replacement plan that describes:

(A) The equipment to be replaced;

(B) How the equipment will be replaced; and

(C) How the equipment will be disposed.

(ii) The generator must manage the discarded equipment as F032 waste.

(d) Documentation requirements. Document that previous equipment cleaning and/or replacement was performed in accordance with this section and occurred after cessation of use of chlorophenolic preservatives.

(3) The generator must maintain the following records documenting the cleaning and replacement as part of the facility's operating record:

(a) The name and address of the facility;

(b) Formulations previously used and the date on which their use ceased in each process at the plant;

(c) Formulations currently used in each process at the plant;

(d) The equipment cleaning or replacement plan;

(e) The name and address of any persons who conducted the cleaning and replacement;

(f) The dates on which cleaning and replacement were accomplished;

(g) The dates of sampling and testing;

(h) A description of the sample handling and preparation techniques, including techniques used for extraction, containment, preservation, and chain-of-custody of the samples;

(i) A description of the tests performed, the date the tests were performed, and the results of the tests;

(j) The name and model numbers of the instrument(s) used in performing the tests;

(k) QA/QC documentation; and

(l) The following statement signed by the generator or his authorized representative: I certify under penalty of law that all process equipment required to be cleaned or replaced under WAC 173-303-083 was cleaned or replaced as

represented in the equipment cleaning and replacement plan and accompanying documentation. I am aware that there are significant penalties for providing false information, including the possibility of fine or imprisonment.

AMENDATORY SECTION (Amending Order 92-33, filed 12/8/93, effective 1/8/94)

WAC 173-303-090 Dangerous waste characteristics.

(1) Purpose. The purpose of this section is to set forth characteristics which a solid waste might exhibit and which would cause that waste to be a dangerous waste.

(2) Representative samples. The department will consider a sample obtained using any of the applicable sampling methods described in WAC 173-303-110(2), sampling and testing methods, to be a representative sample.

(3) Equivalent test methods. The testing methods specified in this section (~~shall be~~) are the only acceptable methods, unless the department approves an equivalent test method in accordance with WAC 173-303-910(2).

(4) Quantity exclusion limit. A solid waste is a dangerous waste if it exhibits one or more of the dangerous waste characteristics described in subsections (5), (6), (7), and (8) of this section. If a person's solid waste exhibits one or more of these characteristics, then he (~~shall be~~) or she is a dangerous waste generator (and may not be considered a small quantity generator as provided in WAC 173-303-070(8)) if the quantity of (~~his~~) their waste exceeds 220 lbs. (100 kg) per month or per batch.

(5) Characteristic of ignitability.

(a) A solid waste exhibits the characteristic of ignitability if a representative sample of the waste has any of the following properties:

(i) It is a liquid, other than an aqueous solution containing less than 24 percent alcohol by volume, and has a flash point less than 60 degrees C (140 degrees F), as determined by a Pensky-Martens Closed Cup Tester, using the test method specified in ASTM Standard D-93-79 or D-93-80, or a Setaflash Closed Cup Tester, using the test method specified in ASTM Standard D-3278-78;

(ii) It is not a liquid and is capable, under standard temperature and pressure, of causing fire through friction, absorption of moisture or spontaneous chemical changes and, when ignited, burns so vigorously and persistently that it creates a hazard;

(iii) It is an ignitable compressed gas as defined in 49 CFR 173.300 and as determined by the test methods described in that regulation; or,

(iv) It is an oxidizer as defined in 49 CFR 173.151.

(b) A solid waste that exhibits the characteristic of ignitability (~~shall~~) must be designated DW, and (~~shall be~~) assigned the dangerous waste number of D001.

(6) Characteristic of corrosivity.

(a) A solid waste exhibits the characteristic of corrosivity if a representative sample of the waste has any one or more of the following properties:

(i) It is aqueous, and has a pH less than or equal to 2, or greater than or equal to 12.5, using Method 9040 or 9041 in *Test Methods for Evaluating Solid Waste (SW 846), Physical/Chemical Methods*, available from the department;

(ii) It is liquid, and corrodes steel (SAE 1020) at a rate greater than 0.250 inch (6.35 mm) per year at a test tempera-

ture of 55 degrees C (130 degrees F) as determined by the test method specified in NACE (National Association of Corrosion Engineers) Standard TM-01-69 as standardized in *Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods*. The NACE Standard is available from the department; or

(iii) It is solid or semi-solid, and when mixed with an equal weight of water results in a solution, the liquid portion of which has the property specified in (a)(i) of this subsection. Procedures for preparing and extracting the solution and liquid are described in the test procedures of WAC 173-303-110 (3)(a).

(b) A solid waste that exhibits the characteristic of corrosivity ~~((shall))~~ because:

(i) It has either of the properties described in (a)(i) or (ii) of this subsection will be designated DW, and ~~((shall be))~~ assigned the dangerous waste number of D002;

(ii) It only has the property described in (a)(iii) of this subsection will be designated DW, and assigned the dangerous waste number of WSC2.

(7) Characteristic of reactivity.

(a) A solid waste exhibits the characteristic of reactivity if a representative sample of the waste has any of the following properties:

(i) It is normally unstable and readily undergoes violent change without detonating;

(ii) It reacts violently with water;

(iii) It forms potentially explosive mixtures with water;

(iv) When mixed with water, it generates toxic gases, vapors or fumes in a quantity sufficient to present a danger to human health or the environment;

(v) It is a cyanide or sulfide bearing waste which, when exposed to pH conditions between 2 and 12.5 can generate toxic gases, vapors or fumes in a quantity sufficient to present a danger to human health or the environment;

(vi) It is capable of detonation or explosive reaction if it is subjected to a strong initiating source or if heated under confinement;

(vii) It is readily capable of detonation or explosive decomposition or reaction at standard temperature and pressure; or

(viii) It is a forbidden explosive as defined in 49 CFR 173.51, or a Class A explosive as defined in 49 CFR 173.53, or a Class B explosive as defined in 49 CFR 173.88.

(b) A solid waste that exhibits the characteristic of reactivity ~~((shall))~~ must be designated DW, and ~~((shall be))~~ assigned the dangerous waste number of D003.

(8) Toxicity characteristic.

(a) A solid waste exhibits the toxicity characteristic if, using the *Toxicity Characteristic Leaching Procedure* (TCLP, found in Appendix II of 40 CFR Part 261, which is adopted by reference, or available upon request from the department) or equivalent methods approved by the department under WAC 173-303-110(5), the extract from a representative sample of the waste contains any of the contaminants listed in the toxicity characteristic list in (c) of this subsection, at concentrations equal to or greater than the respective value given in the list. When the waste contains less than 0.5 percent filterable solids, the waste itself, after filtering using the methodology outlined in the TCLP, is considered to be the extract for the purpose~~((s))~~ of this subsection.

(b) A solid waste that exhibits the toxicity characteristic has the dangerous waste number specified in the list which corresponds to the toxic contaminant causing it to be dangerous.

(c) Toxicity characteristic list. ~~((Two levels of concentration are established for the contaminants listed. Any waste containing one or more contaminants with concentrations at or above the EHW threshold shall cause that waste to be designated EHW.))~~ Any waste ~~((containing))~~ that contains contaminants which occur at concentrations at or above the DW threshold ~~((only (i.e., no EHW contaminants), shall))~~ must be designated DW.

TOXICITY CHARACTERISTICS LIST:

Maximum Concentration of Contaminants for the Toxicity Characteristic

Dangerous Waste Number	Contaminant	(Chemical Abstracts Services #)	((EHW)) ((mg/L))	DW (mg/L)
D004	Arsenic	(7440-38-2)	((500))	5.0
D005	Barium	(7440-39-3)	((10,000))	100.0
D018	Benzene	(71-43-2)	((50))	0.5
D006	Cadmium	(7440-43-9)	((100))	1.0
D019	Carbon tetrachloride	(56-23-5)	((50))	0.5
D020	Chlordane	(57-74-9)	((3.0))	0.03
D021	Chlorobenzene	(108-90-7)	((10,000))	100.0
D022	Chloroform	(67-66-3)	((600))	6.0
D007	Chromium	(7440-47-3)	((500))	5.0
D023	o-Cresol	(95-48-7)	((20,000))	200.0
D024	m-Cresol	(108-39-4)	((20,000))	200.0
D025	p-Cresol	(106-44-5)	((20,000))	200.0
D026	Cresol	((1))	((200.0))	200.0
D016	2,4-D	(94-75-7)	((1,000))	10.0
D027	1,4-Dichlorobenzene	(106-46-7)	((750))	7.5
D028	1,2-Dichloroethane	(107-06-2)	((50))	0.5
D029	1,1-Dichloroethylene	(75-35-4)	((70))	0.7
D030	2,4-Dinitrotoluene	(121-14-2)	((13))	0.13
D012	Endrin	(72-20-8)	((2))	0.02
D031	Heptachlor (and its epoxide)	(76-44-8)	((0.8))	0.008
D032	Hexachlorobenzene	(118-74-1)	((13))	0.13
D033	Hexachlorobutadiene	(87-68-3)	((50))	0.5
D034	Hexachloroethane	(67-72-1)	((300))	3.0
D008	Lead	(7439-92-1)	((500))	5.0
D013	Lindane	(58-89-9)	((40))	0.4
D009	Mercury	(7439-97-6)	((20))	0.2
D014	Methoxychlor	(72-43-5)	((1,000))	10.0
D035	Methyl ethyl ketone	(78-93-3)	((20,000))	200.0
D036	Nitrobenzene	(98-95-3)	((200))	2.0
D037	Pentachlorophenol	(87-86-5)	((40,000))	100.0
D038	Pyridine	(110-86-1)	((500))	5.0
D010	Selenium	(7782-49-2)	((100))	1.0
D011	Silver	(7440-22-4)	((500))	5.0
D039	Tetrachloroethylene	(127-18-4)	((70))	0.7
D015	Toxaphene	(8001-35-2)	((50))	0.5
D040	Trichloroethylene	(79-01-6)	((50))	0.5
D041	2,4,5-Trichlorophenol	(95-95-4)	((40,000))	400.0
D042	2,4,6-Trichlorophenol	(88-06-2)	((200))	2.0
D017	2,4,5-TP (Silvex)	(93-72-1)	((100))	1.0
D043	Vinyl chloride	(75-01-4)	((20))	0.2

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- 1/ If 0-, m-, and p-Cresol concentrations cannot be differentiated, the total cresol (D026) concentration is used. ~~((The DW level for total cresol is 200 mg/L and the EHW level for total cresol is 20,000 mg/L))~~
- 2/ Quantitation limit is greater than the calculated regulatory level. The quantitation limit therefore becomes the regulatory level.

AMENDATORY SECTION (Amending Order 92-33, filed 12/8/93, effective 1/8/94)

WAC 173-303-100 Dangerous waste criteria. (1) Purpose. The purpose of this section is to describe methods for determining if a solid waste is a dangerous waste by the criteria set forth in this section. The dangerous waste criteria consist of:

- (a) Toxic dangerous wastes; and
- (b) Persistent dangerous wastes ~~((and~~
- ~~(c) Carcinogenic dangerous wastes))~~.
- (2) References. The National Institute for Occupational Safety and Health's (NIOSH) Registry of Toxic Effects of Chemical Substances (RTECS), Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 ~~((Health Effects Assessment Summary Table, #PB 93-921199 and Integrated Risk Information System, #PB 915-913-31, National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161; and IARC Monographs, Oxford University Press, 2001 Evans Road, Cary, N.C. 27513 are))~~ is adopted by reference.

(3) A person ~~((shall))~~ must use data which is available to him, and, when such data is inadequate for the purposes of this section, ~~((shall))~~ must refer to the NIOSH RTECS to determine:

- (a) Toxicity data or toxic category for each known constituent in the waste;
- (b) Whether or not each known constituent of the waste is a halogenated hydrocarbon or a polycyclic aromatic hydrocarbon ~~((with greater than three rings and less than seven rings))~~ as defined in WAC 173-303-040.

(4) Quantity exclusion limit. A solid waste is a dangerous waste if it meets one or more of the dangerous waste criteria described in subsections (5) ~~((;))~~ and (6) ~~((and (7)))~~ of this section. If a person's solid waste meets one or more of these criteria then he ~~((shall be))~~ or she is a dangerous waste generator (and may not be considered a small quantity generator as provided in WAC 173-303-070(8)) if the quantity of the waste exceeds the following quantity exclusion limits:

- (a) For toxic dangerous wastes designated as EHW (WT01), the quantity exclusion limit is 2.2 lbs. per month. ~~((NOTE: To be designated as EHW (WT01) toxic dangerous wastes must be generated above a specified quantity, which varies dependent upon the degree of toxicity, and which may be greater than 2.2 lbs.))~~
- (b) For all other wastes designating under this section the quantity exclusion limit is 220 lbs. (100 kg) per month or per batch.

(5) Toxicity criteria. Except as provided in WAC 173-303-070 (4) or (5), a person ~~((shall))~~ must determine if a solid waste meets the toxicity criteria under this section by following either the instructions for book designation, when his knowledge of the waste is sufficient, or by testing the waste using the biological testing methods adopted under WAC 173-303-110(3).

(a) Except as provided in WAC 173-303-070 (4) ~~((or (5)))~~, if a person knows only some of the toxic constituents in the waste or only some of the constituent concentrations, and if the waste is undesignated for those known constituents or concentrations, then the waste is not designated for toxicity under this subsection.

(b) Book designation procedure. A person may determine if a waste meets the toxicity criteria by following the book designation instructions as follows:

(i) A person ~~((shall))~~ must determine the toxic category for each known constituent. The toxic category for each constituent may be determined from available data, or by obtaining data from the NIOSH RTECS and checking this data against the toxic category table, below. If data is available for more than one of the ~~((four))~~ toxicity criteria ~~((aquatic,))~~ fish, oral, inhalation, or dermal), then the data indicating severest toxicity ~~((shall))~~ must be used, and the most acutely toxic category ~~((shall))~~ must be assigned to the constituent. If the NIOSH RTECS or other data sources do not agree on the same category, then the category arrived at using the NIOSH RTECS will be used to determine the toxic category. If toxicity data for a constituent cannot be found in the NIOSH RTECS, or other source reasonably available to a person, then the toxic category need not be determined for that constituent.

TOXIC CATEGORY TABLE

Toxic Category	((Flm₉₆ (Fish))) ((or Aquatic)) ((Fish)) ((LC₅₀ (ppm))) <u>LC₅₀(mg/L)*</u>	Oral (Rat) LD ₅₀ (mg/kg)	Inhalation (Rat) LC ₅₀ (mg/L)	Dermal (Rabbit) LD ₅₀ (mg/kg)
X	((←)) <u><0.01</u>	<.5	<.02	< 2
A	((←)) <u>0.01 - <0.1</u>	.5 - <.5	.02 - <.2	2 - <20
B	((←)) <u>0.1 - <1</u>	5 - <50	.2 - <.2	20 - <200
C	((←)) <u>1 - <10</u>	50 - <500	2 - <20	200 - <2000
D	((←)) <u>10 - 100</u>	500 - 5000	20 - 200	2000 - 20,000

* The LC₅₀ data must be from an exposure period greater than or equal to twenty-four hours. LC₅₀ data from any species is acceptable, however, if salmonid LC₅₀ data is available it will supersede all other fish data. If salmonid data is unavailable but fathead minnow data is available, it will supersede all other fish species data.

Note: "Inhalation LC₅₀" means a concentration in milligrams of substance per liter of air which, when administered to the respiratory tract for four hours or less, kills within fourteen days half of a group of ten rats each weighing between 200 and 300 grams.

(ii) A person whose waste contains one or more toxic constituents ~~((shall))~~ must determine the equivalent concentration for the waste from the following formula:

$$\text{Equivalent Concentration(\%)} = \Sigma X\% + \frac{\Sigma A\%}{10} + \frac{\Sigma B\%}{100} + \frac{\Sigma C\%}{1000} + \frac{\Sigma D\%}{10,000}$$

where Σ(X,A,B,C, or D)% is the sum of all the concentration percentages for a particular toxic category.

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Example 1. A person's waste contains: Aldrin (X Category) - .01%; (~~Diuron~~) Endrin (B Category) - 1%; Benzene (C Category) - 4%; Phenol (C Category) - 2%; Cyclohexane (C Category) - 5%; Water (nontoxic) - 87%. The equivalent concentration (E.C.) would be:

$$E.C. (\%) = \frac{0.01\%}{10} + \frac{0\%}{100} + \frac{1\%}{1000} + \frac{(4\% + 2\% + 5\%)}{10,000} + \frac{0\%}{10,000}$$

$$= 0.01\% + 0\% + 0.01\% + 0.011\% + 0\% = 0.031\%$$

So the equivalent concentration equals .031%.

(iii) A person whose waste contains toxic constituents (~~shall~~) must determine its designation ((from the toxic dangerous waste graph in WAC 173-303-9906 by finding the equivalent concentration percentage for the waste along the abscissa, finding the total waste quantity along the ordinate, and plotting the point on the graph where the horizontal line drawn from the total waste quantity intersects the vertical line drawn from the waste's equivalent concentration. If the plotted point is in the area marked DW, the person shall designate the waste as DW, and shall assign the dangerous waste number of WT02; if the plotted point is in the area marked EHW, the person shall designate the waste as EHW, and shall assign the dangerous waste number of WT01)) according to the value of the equivalent concentration:

(A) If the equivalent concentration is less than 0.001%, the waste is not a toxic dangerous waste; or

(B) If the equivalent concentration is equal to or greater than 0.001% and less than 1.0%, the person will designate the waste as DW and assign the dangerous waste number WT02; and

(C) If the equivalent concentration is equal to or less than 0.01%, the DW may also be a special waste; or

(D) If the equivalent concentration is equal to or greater than 1.0%, the person will designate the waste as EHW and assign the dangerous waste number WT01.

Example 1. Continued. The equivalent concentration of 0.031% (from Example 1. above) is greater than 0.001% and less than 0.1%. The waste is DW and the dangerous waste number WT02 must be assigned. Since 0.031% is also greater than 0.01%, the waste is not a special waste.

(iv) ~~((Toxic dangerous waste graph. The toxic dangerous waste graph appears in WAC 173-303-9906.)) Reserve.~~

(c) Designation from bioassay data. A person may determine if a waste meets the toxicity criteria by following the bioassay designation instructions (~~as follows~~) of either:

(i) ~~((A person shall establish the toxicity category range (D category toxicity, or C category or greater toxicity) of a waste by means of the biological testing methods (bioassay) adopted under WAC 173-303-110(3).)) The DW bioassay. To determine if a waste is DW, a person must establish the toxicity category range (D category toxicity or greater toxicity) of a waste by means of the 100 mg/L acute static fish test or the 5000 mg/kg oral rat test, as described in the biological testing methods (bioassay) adopted in WAC 173-303-110(3). If data from the test indicates that the waste is DW, then the person will assign the dangerous waste number WT02. Otherwise, the waste is not regulated as toxic dangerous waste. No further testing must be done except as provided in WAC 173-303-070 (4) and (5), or if the person~~

chooses to determine whether the waste is EHW, or in the case of state-only solid dangerous waste, if the person chooses to determine whether the waste is special waste; or

(ii) ~~((A person shall designate a waste according to the toxic dangerous waste designation table below.)) The EHW and special waste bioassay. To determine if a waste is EHW, a person must establish the toxicity category range of a waste by means of the fish bioassay at 10 mg/L or the rat bioassay at 50 mg/L, as described in the biological testing methods (bioassay) adopted in WAC 173-303-110(3). (NOTE: A fish bioassay at 1 mg/L corresponds with the proposed definition of EHW, which includes toxic categories X-B. However, the fish bioassay is not reproducible at these low levels.) If data from the test indicates that the waste is EHW, then the person will assign the dangerous waste number WT01. Otherwise, the waste will be designated DW, and the person will assign the dangerous waste number WT02. A person with state-only solid waste may choose to test a waste to determine if it is special waste. Testing levels for special waste must be at 10 mg/L for the fish bioassay or 500 mg/L for the oral rat bioassay. No further testing must be done except as provided in WAC 173-303-070 (4) and (5), or if the person chooses to test the waste in accordance with WAC 173-303-100 (5)(c)(i) to determine if the waste is not regulated as toxic dangerous waste.~~

~~((TOXIC DANGEROUS WASTE DESIGNATION TABLE~~

If your waste's toxicity range is . . .	And your monthly or batch waste quantity is . . .	Then your waste's designation, and waste # are . . .
D Category:	Any quantity	DW, WT02
(LC₅₀ 1000 mg/L to 100 mg/L, or LD₅₀ 5000 mg/kg to 500 mg/kg)		
X, A, B, or C	Less than 220 lbs. (100 kg)	DW, WT02
(LC₅₀ less than 100 mg/L, or LD₅₀ less than 500 mg/kg)		
	Greater than or equal to 220 lbs. (100 kg)	EHW, WT01

(d) If the designation acquired from book designation and bioassay data do not agree, then bioassay data will be used to designate a waste. If a waste is designated as DW or EHW following the book designation procedure, a person may test the waste by means of the biological testing methods (bioassay) adopted under WAC 173-303-110(3), using ~~((both))~~ either the static acute fish ((and)) or the acute oral rat method((s)), to demonstrate that the waste is not a dangerous waste or should be designated as DW and not EHW.

(e) A waste designated as DW by toxicity criteria ~~((shall))~~ must be assigned the dangerous waste number of WT02. A waste designated as EHW by toxicity criteria

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~~((shall))~~ must be assigned the dangerous waste number of WT01.

(6) Persistence criteria. For the purposes of this section, persistent constituents are chemical compounds which are either halogenated hydrocarbons (HH), or polycyclic aromatic hydrocarbons (PAH), as defined under WAC 173-303-040. Except as provided in WAC 173-303-070 (4) or (5), a person may determine the identity and concentration of persistent constituents by either applying knowledge of the waste or by testing the waste according to the chemical testing methods for complying with the dangerous waste regulation adopted under WAC 173-303-110(3).

(a) Except as provided in WAC 173-303-070 (4) ~~((and (5)))~~, if a person knows only some of the persistent constituents in the waste, or only some of the constituent concentrations, and if the waste is undesignated for those known constituents or concentrations, then the waste is not designated for persistence under this subsection.

(b) When a waste contains one or more halogenated hydrocarbons (HH) for which the concentrations are known, the total halogenated hydrocarbon concentration ~~((shall))~~ must be determined by summing the concentration percentages for all of the halogenated hydrocarbons for which the concentrations are known.

Example 2. A waste contains: Carbon tetrachloride - .009%; DDT - .012%; 1,1,1 - trichloroethylene - .020%. The total halogenated hydrocarbon concentration would be:
 Total HH Concentration (%) = .009% + .012% + .020% = .041%

~~(c) ((A person whose waste contains one or more polycyclic aromatic hydrocarbons (PAH) with more than three rings and less than seven rings for which the concentrations are known shall determine the total polycyclic aromatic hydrocarbon concentration by summing the concentration percentages for all of those polycyclic aromatic hydrocarbons with more than three rings and less than seven rings about which he knows the concentration in the waste.))~~
A person whose waste contains polycyclic aromatic hydrocarbons (PAH) as defined in WAC 173-303-040, must determine the total PAH concentration by summing the concentration percentages of each of the polycyclic aromatic hydrocarbons for which they know the concentration.

Example 3. A person's waste contains: Chrysene - .08%; 3,4 - ~~((benzo[a]pyrene))~~ benzo(a)pyrene - 1.22%. The total polycyclic aromatic hydrocarbon concentration would be:

Total PAH Concentration (%) = .08% + 1.22% = 1.30%

(d) A person whose waste contains halogenated hydrocarbons and/or polycyclic aromatic hydrocarbons ~~((shall))~~ must determine its designation from the persistent dangerous waste table or persistent dangerous waste criteria graph WAC 173-303-9907.

PERSISTENT DANGEROUS WASTE TABLE

If your waste contains . . .	At a total concentration level of . . .	Then your waste's designation, and waste # are . . .
Halogenated Hydrocarbons (HH)	0.01% to 1.0% greater than 1.0%	DW, WP02 EHW, WP01
Polycyclic Aromatic Hydrocarbons (PAH)	greater than 1.0%	EHW*, ((WP04)) <u>WP03</u>

* No DW concentration level for PAH.

~~(7) ((Carcinogenic criteria-~~

~~(a) Criteria. For the purposes of this section, a carcinogenic substance shall be a substance which has sufficient or limited evidence as a human or animal carcinogen as listed in both:~~

~~(i) The National Institute for Occupational Safety and Health (NIOSH) Registry of Toxic Effects of Chemical Substances (RTECS) as an International Agency for Research on Cancer (IARC) carcinogen; and~~

~~(ii) The Integrated Risk Information System (IRIS) or Health Effects Assessment Summary Table (HEAST);~~

~~(iii) A list of carcinogenic substances is available from the department. Any IARC identified substance that is an inorganic, respiratory carcinogen shall be a carcinogenic substance only if it occurs in a friable format (i.e., if it is in a waste which easily crumbles and forms dust which can be inhaled). Any IARC human or animal, sufficient or limited carcinogen that is so rated because of studies involving implantation of the substance into test animals as the sole cause for the carcinogenic IARC rating, shall not be a carcinogenic substance. This additional information is available in the IARC Monographs on the Evaluation of the Carcinogenic Risk of Chemicals to Humans.~~

~~(b) Except as provided in WAC 173-303-070 (4) and (5), if a person knows only some of the carcinogenic substances in the waste, or only some of the substance concentrations, and if the waste is undesignated for those known substances or concentrations, then the waste is not designated for carcinogens under this subsection.~~

~~(c) Designation. A solid waste that contains one or more carcinogenic substances shall be designated DW and assigned the waste number of WC02 if either,~~

~~(i) The concentration of any one carcinogenic substance exceeds 0.01% of the waste quantity; or~~

~~(ii) The total concentration summed for all carcinogenic substances exceeds 1.0% of the waste quantity.)~~ Reserve.

AMENDATORY SECTION (Amending Order 93-34, filed 5/23/94, effective 6/23/94)

WAC 173-303-104 Generic dangerous waste numbers. (1) Purpose. This section sets forth the dangerous waste number for each of the dangerous waste criteria designations.

(2) Characteristics. A waste which exhibits any of the dangerous waste characteristics, WAC 173-303-090, ~~((shall))~~ must be assigned the dangerous waste number corresponding to the characteristic(s) exhibited by the waste.

(3) Criteria. The following table ~~((shall))~~ must be used for assigning dangerous waste numbers to wastes designated

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by the dangerous waste criteria ~~((or by))~~ at WAC ~~((173-303-084))~~ 173-303-100.

GENERIC DANGEROUS WASTE NUMBERS TABLE

Dangerous Waste#	Dangerous Waste Criteria and Designation
	Toxic Dangerous Wastes
WT01-----	EHW
WT02-----	DW
	Persistent Dangerous Wastes
	Halogenated Hydrocarbons
WP01-----	EHW
WP02-----	DW
	Polycyclic Aromatic Hydrocarbons
WP03-----	EHW
WC02-----	((Carcinogenic Dangerous Wastes DW))

AMENDATORY SECTION (Amending Order 92-33, filed 12/8/93, effective 1/8/94)

WAC 173-303-110 Sampling and testing methods.

(1) Purpose. This section ~~((describes))~~ sets forth the testing methods ~~((which may))~~ to be used in the process of designating a dangerous waste or of complying with the air emission standards in WAC 173-303-690 and 173-303-691. Quality control procedures specified by the testing method or an approved equivalent method must be followed for the analytical result to be considered valid for designation.

(2) Representative samples.

(a) The methods and equipment used for obtaining representative samples of a waste will vary with the type and form of the waste. The department will consider samples collected using the sampling methods below or the most recent version of such methods for wastes with properties similar to the indicated materials, to be representative samples of the wastes:

(i) Crushed or powdered material - ASTM Standard D346-75;

(ii) Extremely viscous liquid - ASTM Standard D140-70;

(iii) Fly ash-like material - ASTM Standard D2234-86;

(iv) Soil-like material - ASTM Standard D1452-~~((65))~~ 80 (Reapproved 1990);

(v) Soil or rock-like material - ASTM Standard D420-~~((69))~~ 93;

(vi) Containerized liquid wastes - "COLIWASA" described in *Test Methods for Evaluating Solid Waste, Physical/Chemical Methods*, SW-846, revised July 1982, as amended by Update 1 (April 1984) and Update 2 (April 1985); and,

(vii) Liquid waste in pits, ponds, lagoons, and similar reservoirs - "Pond Sampler" described in *Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods*, SW-846, revised July 1982, as amended by Update 1 (April 1984) and Update 2 (April 1985).

(b) Copies of these representative sampling methods are available from the department except for the ASTM standards which can be obtained by writing to:

ASTM
1916 Race Street
Philadelphia, PA 19103.

(3) Test procedures. Copies of the test procedures listed in this subsection can be obtained by writing to the appropriate address below:

For copies of ~~((WDOE))~~ Department of Ecology test methods:

Attn: Test Procedures
Hazardous Waste Section
Department of Ecology
PO Box 47600
Olympia, Washington 98504-7600

For copies of SW 846 and 40 CFR Part 261:

Superintendent of Documents
U.S. Government Printing Office
Washington, D.C. 20402

For copies of ASTM methods:

ASTM
1916 Race Street
Philadelphia, PA 19103

For copies of APTI methods:

APTI
National Technical Information Service
5285 Port Royal Road
Springfield, VA 22161

The document titles and included test procedures are as follows:

(a) *Chemical Testing Methods for Complying with the state of Washington Dangerous Waste Regulation*, March 1982, revised July 1983, March 1984, and May 1993 describing methods for testing:

(i) Ignitability;

(ii) Corrosivity, including the addendum, *Test Method for Determining pH of Solutions in Contact with Solids*, March 1984;

(iii) Reactivity;

(iv) Toxicity characteristic leaching procedure;

(v) Halogenated hydrocarbons; and

(vi) Polycyclic aromatic hydrocarbons;

(b) *Biological Testing Methods*, the latest revision, describing procedures for:

(i) Static acute fish toxicity test; and

(ii) Acute oral rat toxicity test;

(c) *Test Methods for Evaluating Solid Waste, Physical/Chemical Methods*, SW-846 (Third Edition, ~~((1993))~~ November, 1986 as amended by ~~((Update I (August, 1993)))~~ Updates I (July, 1992), II (September, 1994), IIA (August, 1993), IIB (January, 1995), and III is adopted by reference.

This includes, among others:

(i) Method 9095 (Paint Filter Liquids Test), demonstrating the absence or presence of free liquids in either a containerized or bulk waste(~~(±)~~);

(ii) Reserved(~~(±)~~);

(d) 40 CFR Part 261 Appendix X is adopted by reference for the purpose of analysis for chlorinated dibenzo-p-dioxins and dibenzofurans;

(e)(i) The determination of Polychlorinated Biphenyls in Transformer Fluids and Waste Oils, EPA-600/4-81-045; and
 (ii) Analysis of Polychlorinated Biphenyls in Mineral Insulating Oils by Gas Chromatography, ASTM Standard D 4059-86.

(f) 40 CFR Part 261 Appendix III *Chemical Analysis Test Methods*, which lists sampling and analysis methods contained in *Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, SW-846*, ((is)) and 40 CFR Part 261 Appendix II, *Method 1311 Toxicity Characteristic Leaching Procedure* are adopted by reference.

(g) The following publications for air emission standards are incorporated by reference.

(i) ASTM Standard Method for Analysis of Reformed Gas by Gas Chromatography, ASTM Standard D 1946-82.

(ii) ASTM Standard Test Method for Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High-Precision Method), ASTM Standard D 2382-83.

(iii) ASTM Standard Practices for General Techniques of Ultraviolet-Visible Quantitative Analysis, ASTM Standard E 169-87.

(iv) ASTM Standard Practices for General Techniques of Infrared Quantitative Analysis, ASTM Standard E 168-88.

(v) ASTM Standard Practice for Packed Column Gas Chromatography, ASTM Standard E 260-85.

(vi) ASTM Standard Test Method for Aromatics in Light Naphthas and Aviation Gasolines by Gas Chromatography, ASTM Standard D 2267-88.

(vii) ASTM Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteriscope, ASTM Standard D 2879-86.

(viii) APTI Course 415: Control of Gaseous Emissions, EPA Publication EPA-450/2-81-005, December 1981.

(4) Substantial changes to the testing methods described above ((shall)) will be made only after the department has provided adequate opportunity for public review and comment on the proposed changes. The department may, at its discretion, schedule a public hearing on the proposed changes.

(5) Equivalent testing methods. Any person may request the department to approve an equivalent testing method by submitting a petition, prepared in accordance with WAC 173-303-910(2), to the department.

AMENDATORY SECTION (Amending Order 92-33, filed 12/8/93, effective 1/8/94)

WAC 173-303-120 Recycled, reclaimed, and recovered wastes. (1) This section describes the requirements for persons who recycle materials that are solid wastes and dangerous. Except as provided in subsections (2) and (3) of this section, dangerous wastes that are recycled are subject to the requirements for generators, transporters, and storage facilities of subsection (4) of this section. Dangerous wastes that are recycled will be known as "recyclable materials."

(2)(a) The following recyclable materials are solid wastes and sometimes are dangerous wastes. However, they are subject only to the requirements of (b) of this subsection, WAC 173-303-050, 173-303-145 and 173-303-960:

(i) Industrial ethyl alcohol that is reclaimed;

(ii) Used batteries (or used battery cells) returned to a battery manufacturer for regeneration;

(iii) Used oil that exhibits one or more of the characteristics or criteria of dangerous waste and is recycled in some manner other than:

(A) Being burned for energy recovery; or

(B) Being used in a manner constituting disposal(~~(; except when such use is by the generator on his own property)~~);

(iv) Scrap metal;

(v) Fuels produced from the refining of oil-bearing dangerous wastes along with normal process streams at a petroleum refining facility if such wastes result from normal petroleum refining, production, and transportation practices;

(vi) Oil reclaimed from dangerous waste resulting from normal petroleum refining, production, and transportation practices, which oil is to be refined along with normal process streams at a petroleum refining facility;

(vii) Coke and coal tar from the iron and steel industry that contains dangerous waste from the iron and steel production process;

(viii)(A) Dangerous waste fuel produced from oil-bearing dangerous wastes from petroleum refining, production, or transportation practices, or produced from oil reclaimed from such dangerous wastes, where such dangerous wastes are reintroduced into a process that does not use distillation or does not produce products from crude oil so long as the resulting fuel meets the used oil specification under WAC 173-303-515 (1)(d) and so long as no other dangerous wastes are used to produce the dangerous waste fuel;

(B) Dangerous waste fuel produced from oil-bearing dangerous waste from petroleum refining production, and transportation practices, where such dangerous wastes are reintroduced into a refining process after a point at which contaminants are removed, so long as the fuel meets the used oil fuel specification under WAC 173-303-515 (1)(d); and

(C) Oil reclaimed from oil-bearing dangerous wastes from petroleum refining, production, and transportation practices, which reclaimed oil is burned as a fuel without reintroduction to a refining process, so long as the reclaimed oil meets the used oil fuel specification under WAC 173-303-515 (1)(e); and

(ix) Petroleum coke produced from petroleum refinery dangerous wastes containing oil at the same facility at which such wastes were generated, unless the resulting coke product exhibits one or more of the characteristics of dangerous waste in WAC 173-303-090.

(b) Any recyclable material listed in (a) of this subsection will be subject to the applicable requirements listed in subsection (4) of this section if the department determines, on a case-by-case basis, that:

(i) It is being accumulated, used, reused, or handled in a manner that poses a threat to public health or the environment; or

(ii) Due to the dangerous constituent(s) in it, any use or reuse would pose a threat to public health or the environment. Such recyclable material will be listed in WAC 173-303-016(6).

(3) The following recyclable materials are not subject to the requirements of this section but are subject to the

requirements of WAC 173-303-070 through 173-303-110, 173-303-160, 173-303-500 through 173-303-525, and all applicable provisions of WAC 173-303-800 through 173-303-840:

(a) Recycling requirements for state-only dangerous wastes (see WAC 173-303-500);

(b) Recyclable materials used in a manner constituting disposal (see WAC 173-303-505);

(c) Spent CFC or HCFC refrigerants that are recycled on-site or sent to be reclaimed off-site (see WAC 173-303-506);

(d) Dangerous wastes burned for energy recovery in boilers and industrial furnaces that are not regulated under Subpart O of 40 CFR Part 265 or WAC 173-303-670 (see WAC 173-303-510);

(e) Used oil that is burned for energy recovery in boilers and industrial furnaces that are not regulated under Subpart O of 40 CFR Part 265 or WAC 173-303-670, if such used oil:

(i) Exhibits one or more of the characteristics of a dangerous waste; or

(ii) Is designated as DW solely through WAC 173-303-100; or

(iii) Is designated solely as W001, (see WAC 173-303-515);

(f) Spent lead-acid batteries that are being reclaimed (see WAC 173-303-520);

(g) Recyclable materials from which precious metals are reclaimed (see WAC 173-303-525).

(4) Those recycling processes not specifically discussed in subsections (2) and (3) of this section are generally subject to regulation only up to and including storage prior to recycling. For the purpose of this section, recyclable materials received from off-site (~~shall~~) will be considered stored unless they are moved into an active recycling process within twenty-four hours after being received. An active recycling process refers to a dynamic recycling operation that occurs within a recycling unit such as a distillation or centrifuge unit. The phrase does not refer to passive storage-like activities that occur, for example, when tanks or containers are used for phase separation or for settling impurities. Passive storage-like activities are not eligible for the recycling exemption under this subsection.

The recycling process itself is generally exempt from (~~regulation~~) permitting unless the department determines, on a case-by-case basis, that the recycling process poses a threat to public health or the environment.

Unless specified otherwise in subsections (2) and (3) of this section:

(a) Generators of recyclable materials are subject to all applicable requirements of this chapter including, but not limited to, WAC 173-303-170 through 173-303-230;

(b) Transporters of recyclable materials are subject to all applicable requirements of this chapter including, but not limited to, WAC 173-303-240 through 173-303-270;

(c) Owners or operators of facilities that receive recyclable materials from off-site and recycle these recyclable materials without storing them before they are recycled are subject to the following requirements:

(i) WAC 173-303-060,

(ii) WAC 173-303-120 (4)(e),

(iii) WAC 173-303-283 through 173-303-290,

~~((iii))~~ (iv) WAC 173-303-310 through 173-303-395,
~~((iv))~~ (v) WAC 173-303-630 (2) through (10), and
~~((v))~~ (vi) WAC 173-303-640 (2) through (10), except 173-303-640 (8)(c) and the second sentence of WAC 173-303-640 (8)(a) (i.e., a recycler, unless otherwise required to do so, does not have to prepare a closure plan, a cost estimate for closure, or provide financial responsibility for his tank system to satisfy the requirements of this section). In lieu of the dates in WAC 173-303-640 (2) and (4), for existing tank systems regulated under this subsection, owners and operators must complete the assessment of the tank system's integrity by June 1, 1992, and must meet the secondary containment requirements of WAC 173-303-640(4) by January 12, 1993;

~~((vi))~~ (vii) The owner or operator must obtain data, by screening-type analysis if necessary, confirming the designation of each waste stream, such that each dangerous waste received can be effectively recycled without jeopardizing human health or the environment. The owner or operator must verify the waste designation periodically, so that it is accurate and current, but at least once every six months or on a batch basis if shipments of a specific waste stream are less frequent. Copies of all analyses and data must be retained for at least five years and made available to the department upon request.

(d) Owners or operators of facilities that store recyclable materials before they are recycled are subject to the following requirements including, but not limited to:

(i) For all recyclers, the applicable provisions of:

(A) WAC 173-303-280 through 173-303-395,

(B) WAC 173-303-800 through 173-303-840,

(C) WAC 173-303-140 (2)(a),

(D) WAC 173-303-120 (4)(e);

(ii) For recyclers with interim status permits, the applicable storage provisions of WAC 173-303-400 including Subparts F through L of 40 CFR Part 265;

(iii) For recyclers with final facility permits, the applicable storage provisions of:

(A) WAC 173-303-600 through 173-303-650, and

(B) WAC 173-303-660.

(e) Owners and operators of facilities subject to dangerous waste permitting requirements with dangerous waste management units that recycle hazardous wastes are subject to the requirements of WAC 173-303-690 and 173-303-691 (Air emission standards for process vents and equipment leaks) for final status facilities, and 40 CFR Part 265 Subparts AA and BB, incorporated by reference at WAC 173-303-400(3) for interim status facilities.

(5) Use of the used oil recycling statute, chapter 70.95I RCW. This subsection applies to persons who use or manage used oil as defined under chapter 70.95I RCW and its implementing regulations, as amended. The department requires persons who use or manage used oils to do so in accordance with chapter 70.95I RCW and its implementing regulations, as amended.

AMENDATORY SECTION (Amending Order 92-33, filed 12/8/93, effective 1/8/94)

WAC 173-303-140 Land disposal restrictions. (1) Purpose.

(a) The purpose of this section is to encourage the best management practices for dangerous wastes according to the priorities of RCW 70.105.150 which are, in order of priority:

- (i) Reduction;
- (ii) Recycling;
- (iii) Physical, chemical, and biological treatment;
- (iv) Incineration;
- (v) Stabilization and solidification; and
- (vi) Landfill.

(b) This section identifies dangerous wastes that are restricted from land disposal, describes requirements for restricted wastes, and defines the circumstances under which a prohibited waste may continue to be land disposed.

(c) For the purposes of this section, the term "landfill," as stated in the priorities of RCW 70.105.150, ~~((shall))~~ will be the same as the term "land disposal." Land disposal will be used in this section to identify the lowest waste management priority.

(2) Applicability.

The land disposal restrictions of this section apply to any person who owns or operates a dangerous waste treatment, storage, or disposal facility in Washington state and to any person who generates or transports dangerous waste.

(a) Land disposal restrictions for wastes designated in accordance with WAC 173-303-070 (3)(a)(i), (ii), and (iii) ~~((shall be))~~ are the restrictions set forth by the Environmental Protection Agency in 40 CFR Part 268 which are incorporated by reference into this regulation and the restrictions set forth in subsections (3) through (7) of this section. The words "regional administrator" (in 40 CFR) will mean the "department." The exemption and exception provisions of subsections (3) through (7) are not applicable to the federal land disposal restrictions.

(b) Land disposal restrictions for state-only dangerous waste ~~((shall be))~~ are the restrictions set forth in subsections (3) through (7) of this section.

(3) Definitions.

When used in this section the following terms have the meaning provided in this subsection. All other terms have the meanings given under WAC 173-303-040.

(a) "Dangerous waste constituents" means those constituents listed in WAC 173-303-9905 and any other constituents which have caused a waste to be a dangerous waste under this chapter.

(b) "Land disposal" means placement in a facility or on the land with the intent of leaving the dangerous waste at closure, and includes, but is not limited to, placement for disposal purposes in a: Landfill; surface impoundment; waste pile; injection well; land treatment facility; salt dome or salt bed formation; underground cave or mine; concrete vault or bunker.

(c) "Organic/carbonaceous waste" means a dangerous waste that contains combined concentrations of greater than ten percent organic/carbonaceous constituents in the waste; organic/carbonaceous constituents are those substances that contain carbon-hydrogen, carbon-halogen, or carbon-carbon chemical bonding.

(d) "Solid acid waste" means a dangerous waste that exhibits the characteristic of low pH under the corrosivity tests of either WAC 173-303-090 (6)(a)(ii) or (iii).

(e) "Stabilization" and "solidification" mean a technique that limits the solubility and mobility of dangerous waste

constituents. Solidification immobilizes a waste through physical means and stabilization immobilizes the waste by bonding or chemically reacting with the stabilizing material.

(4) Land disposal restrictions and prohibitions. The land disposal requirements of this subsection apply to land disposal in Washington state.

(a) Disposal of extremely hazardous waste (EHW). No person ~~((shall))~~ may land dispose of EHW, except as provided in subsection (5) of this section, at any land disposal facility in the state. No person ~~((shall))~~ may land dispose of EHW at the facility established under RCW 70.105.050, except as provided by subsections (5), (6), and (7) of this section. A person is encouraged to reclaim, recycle, recover, treat, detoxify, neutralize, or otherwise process EHW to remove or reduce its harmful properties or characteristics, provided that such processing is performed in accordance with the requirements of this chapter.

(b) Disposal of liquid waste. Special requirements for ~~((the disposal of liquid waste in landfills))~~ bulk and containerized liquids.

(i) ~~((Bulk or noncontainerized liquid waste or waste containing free liquids must not be placed in a landfill unless, before disposal, the liquid waste or waste containing free liquids is treated so that free liquids are no longer present.))~~ Effective May 8, 1985, the placement of bulk or noncontainerized liquid hazardous waste or hazardous waste containing free liquids (whether or not sorbents have been added) in any landfill is prohibited.

(ii) Containers holding free liquids must not be placed in a landfill unless:

(A) All free-standing liquid;

(I) Has been removed by decanting, or other methods;

or

(II) Has been mixed with ~~((absorbent))~~ sorbent or stabilized (solidified) so that free-standing liquid is no longer observed; or

(III) Has been otherwise eliminated; or

(B) The container is very small, such as an ampule; or

(C) The container is designed to hold free liquids for use other than storage, such as a battery or capacitor; or

(D) The container is a lab pack and is disposed of in accordance with WAC 173-303-161 and this chapter.

(iii) To demonstrate the absence or presence of free liquids in either a containerized or a bulk waste, the following tests must be used: Method 9095 (Paint Filter Liquids Test) as described in Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods. (EPA Publication No. SW-846.)

(iv) Sorbents used to treat free liquids to be disposed of in landfills must be nonbiodegradable. Nonbiodegradable sorbents are: Materials listed or described in (b)(iv)(A) of this subsection; materials that pass one of the tests in (b)(iv)(B) of this subsection; or materials that are determined by the department to be nonbiodegradable through WAC 173-303-910.

(A) Nonbiodegradable sorbents.

(I) Inorganic minerals, other inorganic materials, and elemental carbon (e.g., aluminosilicates, clays, smectites, Fuller's earth, bentonite, calcium bentonite, montmorillonite, calcined montmorillonite, kaolinite, micas (illite), vermiculites, zeolites; calcium carbonate (organic free limestone); oxides/hydroxides, alumina, lime, silica (sand), diatomaceous

earth; perlite (volcanic glass); expanded volcanic rock; volcanic ash; cement kiln dust; fly ash; rice hull ash; activated charcoal/activated carbon); or

(II) High molecular weight synthetic polymers (e.g., polyethylene, high density polyethylene (HDPE), polypropylene, polystyrene, polyurethane, polyacrylate, polynorborene, polyisobutylene, ground synthetic rubber, cross-linked allylstyrene and tertiary butyl copolymers). This does not include polymers derived from biological material or polymers specifically designed to be degradable; or

(III) Mixtures of these nonbiodegradable materials.

(B) Tests for nonbiodegradable sorbents.

(I) The sorbent material is determined to be nonbiodegradable under ASTM Method G21-70 (1984a)-Standard Practice for Determining Resistance of Synthetic Polymer Materials to Fungi; or

(II) The sorbent material is determined to be nonbiodegradable under ASTM Method G22-76 (1984b)-Standard Practice for Determining Resistance of Plastics to Bacteria.

(v) Effective November 8, 1985, the placement of any liquid which is not a hazardous waste in a landfill is prohibited unless the owner or operator of such landfill demonstrates to the department, or the department determines, that:

(A) The only reasonably available alternative to the placement in such landfill is placement in a landfill or unlined surface impoundment, whether or not permitted or operating under interim status, which contains, or may reasonably be anticipated to contain, hazardous waste; and

(B) Placement in such owner or operator's landfill will not present a risk of contamination of any underground source of drinking water (as that term is defined in 40 CFR Section 144.3.)

(c) Disposal of solid acid waste. No person (~~shall~~) may land dispose solid acid waste, except as provided in subsections (5), (6), or (7) of this section. A person is encouraged to reclaim, recycle, recover, treat, detoxify, neutralize, or otherwise process these wastes to remove or reduce their harmful properties or characteristics, provided that such processing is performed in accordance with the requirements of this chapter.

(d) Disposal of organic/carbonaceous waste.

(i) No person (~~shall~~) may land dispose organic/carbonaceous waste, except as provided in subsections (5), (6), or (7) of this section. A person is encouraged to reclaim, recycle, recover, treat, detoxify, or otherwise process these wastes to remove or reduce their harmful properties or characteristics, provided that such processing is performed in accordance with the requirements of this chapter. Organic/carbonaceous wastes must be incinerated as a minimum management method according to the dangerous waste management priorities as defined in subsection (1)(a) of this section.

(ii) This prohibition against the land disposal of organic/carbonaceous waste does not apply to black mud generated from the caustic leach recovery of cryolite at primary aluminum smelting plants.

(iii) This prohibition against the land disposal of organic/carbonaceous waste does not apply to any person who certifies to the department that recycling, treatment and incineration facilities are not available within a radius of one

thousand miles from Washington state's borders. Such certification must be sent to the department by certified mail and must include: The name, address and telephone number of the person certifying; a brief description of the organic/carbonaceous waste covered by the certification; a discussion of the efforts undertaken to identify available recycling, treatment and incineration facilities; and the signature of the person responsible for the certification and development of information used to support the certification. Records and information supporting the certification must be retained by the certifying person and must be made available to the department upon request.

A certification that has been properly submitted to the department will remain valid until the department determines that a recycling, treatment or incineration facility is available within a radius of one thousand miles from Washington state's borders and the person who submitted the certification is unable to demonstrate otherwise. A recycling, treatment or incineration facility will be considered by the department to be available if such facility: Is operating, and; can safely and legally recycle, treat or incinerate the organic/carbonaceous waste, and; has sufficient capacity to receive and handle significant amounts of the waste, and; agrees to accept the waste.

(5) Treatment in land disposal facilities. The land disposal restrictions in subsection (4) of this section do not apply to persons treating dangerous wastes in surface impoundments, waste piles, or land treatment facilities provided that such treatment is performed in accordance with the requirements of this subsection and this chapter.

(a) Surface impoundment treatment.

Liquid waste, extremely hazardous waste (EHW), solid acid waste, and organic/carbonaceous waste may be placed in surface impoundments for purposes of treatment provided the owner/operator can demonstrate that effective treatment of the dangerous waste constituents will occur and at closure the owner/operator complies with the prohibitions and restrictions of subsection (4) of this section.

(b) Waste pile treatment.

Liquid waste, extremely hazardous waste (EHW), solid acid waste, and organic/carbonaceous waste may be placed in waste piles for purposes of treatment provided the owner/operator can demonstrate that effective treatment of dangerous waste constituents will occur and that at closure the owner/operator will be in compliance with the prohibitions and restrictions of subsection (4) of this section.

(c) Land treatment.

Liquid waste, extremely hazardous waste (EHW), and organic/carbonaceous waste may be land treated provided that the owner/operator can demonstrate that effective treatment of dangerous waste constituents will occur, and at the end of the post-closure care period the owner/operator will be in compliance with subsection (4) of this section.

(6) Case-by-case exemptions to a land disposal prohibition. Any person may petition the department for an exemption from a prohibition in subsection (4) of this section for the land disposal of a dangerous waste. The procedures to submit a petition to the department are specified in WAC 173-303-910(6). The department may deny any petition if it determines that there is a potential for dangerous waste constituents to migrate from the land disposal facility where the waste is to be placed. The

department will deny any petition when exemption would result in a substantial or imminent threat to public health or the environment. The department will deny any petition when exemption would result in a violation of applicable state laws.

The department may grant an exemption from the prohibitions and restrictions of subsection (4) of this section based on the demonstrations specified in (a), (b) or (c) of this subsection.

(a) Land disposal exemption for treatment residuals. Any person may request an exemption from a land disposal prohibition in subsection (4) of this section for treatment residuals by demonstrating to the department that:

(i) The person has applied the best achievable management method to the original waste; and

(ii) Application of additional management methods to the treatment residuals would prevent the person from utilizing the best achievable management methods for the original dangerous waste; and

(iii) The land disposal of the treatment residuals does not pose a greater risk to the public health and the environment than land disposal of the original dangerous waste would pose.

(b) Economic hardship exemption. Any person may request an exemption from a prohibition in subsection (4) of this section for the land disposal of a dangerous waste by demonstrating to the department that alternative management of the dangerous waste will impose an unreasonable economic burden in relation to the threat of harm to public health and the environment. It will be solely within the discretion of the department to approve or deny the requests for exemptions based on economic hardship.

(c) Organic/carbonaceous waste exemption. Any person may request an exemption from the requirements in subsection (4) of this section by demonstrating to the department that:

(i) Alternative management methods for organic/carbonaceous waste are less protective of public health and the environment than stabilization or landfilling; or

(ii)(A) The organic/carbonaceous waste has a heat content less than 3,000 BTU/LB or contains greater than sixty-five percent water or other noncombustible moisture; and

(B) Incineration is the only management method available within a radius of one thousand miles from Washington state's border (i.e., recycling or treatment are not available).

(7) Emergency cleanup provision. The department may, on a case-by-case basis, grant an exception to the land disposal restrictions in subsection (4) of this section for an emergency cleanup where an imminent threat to public health and the environment exists. Any exception will require compliance with applicable state law and will require (consistent with the nature of the emergency and imminent threat) application of the waste management priorities of RCW 70.105.150.

AMENDATORY SECTION (Amending Order DE-85-10, filed 6/3/86)

WAC 173-303-141 Treatment, storage, or disposal of dangerous waste. (1) A person (~~shall only~~) may offer a designated dangerous waste only to a TSD facility which is operating either: Under a permit issued pursuant to the requirements of this chapter; or, if the TSD facility is located outside of this state, under interim status or a permit issued by United States EPA under 40 CFR Part 270, or under interim status or a permit issued by another state which has been authorized by United States EPA pursuant to 40 CFR Part 271.

(2) A person may offer a state only designated dangerous waste (not regulated as a hazardous waste by EPA) to a facility which is located outside of this state and which does not meet the requirements of subsection (1) of this section if:

(a) The facility receiving the waste will legitimately treat or recycle the dangerous waste (disposal is an unacceptable management practice);

(b) The generator has on file a letter or copy of a letter signed by the regulatory authority in the receiving state that the receiving facility may accept the waste;

(c) The generator uses a transporter with a valid EPA/state identification number;

(d) The generator complies with all other applicable requirements, including manifesting, packaging and labeling, with respect to the shipping of the waste. However, the EPA/state identification number for the receiving facility is not required on the manifest or annual report; and

(e) The generator receives from the receiving facility a signed and dated copy of the manifest.

AMENDATORY SECTION (Amending Order 91-44, filed 7/8/92, effective 8/8/92)

WAC 173-303-145 Spills and discharges into the environment. (1) Purpose and applicability. This section sets forth the requirements for any person responsible for a spill or discharge of a dangerous waste or hazardous substance into the environment, except when such release is otherwise permitted under state or federal law. For the purposes of complying with this section, a transporter who spills or discharges dangerous waste or hazardous substances during transportation will be considered the responsible person. This section (~~shall apply~~) applies when any dangerous waste or hazardous substance is intentionally or accidentally spilled or discharged into the environment (unless otherwise permitted) such that human health or the environment is threatened, regardless of the quantity of dangerous waste or hazardous substance.

(2) Notification. Any person who is responsible for a spill or nonpermitted discharge (~~shall~~) must immediately notify the individuals and authorities described for the following situations:

(a) For spills or discharges onto the ground or into groundwater or surface water, notify all local authorities in accordance with the local emergency plan. If necessary, check with the local emergency service coordinator and the fire department to determine all notification responsibilities under the local emergency plan. Also, notify the appropriate regional office of the department of ecology;

(b) For spills or discharges which result in emissions to the air, notify all local authorities in accordance with the local emergency plan. If necessary, check with the local emergency service coordinator and the fire department to determine all notification responsibilities under the local emergency plan. Also, in western Washington notify the local air pollution control authority, or in eastern Washington notify the appropriate regional office of the department of ecology.

(3) Mitigation and control. The person responsible for a spill or nonpermitted discharge ~~((shall))~~ must take appropriate immediate action to protect human health and the environment (e.g., diking to prevent contamination of state waters, shutting of open valves).

(a) In addition, the person responsible for a spill or discharge ~~((shall))~~ must:

(i) Clean up all released dangerous wastes or hazardous substances, or take such actions as may be required or approved by federal, state, or local officials acting within the scope of their official responsibilities. This may include complete or partial removal of released dangerous wastes or hazardous substances as may be justified by the nature of the released dangerous wastes or hazardous substances, the human and environmental circumstances of the incident, and protection required by the Water Pollution Control Act, chapter 90.48 RCW;

(ii) Designate and treat, store or dispose of all soils, waters, or other materials contaminated by the spill or discharge in accordance with this chapter 173-303 WAC. The department may require testing in order to determine the amount or extent of contaminated materials, and the appropriate designation, treatment, storage, or disposal for any materials resulting from clean-up; and

(iii) If the property on which the spill or discharge occurred is not owned or controlled by the person responsible for the incident, restore the area impacted by the spill or discharge, and replenish resources (e.g., fish, plants) in a manner acceptable to the department.

(b) Where immediate removal or temporary storage of spilled or discharged dangerous wastes or hazardous substances is necessary to protect human health or the environment, the department may direct that removal be accomplished without a manifest, by transporters who do not have EPA/state identification numbers.

(4) Nothing in WAC 173-303-145 ~~((shall))~~ eliminates any obligations to comply with reporting requirements which may exist in a permit or under other state or federal regulations.

AMENDATORY SECTION (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-150 Division, dilution, and accumulation. (1) Any action taken to evade the intent of this regulation by dividing or diluting wastes to change their designation shall be prohibited, except for the purposes of treating, neutralizing, or detoxifying such wastes.

(2) Separation of a homogeneous waste into heterogeneous phases (e.g., separation of a suspension into sludge and liquid phases, or of a solvent/water mixture into solvent and water phases, etc.) ~~((shall))~~ will not be considered as

division, provided that the person generating the waste either:

(a) Designates the homogeneous waste before separation, and handles the entire waste accordingly; or

(b) Designates each phase of the heterogeneous waste, in accordance with the dangerous waste designation requirements of this chapter, and handles each phase accordingly.

(3) For the purposes of designation, quantities of continuously generated wastes ~~((shall))~~ must be summed monthly. All wastes generated less frequently than once a month ~~((shall))~~ will be considered as batch or single event wastes.

AMENDATORY SECTION (Amending Order 92-33, filed 12/8/93, effective 1/8/94)

WAC 173-303-160 Containers. (1) Waste quantity. Containers and inner liners ~~((shall))~~ will not be considered as a part of the waste when measuring or calculating the quantity of a dangerous waste. Only the weight of the residues in nonempty or nonrinsed containers or inner liners will be considered when determining waste quantities.

(2) A container or inner liner is "empty" when:

(a) All wastes in it have been taken out that can be removed using practices commonly employed to remove materials from that type of container or inner liner (e.g., pouring, pumping, aspirating, etc.) and, ~~((whichever quantity is least, either less))~~ no more than one inch of waste remains at the bottom of the container or inner liner, or the volume of waste remaining in the container or inner liner is equal to ~~((one))~~ three percent or less of the container's total capacity, or, if the container's total capacity is greater than one hundred ten gallons, the volume of waste remaining in the container or inner liner is no more than 0.3 percent of the container's total capacity. A container which held compressed gas is empty when the pressure inside the container equals or nearly equals atmospheric pressure; and

(b) If the container or inner liner held acutely hazardous waste, as defined in WAC 173-303-040, toxic EHW as defined in WAC 173-303-100 or pesticides bearing the danger or warning label, the container or inner liner has been rinsed at least three times with an appropriate cleaner or solvent. The volume of cleaner or solvent used for each rinsing ~~((shall))~~ must be ten percent or more of the container's or inner liner's capacity or of sufficient quantity to thoroughly decontaminate the container. In lieu of rinsing for containers that might be damaged or made unusable by rinsing with liquids (e.g., fiber or cardboard containers without inner liners), an empty container may be vacuum cleaned, struck, with the open end of the container up, three times (e.g., on the ground, with a hammer or hand) to remove or loosen particles from the inner walls and corners, and vacuum cleaned again. Equipment used for the vacuum cleaning of residues from containers or inner liners must be decontaminated before discarding, in accordance with procedures approved by the department.

Any rinsate or vacuumed residue which results from the cleaning of containers or inner liners ~~((shall))~~ must, whenever possible, be reused in a manner consistent with the original intended purpose of the substance in the container or inner liner. In the case of a farmer, if the rinsate is a pesticide residue then the rinsate ~~((shall))~~ must be managed

or reused in a manner consistent with the instructions on the pesticide label, provided that when the label instructions specify disposal or burial, such disposal or burial must be on the farmer's own (including rented, leased or tenanted) property. Otherwise, the rinsate ~~((shall))~~ must be checked against the designation requirements (WAC 173-303-070 through 173-303-100) and, if designated, managed according to the requirements of this chapter.

(c) In the case of a container, the inner liner, that prevented the container from contact with the commercial chemical product or manufacturing chemical, has been removed.

(3) Any residues remaining in containers or inner liners that are "empty" as described in subsection (2) of this section will not be subject to the requirements of this chapter, and will not be considered as accumulated wastes for the purposes of calculating waste quantities. Any dangerous waste in either: A container that is not empty, or an inner liner removed from a container that is not empty (as defined in subsection (2) of this section) is subject to the requirements of this chapter.

(4) A person may petition the department to approve alternative container rinsing processes in accordance with WAC 173-303-910(1).

AMENDATORY SECTION (Amending Order 92-33, filed 12/8/93, effective 1/8/94)

WAC 173-303-161 Overpacked containers (labpacks). Small containers of dangerous waste may be placed in overpacked drums (or labpacks) provided that the following conditions are met:

(1) Dangerous waste must be packaged in nonleaking inside containers. The inside containers must be of a design and constructed of a material that will not react dangerously with, be decomposed by, or be ignited by the contained waste. Inside containers must be tightly and securely sealed and, to the extent possible, should be full and have as little air as possible in them to minimize voids. The inside containers must be of the size and type specified in the Department of Transportation (DOT) hazardous materials regulations (49 CFR Parts 173, 178, and 179), if those regulations specify a particular inside container for the waste;

(2) The inside containers must be overpacked in an open head DOT-specification ~~((metal or fiber))~~ drum shipping container which meets all of the requirements of 49 CFR Parts 173, 178, and 179. The overpack container must not exceed a capacity of 416-liter (110 gallon). The overpack container must have a sufficient quantity of ~~((absorbent))~~ sorbent material to completely ~~((absorb))~~ sorb all of the liquid contents of the inside containers. The sorbent in overpack containers to be placed in a landfill must be nonbiodegradable in accordance with WAC 173-303-140 (4)(b)(iv). The ~~((metal or fiber))~~ outer container must be full after ~~((packing))~~ it has been packed with inside containers and ~~((absorbent))~~ sorbent material;

(3) The ~~((absorbent))~~ sorbent material used must not be capable of reacting dangerously with, being decomposed by, or being ignited by the contents of the inside containers, in accordance with WAC 173-303-395 (1)(b);

(4) Incompatible wastes, as defined in WAC 173-303-040, must not be placed in the same outside container; and

(5) Reactive wastes, other than cyanide- or sulfide-bearing waste as defined in WAC 173-303-090 (7)(a)(v), must be treated or rendered nonreactive prior to packaging in accordance with subsections (1) through (4) of this section. Cyanide- and sulfide-bearing reactive waste may be packed in accordance with subsections (1) through (4) of this section without first being treated or rendered nonreactive.

(6) An itemized listing of the chemicals, their concentrations and quantities per labpack must be kept by the generator and must be readily available in case of an emergency during shipment, and for the purposes of preparing annual reports under WAC 173-303-220.

(7) Such disposal is in compliance with the requirements of WAC 173-303-140 (2)(a). Persons who incinerate labpacks according to the requirements in 40 CFR 268.42(c)(1) (incorporated by reference at WAC 173-303-140 (2)(a)) may use fiber drums in place of metal outer containers. Such fiber drums must meet the DOT specifications in 49 CFR 173.12 and be overpacked according to the requirements in subsection (2) of this section.

AMENDATORY SECTION (Amending Order 92-33, filed 12/8/93, effective 1/8/94)

WAC 173-303-170 Requirements for generators of dangerous waste. (1) A person ~~((shall be))~~ is a dangerous waste generator if ~~((his))~~ their solid waste is designated by the requirements of WAC 173-303-070 through 173-303-100.

(a) The generator ~~((shall be))~~ is responsible for designating ~~((his))~~ their waste as DW or EHW.

(b) The generator may request an exemption for ~~((his))~~ their dangerous waste according to the procedures of WAC 173-303-072.

(2) A dangerous waste generator ~~((shall))~~ must notify the department and obtain an EPA/state identification number as required by WAC 173-303-060, and ~~((shall))~~ must comply with the requirements of WAC 173-303-170 through 173-303-230.

(3) Any generator who stores, treats, or disposes of dangerous waste on-site ~~((shall))~~ must perform ~~((his))~~ their operations in accordance with the TSD facility requirements with the following exceptions:

(a) Generators who accumulate dangerous wastes for less than ninety days as allowed under WAC 173-303-200 or for less than one hundred eighty days as allowed under WAC 173-303-201 and 173-303-202;

(b) Generators who treat dangerous waste on-site in accumulation tanks ~~((and))~~ containers, and containment buildings provided that the generator maintains a log showing the date and amount of waste treated and complies with:

(i) The applicable requirements of WAC 173-303-200 ((or)), 173-303-201, and ((for tanks, WAC)) 173-303-202; and

(ii) WAC 173-303-283(3);

(c) Generators who treat special waste ~~((in units other than accumulation tanks or containers))~~ on-site provided:

(i) ~~((The treatment occurs within the appropriate accumulation time frame;))~~ The accumulation standards of WAC 173-303-073 (2)(a) and (b) are met;

(ii) When treated in units other than tanks or containers, the unit is designed, constructed, and operated in a manner that prevents:

- (A) A release of waste and waste constituents to the environment;
- (B) Endangerment of health of employees or the public;
- (C) Excessive noise;
- (D) Negative aesthetic impact on the use of adjacent property.

(iii) The treatment unit must also be inspected routinely for deterioration that would lead to a release and repairs must be conducted promptly.

~~(4) ((The generator of a special waste may, upon approval by the department, for special waste only:~~

~~(a) Develop and implement an alternative manifest mechanism in lieu of the requirements of WAC 173-303-180 for special waste shipments. Such alternative mechanism might employ a single manifest for multiple shipments of the same special waste, might not require signatures or multiple copies for transporters or designated receiving facilities, and might include such other factors as the generator might develop and the department approve. The generator must, however, demonstrate to the department's satisfaction before implementing the alternative mechanism that it will assure accurate tracking and recording of waste shipments, and that the mechanism provides for the proper submission of exception reports as specified in WAC 173-303-220(2). The generator shall be responsible for assuring that all transporters and facilities involved in implementing the alternative manifest mechanism are complying with the terms and conditions of the mechanism as approved by the department; and~~

~~(b) Pursuant to the requirements of WAC 173-303-200, accumulate special waste in containers and tanks for up to one hundred eighty days, and accumulate special waste in piles for up to ninety days provided that he complies with WAC 173-303-660 (2), (3)(a), (b)(i), (ii)(A), (7), (8), and (9)(a).~~

~~(5)) The generator must comply with the special land disposal restrictions for certain dangerous wastes in WAC 173-303-140.~~

AMENDATORY SECTION (Amending Order 92-33, filed 12/8/93, effective 1/8/94)

WAC 173-303-180 Manifest. Before transporting dangerous waste or offering dangerous waste for transport off the site of generation, the generator ~~((shall))~~ must prepare a manifest and ~~((shall))~~ must follow all applicable procedures described in this section.

(1) This subsection describes the form and contents of dangerous waste manifests. 40 CFR Part 262 Appendix - Uniform Hazardous Waste Manifest and Instructions (EPA Forms 8700-22 and 8700-22A and Their Instructions) is adopted by reference. The manifest ~~((shall))~~ must be EPA Form 8700-22 and, if necessary, EPA Form 8700-22A. The manifest must be prepared in accordance with the instructions for these forms, as described in the uniform manifest Appendix of 40 CFR Part 262, and in addition must contain the following information in the specified shaded items of the uniform manifest:

(a) Item D - The first transporter's telephone number must be provided in this space;

(b) Item F - If a second transporter is used, then the second transporter's telephone number must be provided in this space;

(c) Item H - The designated receiving facility's telephone number must be provided in this space;

(d) Item I, and R if the continuation sheet 8700-22A is used - The dangerous waste number (e.g., F001, D006, WT02, P102) must be provided in this space for each corresponding waste entered and described under Item 11, and 28 if the continuation sheet 8700-22A is used. As discussed in subsection (5) of this section, dangerous waste numbers WL01 or WL02 may be used in this space for labpacks;

(e) Item O, (on the continuation sheet 8700-22A) - If a third transporter is used, then the third transporter's telephone number must be provided in this space; and

(f) Item Q, (on the continuation sheet 8700-22A) - If a fourth transporter is used, then the fourth transporter's telephone number must be provided in this space.

(2) The manifest ~~((shall))~~ must consist of enough copies to provide the generator, transporter(s), and facility owner/operator with a copy, and a copy for return to the generator.

(3) Manifest procedures.

(a) The generator ~~((shall))~~ must:

(i) Sign and date the manifest certification by hand;

(ii) Obtain the handwritten signature of the initial transporter and date of acceptance on the manifest; and

(iii) Retain one copy in accordance with WAC 173-303-210, Generator recordkeeping.

(b) The generator ~~((shall))~~ must give the remaining manifest copies to the transporter.

(c) If the transporter is unable to deliver the dangerous waste shipment to the designated facility or the alternate facility, the generator must either designate another facility or instruct the transporter to return the waste shipment.

(d) For shipments of dangerous waste within the United States solely by water (bulk shipments only), the generator must send three copies of the manifest dated and signed in accordance with this section to the owner or operator of the designated facility or the last water (bulk shipment) transporter to handle the waste in the United States if exported by water. Copies of the manifest are not required for each transporter.

(e) For rail shipments of dangerous waste within the United States which originate at the site of generation, the generator must send at least three copies of the manifest dated and signed in accordance with this section to:

(i) The next nonrail transporter, if any; or

(ii) The designated facility if transported solely by rail;

or

(iii) The last rail transporter to handle the waste in the United States if exported by rail.

(f) For shipments of federally regulated hazardous waste to a designated facility in an authorized state which has not yet obtained authorization to regulate that particular waste as hazardous, the generator must assure that the designated facility agrees to sign and return the manifest to the generator, and that any out-of-state transporter signs and forwards the manifest to the designated facility.

(4) Special requirements for shipments to the Washington EHW facility at Hanford.

(a) All generators planning to ship dangerous waste to the EHW facility at Hanford ((shall)) must notify the facility in writing and by sending a copy of the prepared manifest prior to shipment.

(b) The generator ((shall)) must not ship any dangerous waste without prior approval from the EHW facility. The state operator may exempt classes of waste from the requirements of WAC 173-303-180 (4)(a) and (b) where small quantities or multiple shipments of a previously approved waste are involved, or there exists an emergency and potential threat to public health and safety.

(5) Special instructions for shipment of labpaks. For purposes of completing the uniform dangerous waste manifest, dangerous waste numbers WL01 (for labpaks containing wastes designated as EHW) or WL02 (for labpaks containing wastes designated only as DW) may be used to complete Items I and R in lieu of the dangerous waste numbers that would otherwise be assigned to the contents of the labpack.

AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)

WAC 173-303-190 Preparing dangerous waste for transport. The generator ((shall)) must fulfill the following requirements before transporting off-site or offering for off-site transport any dangerous waste.

(1) Packaging. The generator ((shall)) must package all dangerous waste for transport in accordance with United States DOT regulations on packaging, 49 CFR Parts 173, 178, and 179.

(2) Labeling. The generator ((shall)) must label each package in accordance with United States DOT regulations, 49 CFR Part 172.

(3) Marking. The generator ((shall)) must:

(a) Mark each package of dangerous waste in accordance with United States DOT regulations, 49 CFR Part 172; and

(b) Mark each package containing one hundred ten gallons or less of dangerous waste with the following, or equivalent words and information, displayed in accordance with 49 CFR 172.304:

HAZARDOUS WASTE - State and federal law prohibits improper disposal. If found, contact the nearest police or public safety authority, and the Washington state department of ecology or the United States Environmental Protection Agency.

Generator's Name and Address

.....
.....
.....

Manifest Document Number

.....

(4) Placarding. The generator ((shall)) will placard, or offer to the initial transporter all appropriate placards in

accordance with United States DOT regulations, 49 CFR Part 172, Subpart F.

AMENDATORY SECTION (Amending Order 92-33, filed 12/8/93, effective 1/8/94)

WAC 173-303-200 Accumulating dangerous waste on-site. (1) A generator, not to include transporters as referenced in WAC 173-303-240(3), may accumulate dangerous waste on-site without a permit for ninety days or less after the date of generation, provided that:

(a) All such waste is shipped off-site to a designated facility or placed in an on-site facility which is permitted by the department under WAC 173-303-800 through 173-303-845 or recycled or treated on-site in ninety days or less. The department may, on a case-by-case basis, grant a maximum thirty day extension to this ninety day period if dangerous wastes must remain on-site due to unforeseen, temporary and uncontrollable circumstances. A generator who accumulates dangerous waste for more than ninety days is an operator of a storage facility and is subject to the facility requirements of this chapter and the permit requirements of this chapter as a storage facility unless he has been granted an extension to the ninety day period allowed pursuant to this subsection;

(b)(i) The waste is placed in containers and the generator complies with WAC 173-303-630 (2), (3), (4), (5), (6), (8), (9), and (10)(g). For container accumulation (including satellite areas as described in subsection (2) of this section), the department may require that the accumulation area include secondary containment in accordance with WAC 173-303-630(7), if the department determines that there is a potential threat to public health or the environment due to the nature of the wastes being accumulated, or due to a history of spills or releases from accumulated containers. In addition, any new container accumulation areas (but not including new satellite areas, unless required by the department) constructed or installed after September 30, 1986, must comply with the provisions of WAC 173-303-630(7); or

(ii) The waste is placed in tanks and the generator complies with WAC 173-303-640 (2) through (10), except WAC 173-303-640 (8)(c) and the second sentence of WAC 173-303-640 (8)(a). (Note: A generator, unless otherwise required to do so, does not have to prepare a closure plan, a cost estimate for closure, or provide financial responsibility for his tank system to satisfy the requirements of this section.) Such a generator is exempt from the requirements of WAC 173-303-620 and 173-303-610, except for WAC 173-303-610 (2) and (5)(c). ~~For container accumulation (including satellite areas as described in subsection (2) of this section), the department may require that the accumulation area include secondary containment in accordance with WAC 173-303-630(7), if the department determines that there is a potential threat to public health or the environment due to the nature of the wastes being accumulated, or due to a history of spills or releases from accumulated containers. In addition, any new container accumulation areas (but not including new satellite areas, unless required by the department) constructed or installed after September 30, 1986, must comply with the provisions of WAC 173-303-630(7);~~ or

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(iii) the waste is placed on drip pads and the generator complies with WAC 173-303-675 and maintains the following records at the facility:

(A) A description of procedures that will be followed to ensure that all wastes are removed from the drip pad and associated collection system at least once every 90 days; and

(B) Documentation of each waste removal, including the quantity of waste removed from the drip pad and the sump or collection system and the date and time of removal; and/or

(iv) The waste is placed in containment buildings and the generator complies with 40 CFR Part 265 Subpart DD, which is incorporated by reference, and the generator has placed its professional engineer certification that the building complies with the design standards specified in 40 CFR 265.1101 in the facility's operating record no later than sixty days after the date of initial operation of the unit. After February 18, 1993, PE certification will be required prior to operation of the unit. The owner or operator shall maintain the following records at the facility:

(A) A written description of procedures to ensure that each waste volume remains in the unit for no more than ninety days, a written description of the waste generation and management practices for the facility showing that they are consistent with respecting the ninety-day limit, and documentation that the procedures are complied with; or

(B) Documentation that the unit is emptied at least once every 90 days.

In addition, such a generator is exempt from all the requirements in WAC 173-303-610 and 173-303-620, except for WAC 173-303-610(2).

(c) The date upon which each period of accumulation begins is marked and clearly visible for inspection on each container;

(d) While being accumulated on site, each container and tank is labeled or marked clearly with the words "dangerous waste" or "hazardous waste." Each container or tank must also be marked with a label or sign which identifies the major risk(s) associated with the waste in the container or tank for employees, emergency response personnel and the public (Note—If there is already a system in use that performs this function in accordance with local, state, or federal regulations, then such system will be adequate). The department may also require that a sign be posted at each entrance to the accumulation area, bearing the legend, "danger—unauthorized personnel keep out," or an equivalent legend, written in English, and legible from a distance of twenty-five feet or more; and

(e) The generator complies with the requirements for facility operators contained in:

(i) WAC 173-303-330 through 173-303-360 (personnel training, preparedness and prevention, contingency plan and emergency procedures, and emergencies) except for WAC 173-303-355 (SARA Title III coordination); and

(ii) WAC 173-303-320 (1), (2)(a), (b), (d), and (3) (general inspection); and

(f) The generator complies with 40 CFR 268.7(a)(4) (waste analysis plan when treating waste to meet treatment standards for land disposal restrictions).

(2) Satellite accumulation.

(a) A generator may accumulate as much as fifty-five gallons of dangerous waste or one quart of acutely hazardous

waste per waste stream in containers at or near any point of generation where waste initially accumulates (defined as a satellite accumulation area in WAC 173-303-040). The satellite area must be under the control of the operator of the process generating the waste or secured at all times to prevent improper additions of wastes to a satellite container. Satellite accumulation is allowed without a permit provided the generator:

(i) Complies with WAC 173-303-630 (2), (4), (5) (a) and (b), (8)(a), and (9) (a) and (b); and

(ii) Complies with subsection (1)(d) of this section.

(b) When fifty-five gallons of dangerous waste or one quart of acutely hazardous waste is accumulated per waste stream, the container(s) must be marked immediately with the accumulation date and moved within three days to a designated storage or accumulation area.

(c) On a case-by-case basis the department may require the satellite area to be managed in accordance with all or some of the requirements under subsection (1) of this section, if the nature of the wastes being accumulated, a history of spills or releases from accumulated containers, or other factors are determined by the department to be a threat or potential threat to human health or the environment.

(3) For the purposes of this section, the ninety-day accumulation period begins on the date that:

(a) The generator first generates a dangerous waste; or

(b) The quantity (or aggregated quantity) of dangerous waste being accumulated by a small quantity generator first exceeds the quantity exclusion limit for such waste (or wastes); or

(c) Fifty-five gallons of dangerous waste or one quart of acutely hazardous waste, per waste stream, is accumulated in a satellite accumulation area.

AMENDATORY SECTION (Amending Order 92-33, filed 12/8/93, effective 1/8/94)

WAC 173-303-201 Special accumulation standards.

(1) This section applies to persons who generate more than 220 pounds but less than 2200 pounds per calendar month and do not accumulate on-site more than 2200 pounds of dangerous waste. The special provisions of this section do not apply to acutely hazardous wastes that exceed the QEL that are being generated or accumulated by the generator.

(2) For purposes of accumulating dangerous waste on-site, persons who generate per month and accumulate on-site less than 2200 pounds (1000 kg) per month of dangerous waste are subject to all applicable provisions of WAC 173-303-200 except as follows:

(a) In lieu of the ninety-day accumulation period, dangerous wastes may be accumulated for one hundred eighty days or less. The department may, on a case-by-case basis, grant a maximum ninety-day extension to this one hundred eighty-day period if the generator must transport his waste, or offer his waste for transportation, over a distance of two hundred miles or more for off-site treatment, storage, or disposal, and the dangerous wastes must remain on-site due to unforeseen, temporary and uncontrollable circumstances;

(b) The generator need not comply with WAC 173-303-330 (Personnel training); (~~and~~)

(c) In lieu of the contingency plan and emergency procedures required by WAC 173-303-350 and 173-303-360, the generator must comply with the following:

(i) At all times there must be at least one employee either on the premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures specified in (c)(iv) of this subsection. This employee is the emergency coordinator.

(ii) The generator must post the following information next to all emergency communication devices (including telephones, two-way radios, etc.):

(A) The name and telephone number of the emergency coordinator;

(B) Location of fire extinguishers and spill control material, and, if present, fire alarm; and

(C) The telephone number of the fire department, unless the facility has a direct alarm.

(iii) The generator must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies;

(iv) The emergency coordinator or his designee must respond to any emergencies that arise. The applicable responses are as follows:

(A) In the event of a fire, call the fire department or attempt to extinguish it using a fire extinguisher;

(B) In the event of a spill, contain the flow of dangerous waste to the extent possible, and as soon as is practicable, clean up the dangerous waste and any contaminated materials or soil;

(C) In the event of a fire, explosion, or other release which could threaten human health outside the facility or when the generator has knowledge that a spill has reached waters of the state, the generator must immediately notify the department and either the government official designated as the on-scene coordinator, or the National Response Center (using their twenty-four hour toll free number 800/424-8802). The report must include the following information:

(I) The name, address, and EPA/state identification number of the generator;

(II) Date, time, and type of incident (e.g., spill or fire);

(III) Quantity and type of hazardous waste involved in the incident;

(IV) Extent of injuries, if any; and

(V) Estimated quantity and disposition of recovered materials, if any;

(d) For waste that is placed in tanks, generators must comply with WAC 173-303-202 in lieu of WAC 173-303-200 (1)(b).

AMENDATORY SECTION (Amending Order 92-33, filed 12/8/93, effective 1/8/94)

WAC 173-303-210 Generator recordkeeping. (1) The generator ((shall)) must keep a copy of each manifest signed by the initial transporter in accordance with WAC 173-303-180(3), manifest procedures, for three years, or until he receives a signed copy from the designated facility which received the waste. The signed facility copy ((shall)) must be retained for at least five years from the date the waste was accepted by the initial transporter.

(2) The generator ((shall)) must keep a copy of each annual report and exception report as required by WAC 173-303-220 for a period of at least five years from the due date of each report. The generator ((shall)) must keep a copy of his most recent notification (Form 2) until he is no longer defined as a generator under this chapter.

(3) Waste designation records.

(a) The generator ((shall)) must keep records of any test results, waste analyses, or other determinations made in accordance with WAC 173-303-170(1) for designating dangerous waste for at least five years from the date that the waste was last transferred for on-site or off-site treatment, storage, or disposal.

(b) At a minimum, test results must include:

(i) The sample source, sampling date, and sampling procedure used;

(ii) The laboratory performing the test;

(iii) The testing date, and testing method used;

(iv) The analytical result, or the quantitative range of the testing method for analytes not detected.

(4) Any other records required for generators accumulating wastes on-site as described in WAC 173-303-170 (4)(b) or 173-303-200 must be retained for at least five years, including, but not limited to such items as inspection logs.

(5) The periods of retention for any records described in this section ((shall)) will be automatically extended during the course of any unresolved enforcement action requiring those records or upon request by the director.

(6) All generator records, including plans required by this chapter, ((shall)) will be made available and furnished upon request by the director.

AMENDATORY SECTION (Amending Order 90-42, filed 3/7/91, effective 4/7/91)

WAC 173-303-220 Generator reporting. The generator ((shall)) must submit the following reports to the department by the specified due date for each report, or within the time period allowed for each report.

(1) Annual reports.

(a) A generator or any person who has obtained an EPA/state identification number pursuant to WAC 173-303-060 ((shall)) must submit an annual report to the department, on the ~~((Generator Annual Dangerous Waste Report Form 4))~~ Dangerous Waste Annual Report according to the instructions on the form (copies are available from the department), no later than March 1 for the preceding calendar year.

(b) In addition, any generator who stores, treats, or disposes of dangerous waste on-site ((shall)) must comply with the annual reporting requirements of WAC 173-303-390, Facility reporting.

(2) Exception reports.

(a) A generator who does not receive a copy of the manifest with the handwritten signature of the owner/operator of the designated facility within thirty-five days of the date the waste was accepted by the initial transporter must contact the transporter(s) and/or facility to determine the status of the dangerous waste shipment.

(b) A generator must submit an exception report to the department if he has not received a copy of the manifest

with the handwritten signature of the owner/operator of the designated facility within forty-five days of the date the waste was accepted by the initial transporter.

(c) The exception report must include:

(i) A legible copy of the manifest for which the generator does not have confirmation of delivery; and

(ii) A cover letter signed by the generator or his representative explaining the efforts taken to locate the waste and the results of those efforts.

(d) The department may require a generator to submit exception reports in less than forty-five days if it finds that the generator frequently or persistently endangers public health or the environment through improper waste shipment practices.

(3) Additional reports. The director, as he deems necessary under chapter 70.105 RCW, may require a generator to furnish additional reports (including engineering reports, plans, and specifications) concerning the quantities and disposition of the generator's dangerous waste.

AMENDATORY SECTION (Amending Order 92-33, filed 12/8/93, effective 1/8/94)

WAC 173-303-230 Special conditions. (1) Exporting dangerous waste.

Federal export requirements, administered by EPA, are set forth ~~((is))~~ at 40 CFR 262 Subpart E and 40 CFR 261.5, 261.6, 262.41, and 263.20 and specify the procedures applicable to generators of hazardous waste (as defined in WAC 173-303-040). These requirements are incorporated by reference. Copies of any forms or reports submitted to the administrator of United States EPA as required by 40 CFR 262 Subpart E ~~((shall))~~ must also be submitted to the department.

(2) Importing dangerous waste. When importing dangerous waste from a foreign country into Washington state, the United States importer ~~((shall))~~ must comply with all the requirements of this chapter for generators, including the requirements of WAC 173-303-180(1), except that:

(a) In place of the generator's name, address and EPA/state identification number, the name and address of the foreign generator and the importer's name, address and EPA/state identification number ~~((shall))~~ must be used; and

(b) In place of the generator's signature on the certification statement, the United States importer or his agent ~~((shall))~~ must sign and date the certification and obtain the signature of the initial transporter.

(3) Empty containers. For the purposes of this chapter, a person who stores, treats, disposes, transports, or offers for transport empty containers of dangerous waste that were for his own use ~~((shall))~~ will not be treated as a generator or as a facility owner/operator if the containers are empty as defined in WAC 173-303-160(2), and either:

(a) The rinsate is not a dangerous waste under this chapter; or

(b) He reuses the rinsate in a manner consistent with the original product or, if he is a farmer and the rinsate contains pesticide residues, he reuses or manages the rinsate in a manner consistent with the instructions on the pesticide label, provided that when the label instructions specify disposal or burial, such disposal or burial must be on the farmer's own (including rented, leased or tenanted) property.

(4) Tank cars. A person rinsing out dangerous waste tote tanks, truck or railroad tank cars ~~((shall))~~ must handle the rinsate according to this chapter, and according to chapter 90.48 RCW, Water pollution control.

AMENDATORY SECTION (Amending Order 92-33, filed 12/8/93, effective 1/8/94)

WAC 173-303-240 Requirements for transporters of dangerous waste. (1) Transporters ~~((shall))~~ must comply with the requirements of WAC 173-303-060, Notification and identification numbers. Transporters who are involved in interstate transport ~~((shall))~~ must use the identification number assigned to their national headquarters office, unless the department requires, on a case-by-case basis, that a transporter obtain his own unique EPA/state ID#. Transporters who are involved only in intrastate transport ~~((shall))~~ must use the identification number assigned to their headquarters office located within the state. Transporters who must comply with the generator requirements as a result of a spill at a terminal or during transport ~~((shall))~~ must obtain a separate generator EPA/state ID# for such spill or terminal.

(2) Any person who transports a dangerous waste ~~((shall))~~ must comply with the requirements of WAC 173-303-240 through 173-303-270, when such dangerous waste is required to be manifested by WAC 173-303-180.

~~((Any person who transports special waste shall, if the generator of the waste has implemented an alternative manifest mechanism approved by the department under WAC 173-303-170 (4)(a), comply with the terms and conditions specified by the generator and approved by the department for the alternative manifest mechanism.))~~

(3) Any person who transports a dangerous waste ~~((shall))~~ must also comply with the requirements of WAC 173-303-170 through 173-303-230 for generators, if he:

(a) Transports dangerous waste into the state from another country; or

(b) Mixes dangerous waste of different United States DOT shipping descriptions by mixing them into a single container.

(4) These requirements ~~((shall))~~ do not apply to on-site (as defined in WAC 173-303-040) transportation of dangerous waste by generators, or by owners/operators of permitted TSD facilities.

(5) Transporters may store at a transfer facility manifested shipments of dangerous waste in containers meeting the requirements of WAC 173-303-190 (1), (2), and (3) for ten days or less. Transporters may not accumulate or store manifested shipments of dangerous waste for more than ten days. Reference to WAC 173-303-200 in 173-303-240(3) does not constitute authority for storage in excess of ten days for transporters. Transporters who do not comply with these conditions are subject to all applicable TSD facility requirements.

AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)

WAC 173-303-250 Dangerous waste acceptance, transport, and delivery. (1) A transporter ~~((shall))~~ must not accept dangerous waste from a generator unless it is accompanied by a manifest signed by the generator in accordance with WAC 173-303-180, Manifest.

(2) Before transporting a dangerous waste shipment, the transporter ((~~shall~~)) must sign and date the manifest, acknowledging acceptance of the dangerous waste. The transporter shall return a signed copy to the generator before commencing transport.

(3) The transporter ((~~shall~~)) must insure that the manifest accompanies the dangerous waste shipment.

(4) A transporter who delivers a dangerous waste to another transporter, or to the designated facility ((~~shall~~)) must:

(a) Obtain the date of delivery and the handwritten signature of that transporter or designated facility owner/operator on the manifest;

(b) Retain one copy of the manifest in accordance with WAC 173-303-260, Transporter recordkeeping; and

(c) Give the remaining copies of the manifest to the accepting transporter or designated facility.

(5) The transporter ((~~shall~~)) must deliver the entire quantity of dangerous waste which he has accepted from a generator or a transporter to:

(a) The designated facility listed on the manifest; or

(b) The alternate designated facility, if the dangerous waste cannot be delivered to the designated facility because an emergency prevents delivery; or

(c) The next designated transporter; or

(d) The place outside the United States designated by the generator.

(6) If the dangerous waste cannot be delivered in accordance with subsection (5) of this section, the transporter ((~~shall~~)) must contact the generator for further directions, and ((~~shall~~)) must revise the manifest according to the generator's instructions.

(7) The requirements of subsections (3), (4), and (8) of this section do not apply to water (bulk shipment) transporters if:

(a) The dangerous waste is delivered by water (bulk shipment) to the designated facility;

(b) A shipping paper containing all the information required on the manifest (excluding the EPA/state identification numbers, generator certification, and signatures) accompanies the dangerous waste;

(c) The delivering transporter obtains the date of delivery and handwritten signature of the owner or operator of the designated facility on either the manifest or the shipping paper;

(d) The person delivering the dangerous waste to the initial water (bulk shipment) transporter obtains the date of delivery and signature of the water (bulk shipment) transporter on the manifest and forwards it to the designated facility; and

(e) A copy of the shipping paper or manifest is retained by each water (bulk shipment) transporter in accordance with WAC 173-303-260(2).

(8) For shipments involving rail transportation, the requirements of subsections (3), (4), and (7) of this section do not apply and the following requirements do apply.

(a) When accepting dangerous waste from a nonrail transporter, the initial rail transporter must:

(i) Sign and date the manifest acknowledging acceptance of the dangerous waste;

(ii) Return a signed copy of the manifest to the nonrail transporter;

(iii) Forward at least three copies of the manifest to:

(A) The next nonrail transporter, if any; or

(B) The designated facility, if the shipment is delivered to that facility by rail; or

(C) The last rail transporter designated to handle the waste in the United States;

(iv) Retain one copy of the manifest and rail shipping paper in accordance with WAC 173-303-260(2).

(b) Rail transporters must ensure that a shipping paper containing all the information required on the manifest (excluding the EPA/state identification numbers, generator certification, and signatures) accompanies the dangerous waste at all times.

(c) When delivering dangerous waste to the designated facility, a rail transporter must:

(i) Obtain the date of delivery and handwritten signature of the owner or operator of the designated facility on the manifest or the shipping paper (if the manifest has not been received by the facility); and

(ii) Retain a copy of the manifest or signed shipping paper in accordance with WAC 173-303-260(2).

(d) When delivering dangerous waste to a nonrail transporter a rail transporter must:

(i) Obtain the date of delivery and the handwritten signature of the next nonrail transporter on the manifest; and

(ii) Retain a copy of the manifest in accordance with WAC 173-303-260(2).

(e) Before accepting dangerous waste from a rail transporter, a nonrail transporter must sign and date the manifest and provide a copy to the rail transporter.

(9) Transporters who transport dangerous waste out of the United States ((~~shall~~)) must:

(a) Indicate on the manifest the date the dangerous waste left the United States;

(b) Sign the manifest and retain one copy in accordance with WAC 173-303-260(3), Transporter recordkeeping; and

(c) Return a signed copy of the manifest to the generator.

AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)

WAC 173-303-260 Transporter recordkeeping. (1)

A transporter of dangerous waste ((~~shall~~)) must keep a copy of the manifest signed by the generator, himself, and the next designated transporter or the owner or operator of the designated facility for a period of three years from the date the dangerous waste was accepted by the initial transporter.

(2) Water (bulk shipment) and rail transporter recordkeeping.

(a) For shipments delivered to the designated facility by rail or water (bulk shipment), each rail or water (bulk shipment) transporter ((~~shall~~)) must retain a copy of a shipping paper containing all the information required on a manifest (excluding the EPA/state identification numbers, generator certification, and signatures) for a period of three years from the date the dangerous waste was accepted by the initial transporter.

(b) For shipments of dangerous waste by rail within the United States:

(i) The initial rail transporter must keep a copy of the manifest and shipping paper with all the information required

on a manifest (excluding the EPA/state identification numbers, generator certification, and signatures) for a period of three years from the date the dangerous waste was accepted by the initial transporter; and

(ii) The final rail transporter must keep a copy of the signed manifest (or the shipping paper if signed by the designated facility in lieu of the manifest) for a period of three years from the date the dangerous waste was accepted by the initial transporter.

(3) A transporter who transports dangerous waste out of the United States ((shall)) must keep a copy of the manifest, indicating that the dangerous waste left the United States, for a period of three years from the date the dangerous waste was accepted by the initial transporter.

(4) The periods of retention referred to in this section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity, or as requested by the director.

AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)

WAC 173-303-270 Discharges during transport. In the event of a spill or discharge of dangerous waste during transportation, the transporter ((shall)) must comply with the requirements of WAC 173-303-145, Spills and discharges into the environment. In addition to the notices required by WAC 173-303-145, the transporter ((shall)) must provide the following notifications:

(1) Give notice to the generator of the waste that a discharge has occurred;

(2) Give notice to the National Response Center (800-424-8802 or 202-426-2675), if required by 49 CFR 171.15;

(3) Report in writing as required by 49 CFR 171.16 to the Director, Office of Hazardous Materials Regulations, Materials Transportation Bureau, Department of Transportation, Washington D.C., 20590; and,

(4) For a water (bulk shipment) transporter, give the same notice as required by 33 CFR 153.203 for oil and hazardous substances.

AMENDATORY SECTION (Amending Order DE 83-36, filed 1/5/88, effective 2/5/88)

WAC 173-303-280 General requirements for dangerous waste management facilities. (1) Applicability. The requirements of WAC 173-303-280 through 173-303-395 apply to all owners and operators of facilities which store, treat, or dispose of dangerous wastes and which must be permitted under the requirements of this chapter 173-303 WAC, unless otherwise specified in this chapter. ~~((The owner or operator of a facility which manages special waste may comply with the special requirements specified in WAC 173-303-550 through 173-303-560 in lieu of the general requirements of WAC 173-303-280 through 173-303-395, but only for those special wastes which he manages.))~~ Whenever a shipment of dangerous waste is initiated from a facility, the owner or operator of that facility ((shall)) must comply with the requirements for generators, WAC 173-303-170 through 173-303-230.

(2) Imminent hazard. Notwithstanding any provisions of this chapter, enforcement actions may be brought in the event that the management practices of a facility present an

imminent and substantial hazard to the public health and the environment, regardless of the quantity or concentration of a dangerous waste.

(3) Identification numbers. Every facility owner or operator ((shall)) must apply for an EPA/state identification number from the department in accordance with WAC 173-303-060.

(4) The owner or operator must comply with the special land disposal restrictions for certain dangerous wastes in WAC 173-303-140.

AMENDATORY SECTION (Amending Order 92-33, filed 12/8/93, effective 1/8/94)

WAC 173-303-281 Notice of intent. (1) Purpose. The purpose of this section is to provide notification to the department, local communities and the public that the siting of a dangerous waste management facility is being considered. Also, to provide general information about the proposed facility owner/operator, the type of facility and the types of wastes to be managed and compliance with the siting criteria.

(2) Applicability. This section applies to owners/operators of proposed facilities. This section also applies to existing facilities for which the department receives an application for expansion. This section does not apply to owners/operators of facilities or portions of facilities who are applying for research, development and demonstration permits, pursuant to section 3005(g) of the Resource Conservation and Recovery Act, codified in 40 CFR Part 270.65. In addition, this section does not apply to owners/operators of facilities operating under an emergency permit pursuant to WAC 173-303-804 or to persons at facilities conducting on-site cleanup of sites under the Comprehensive Environmental Response Compensation and Liability Act, Sections 3004(u), 3004(v), and 3008(h) of the Resource Conservation and Recovery Act, chapter 70.105 RCW, or chapter 70.105D RCW, provided the cleanup activities are being conducted under a consent decree, agreed order, or enforcement order, or is being conducted by the department or United States Environmental Protection Agency. As used in this section:

(a) "Proposed facility" means a facility which has not qualified for interim status under WAC 173-303-805 or for which the department has not issued a final facility permit under WAC 173-303-806 prior to the effective date of this section;

(b) "Existing facility" means a facility which has qualified for interim status under WAC 173-303-805 or for which the department has issued a final facility permit under WAC 173-303-806 prior to the effective date of this section; and

(c) "Expansion" means the enlargement of the land surface area of an existing facility from that described in an interim status permit application or final status permit, the addition of a new dangerous waste management process, or an increase in the overall design capacity of existing dangerous waste management processes at a facility.

(3) Notice of intent to file for an interim status or a dangerous waste permit.

(a) The notice of intent to be prepared by the owners/operators of the applicable facilities ((shall)) must consist of:

(i) The name, address, and telephone number of the owner, operator, and corporate officers;

(ii) The location of the proposed facility or expansion on a topographic map with specifications as detailed in WAC 173-303-806 (4)(a)(xviii);

(iii) A brief description of the types and amounts of wastes to be managed annually;

(iv) A brief description of the major equipment items proposed, if any, and the waste management activities requiring a permit or revision of an existing permit;

(v) Demonstration of compliance with the siting criteria as required under WAC 173-303-282 (6) and (7). The site conditions with regards to satisfying the criteria are to be assessed as of the date of submittal of the notice of intent to the department;

(vi) For informational purposes a complete summary of compliance violations of permit conditions at hazardous waste management facilities owned or operated by the applicant, its subsidiaries or its parent company, during the ten calendar years preceding the permit application. Along with the summary of compliance violations, as issued by appropriate state or federal regulatory agencies, the applicant ((shall)) must also submit responses to past violations and any written correspondence with regulatory agencies regarding the compliance status of any hazardous waste management facility owned or operated by the applicant, its subsidiaries or parent company of the owner or operator. A more detailed compliance record must be provided upon request by the department;

(vii) For informational purposes the need for the proposed facility or expansion ((shall)) must be demonstrated by one of the following methods:

(A) Current overall capacity within Washington is inadequate for dangerous wastes generated in Washington as determined by regional or state dangerous waste management plans; or

(B) The facility is a higher priority management method, as described in RCW 70.105.150, than is currently in place or practical and available for the types of waste proposed to be managed; or

(C) The facility will add to the types of technology available or will reduce cost impacts (not to include transportation costs) to Washington generators for disposal of dangerous wastes; and

(ix) For informational purposes it ((shall)) must be shown how the capacity of the proposed facility or expansion will affect the overall capacity within the state, in conjunction with existing facilities in Washington.

(b) The notice of intent ((shall)) must be filed with the department, and copies ((shall)) must be made available for public review, no less than one hundred fifty days prior to filing an application for a permit or permit revision. Public notification of the notice of intent to file shall be given at the time of filing by announcement in a daily newspaper within the area of the proposed facility or expansion for a minimum of fourteen consecutive days. In addition, the department ((shall)) will send a copy of the notice of intent to the elected officials of the lead local government and all local governments within the potentially affected area as required by WAC 173-303-902 (5)(b)(i). The department will continue to coordinate with interested local governments throughout the review of the proposal.

(c) Reserved.

AMENDATORY SECTION (Amending Order 92-33, filed 12/8/93, effective 1/8/94)

WAC 173-303-282 Siting criteria. (1) **Purpose.** This section establishes siting criteria which serve as an initial screen in the consideration of sites for dangerous waste management facilities. The purpose of the siting criteria is to immediately disqualify proposed dangerous waste facility sites in locations considered unsuitable or inappropriate for the management of dangerous wastes. Under RCW 70.105.200 (1)(d), siting criteria cannot prevent existing dangerous waste management facilities from operating at or below their present level of activity.

A proposed site which is not disqualified under these criteria will be further studied to determine if it qualifies under site specific rules. Compliance with the siting criteria does not imply that a given project at a given location poses an acceptable level of risk, nor does it commit the department to the issuance of a dangerous waste permit. Projects that demonstrate compliance with the siting criteria will be subjected to comprehensive environmental and technical review pursuant to applicable laws and regulations before the department makes a final decision on a dangerous waste permit.

The department may deny a permit or require protective measures such as engineering enhancements or increased setback distances from resources in order to ensure protection of human health and the environment.

(2) **Applicability.**

(a) Except as otherwise specifically provided, this section applies to:

(i) Owners/operators of proposed facilities; and

(ii) Owners or operators of existing land-based facilities at which an expansion of the land based unit is proposed;

(iii) Owners or operators of existing incinerators at which an expansion is proposed; and

(iv) Owners or operators proposing a significant expansion of other existing dangerous waste management facilities not subject to (a)(i), (ii) and (iii) of this subsection, unless the owner/operator can demonstrate to the satisfaction of the department that the proposed expansion will provide a net increase in protection to human health and the environment beyond that which is currently provided at the facility. However, demonstrations under this subsection (iv) ((shall)) must not result in treatment or storage facilities expanding into land-based or incineration facilities if siting criteria cannot be satisfied.

(b) This section does not apply to:

(i) Owners/operators of facilities or portions of facilities who are applying for research, development and demonstration permits, pursuant to section 3005(g) of the Resource Conservation and Recovery Act, codified in 40 CFR Part 270.65 or WAC 173-303-809;

(ii) Owners/operators of facilities operating under an emergency permit pursuant to WAC 173-303-804;

(iii) Persons at facilities conducting on-site cleanup of sites under the Comprehensive Environmental Response Compensation and Liability Act, Sections 3004(u), 3004(v), and 3008(h) of the Resource Conservation and Recovery Act, chapter 70.105 RCW, or chapter 70.105D RCW,

provided the cleanup activities are being conducted under a consent decree, agreed order, or enforcement order, or is being conducted by the department or United States Environmental Protection Agency;

(iv) Persons managing solid wastes who become subject to dangerous waste regulations through amendments to this chapter after the effective date of this section. This provision applies only to those activities operated in accordance with local, state, and federal requirements and which were being conducted prior to becoming subject to Dangerous waste regulations, chapter 173-303 WAC or expansions, if it can be demonstrated to the satisfaction of the department that the proposed expansion of such activities will provide a net increase in protection to human health and the environment beyond that which is currently provided at the facility; or

(v) Owners/operators of facilities which recycle hazardous waste and:

(A) Are otherwise exempt from regulation by this chapter under 120;

(B) Have notified the department pursuant to WAC 173-303-060, prior to the effective date of this section;

(C) Are currently operating as a recycling facility as of the effective date of this regulation; and

(D) Seek only to obtain a tank or container storage permit to support recycling operations under this chapter.

Further, significant expansions of such storage facilities meeting the qualifications for this exemption may be considered under subsection (2)(a)(iv) of this section.

(3) **Definitions.** Any terms used in this section that are not defined below (~~shall~~) have the meanings provided in WAC 173-303-040. For the purposes of this section, the following terms (~~shall~~) have the described meanings:

(a) "Aquifer of beneficial use" means an aquifer that contains sufficient quality and quantity of water to allow it to be withdrawn for beneficial uses which include, but are not limited to, uses for domestic, stock watering, industrial, commercial, agricultural, irrigation, mining, fish and wildlife maintenance and enhancement, or recreational purposes.

(b) "Displacement" means the relative movement of any two sides of a fault measured in any direction.

(c) "Domestic water use" means any water used for human consumption, other domestic activities or livestock watering for which the department has issued a permit of water right for surface water diversions pursuant to chapter 90.03 RCW, or for a well pursuant to chapter 90.44 RCW, or for which the department has received a well water report pursuant to RCW 18.104.050, or for any other valid water right claimed in accordance with chapter 90.14 RCW. This does not apply to wells abandoned in compliance with chapter 173-160 WAC.

(d) "Existing facility" means a facility which has qualified for interim status under WAC 173-303-805 or for which the department has issued a final facility permit under WAC 173-303-806 (~~, prior to the effective date of this section~~).

(e) "Expansion" means the enlargement of the land surface area of an existing facility from that described in an interim status permit application or final facility permit, the addition of a new dangerous waste management process, or an increase in overall design capacity of existing dangerous waste management processes at a facility. However, a

process or equipment change within the existing handling code (not to include "other") as defined under WAC 173-303-380 (2)(d) will not be considered a new dangerous waste management process.

(f) "Fault" means a fracture along which rocks or soils on one side have been displaced with respect to those on the other side.

(g) "Holocene" means the most recent epoch of the Quaternary period, extending from the end of the Pleistocene to the present.

(h) "Land-based facility" means a dangerous waste management facility which falls under the definition of land disposal as defined in Section 3004(k) of the Resource Conservation and Recovery Act. These facilities use the land as an integral part of their waste management method and include, but are not limited to, landfills, surface impoundments, waste piles, and land treatment facilities. For the purposes of this section, this would not include waste piles in which the dangerous wastes are stored inside or under a structure that provides protection from precipitation and when runoff, leachate, or other types of waste dispersal are not generated under any conditions.

(i) "Nonland based facility" means a facility which does not use the land as an integral part of its waste management method and is not subject to the requirements of WAC 173-303-806 (4)(a)(xxi). These facilities include, but are not limited to, tanks, containers, and incinerators.

(j) "Perennial surface water body" means a surface water body which is normally continuous with natural flows throughout the year or an annually recurring body of water including lakes, rivers, ponds, streams, reservoirs, inland waters, and saltwaters. This does not include roadside ditches or storm drains. However, this definition does apply to irrigation or domestic water supply channels existing, or planned and approved by a governmental agency, at the time an owner/operator submits a notice of intent.

(k) "Preempted facility" means any facility that includes as a significant part of its activities any of the following operations: (i) Landfill; (ii) incineration; (iii) land treatment; (iv) surface impoundment to be closed as a landfill; or (v) waste pile to be closed as a landfill.

(l) "Prime farmland" means the land which has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber or oilseed crops, and is also available for these uses. It has the soil quality, growing season, and moisture supply needed to economically produce sustained high yields of crops when treated and managed, including water management, according to acceptable farming methods. In general, prime farmland has an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, acceptable salt and sodium content, and few or no rocks. It is permeable to water and air. Prime farmland is not excessively erodible or saturated with water for a long period of time, and it either does not flood frequently or is protected from flooding. Prime farmland (~~shall~~) will be determined by those general and specific criteria as defined in the National Soils Handbook, Soil Conservation Service, United States Department of Agriculture, Washington, D.C. and 7 CFR 2.62. Areas of prime farmland are identified in the most recent county soil

survey maps prepared by the National Cooperative Soil Survey.

(m) "Proposed facility" means a facility which has not qualified for interim status under WAC 173-303-805 or for which the department has not issued a final facility permit under WAC 173-303-806 (~~(prior to the effective date of this section)~~).

(n) "Public gathering places" means a place such as a public or private health care or child care facility; an educational institution; a church; a government institution not associated with dangerous waste management; or a retail shopping center.

(o) "Residence" means any dwelling including, but not limited to, private homes, rental homes, boarding houses, apartments, motels, or hotels.

(p) "Significant expansion" means an expansion of an existing facility, operating under interim status or a final status permit, that is considered a class three modification as designated by 40 CFR Parts 270.41 and 270.42. Examples include, but are not limited to, a modification or addition of container units resulting in greater than a twenty-five percent increase in the facility's container storage capacity, storage of different wastes in containers that require additional or different management practices from those authorized under interim status or by a final status permit, and a modification or addition of tank units resulting in greater than twenty-five percent increase in the facility's capacity. For the purposes of this section, a single or cumulative increase of greater than twenty-five percent of the process design capacity as described in the facility's original Part A permit application ~~((shall))~~ will be considered a significant expansion.

(q) "Slope and soil instability" means areas for which there is credible evidence of, or the potential for, landslides, slumps, avalanches, earth or mud flows, or other unsuitable slope conditions.

(r) "Subsidence" means areas for which there is credible evidence of, or potential for, sinking of the land surface. Areas of subsurface mines, caves, cavernous materials, or where there has been significant removal of fluids may provide credible evidence of subsidence.

(s) "Wetland" means land transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this classification a wetland must have one or more of the following three attributes: (i) At least periodically, the land supports predominantly hydrophytes; (ii) the substrate is predominantly undrained hydric soil; and (iii) the substrate is nonsoil and is saturated with water or covered by shallow water at some time during the growing season of each year. The *Joint Federal Methodology for Identifying and Delineating Wetlands* ~~((shall))~~ must be used for defining the upland boundary of wetlands.

(4) Implementation.

(a) Submittal of information to demonstrate compliance. Documentation that a proposed facility or expansion site meets the siting criteria ~~((shall))~~ must be submitted to the department:

(i) In the notice of intent for those facilities for which a notice of intent is filed after the effective date of this section; or

(ii) Within ninety days of the effective date of this section for proposed facilities for which a notice of intent or

an application for a Part B permit has been submitted to the department prior to the effective date of this section.

(b) Consultation by department. The department ~~((shall))~~ will consult with the lead local government as defined in WAC 173-303-902 (4)(h) and consider those local land use, building, fire, air quality, and transportation standards to the extent they add to and do not conflict with the requirements of this section. Such consultation and consideration ~~((shall))~~ will be made prior to the department's rendering of a tentative decision under subsection (4)(c) of this section.

(c) Response by department. Within sixty days of receipt of a demonstration of compliance, the department ~~((shall))~~ will undertake one of the following actions:

(i) Return the demonstration of compliance as incomplete with written comments identifying the need for additional information. The owner or operator may resubmit the demonstration of compliance with complete information; or

(ii) Render a written tentative decision to approve or deny the demonstration of compliance.

(d) Public notice and hearing process. The department in making a tentative decision to approve or deny a demonstration of compliance with this section ~~((shall))~~ will take the following actions:

(i) For land-based facilities and incinerators:

(A) The department ~~((shall))~~ will publish a notice of its tentative decision in a daily or weekly newspaper of general circulation in the potentially affected area, and ~~((shall))~~ will give notice by other reasonable methods to persons potentially affected.

(B) The department ~~((shall))~~ will hold a public hearing at a location convenient to the public in the potentially affected area. Notice of the date, time, purpose, and place of the hearing ~~((shall))~~ will be provided in the publication of notice.

(C) The department ~~((shall))~~ will accept comments on its tentative decision for a minimum of forty-five days.

(D) After evaluating all public comments the department will make a final decision in accordance with chapter 34.05 RCW. The department will either approve or deny the owner/operator's demonstration of compliance.

(ii) For nonland-based facilities, excluding incinerators:

(A) The department ~~((shall))~~ will publish a notice of its tentative decision in a daily or weekly newspaper of general circulation in the potentially affected area, and ~~((shall))~~ will give notice by other reasonable methods to persons potentially affected.

(B) Upon the written request of any interested person, the department may hold a public hearing to consider public comments on the owner or operator's demonstration of compliance. A person requesting the hearing ~~((shall))~~ must state the issues to be raised and explain why written comments would not suffice. In any case, if ten or more persons request a public hearing on the subject of the department's tentative decision, the department ~~((shall))~~ will hold a public hearing for the purpose of receiving comments.

(C) The department ~~((shall))~~ will accept comments on its tentative decision for a minimum of forty-five days.

(D) After evaluating all public comments the department will make a final decision in accordance with chapter 34.05

RCW. The department will either approve or deny the owner or operator's demonstration of compliance.

(5) **Appeal of a department decision.** Any person who is adversely affected by a decision of the department under this section may appeal the decision to the pollution control hearings board pursuant to the authority of WAC 173-303-845.

(6) **Criteria for elements of the natural environment.** The following siting criteria establish locations from which facilities are excluded and establish minimum setback distances from identified resources. Unless otherwise stated, setback distances are measured horizontally from the dangerous waste management unit boundary to the identified resource.

These criteria ~~((shall))~~ will be used as an initial screening tool in the selection of sites which may be considered by the department for the purpose of managing dangerous waste. A more comprehensive evaluation of locational factors will occur during the department's review of a permit application. The department may deny a permit or impose additional setback distances or other permit requirements if necessary to protect human health and the environment.

(a) **Earth.** The intent of this subsection is to reduce the potential for the release of dangerous waste into the environment because of structural damage to facilities subject to the hazards identified below. The owner/operator ~~((shall))~~ must provide supportive geologic, geotechnical, and soils information.

(i) **Seismic risk.** All dangerous waste management facilities ~~((shall))~~ must be located such that the dangerous waste management unit boundary is located at least five hundred feet from a fault which has had displacement in Holocene times.

(ii) **Subsidence.** No dangerous waste management facility ~~((shall))~~ may be located such that the dangerous waste management unit is within an area of subsidence.

(iii) **Slope or soil instability.** No dangerous waste management facility ~~((shall))~~ may be located such that the dangerous waste management unit is within an area of slope or soil instability, nor in the areas affected by unstable slope or soil conditions.

(b) **Air.** The intent of this subsection is to reduce the potential for further degradation of air quality in areas currently experiencing air quality impacts.

(i) **Incineration facilities** ~~((shall))~~ may not be located in a Class I Prevention of Significant Deterioration Air Quality Zone designated under the Federal Clean Air Act.

(ii) **Incineration facilities** ~~((shall))~~ may not be located in a nonattainment area designated by the department unless compensating emission offset can be achieved.

(iii) **Proposed incineration facilities** ~~((shall))~~ must comply with WAC 173-303-806 (4)(a)(xxii) during the permitting process.

(c) **Water.** The intent of this subsection is to reduce the potential for contaminating waters of the state in the event of a release of dangerous wastes.

(i) **Surface water.**

(A) **Flood, seiche, and tsunami protection.**

(I) **No dangerous waste management facility** ~~((shall))~~ or dangerous waste management unit may be located within the one hundred-year flood plain as indicated in the most current Federal Emergency Management Agency maps.

(II) **The owner/operator of a nonland-based facility** ~~((shall))~~ must identify whether the facility is intended to be located within the five hundred-year flood plain, as indicated in the most current Federal Emergency Management Agency maps. Nonland-based facilities will require special design features so as to prevent flooding of the dangerous waste management unit in the event of a five hundred-year flood.

(III) **Land-based facilities** ~~((shall))~~ may not be located within the five hundred-year flood plain as indicated in the most current Federal Emergency Management Agency maps.

(IV) **Dangerous waste management facilities** ~~((shall))~~ may not be located in areas subject to seiches, or coastal flooding including tsunamis or storm surges as indicated in the most current maps of the National Flood Insurance Program of the Federal Emergency Management Agency.

(B) **Perennial surface water bodies.**

(I) **Nonland-based facilities** ~~((shall))~~ must be located such that the dangerous waste management unit boundary is at least five hundred feet from a perennial surface water body.

(II) **Land-based facilities** ~~((shall))~~ must be located such that the dangerous waste management unit boundary is at least one-quarter mile from a perennial surface water body.

(C) **Surface water supply.**

(I) **No dangerous waste management facility** ~~((shall))~~ may be located in a watershed identified in the report submitted to, and approved by, the department of health under the authority of WAC 248-54-225(3), Watershed control.

(II) **Nonland-based facilities** ~~((shall))~~ must be located such that the dangerous waste management unit boundary is at least five hundred feet from the nearest surface water intake for domestic water.

(III) **Land-based facilities** ~~((shall))~~ must be located such that the dangerous waste management unit boundary is at least one-quarter mile from the nearest surface water intake for domestic water.

(ii) **Ground water.** To the extent feasible, proponents of land-based facilities should seek sites with natural site characteristics which are capable of providing protection of ground water resources. Natural features such as low permeability soils and substrata, relatively simple geologic formations, and high rates of evapotranspiration in relation to the seasonal occurrence of precipitation are preferable for the locations of land-based facilities. Proposed land-based facilities ~~((shall))~~ must comply with the contingent ground water protection program, WAC 173-303-806 (4)(a)(xxi), during the permitting process.

(A) **Depth to ground water.**

(I) **Nonland-based facilities** ~~((shall))~~ may not be located in areas where there is less than ten feet vertical separation between the lowest point of the dangerous waste management unit and the seasonal high water level of the uppermost aquifer of beneficial use.

(II) **Land-based facilities** ~~((shall))~~ may not be located in areas where there is less than fifty feet vertical separation between the lowest point of the dangerous waste management unit and the seasonal highwater level of the uppermost aquifer of beneficial use.

(B) **Sole source aquifer.** No land-based facilities ~~((shall))~~ may be located over an area designated as a sole

source aquifer under section 1424(e) of the Federal Safe Drinking Water Act (P.L. 93-523).

(C) Ground water management areas. Owners/operators of facilities ((shall)) must identify whether the proposed facility location is within a ground water management area, as proposed or certified pursuant to RCW 90.44.130. In order to maintain consistency with the purpose and substantive requirements of certified ground water management area plans, the department may require additional protective measures or reject inconsistent projects.

(D) Ground water intakes.

(I) Nonland-based facilities ((shall)) must be located such that the dangerous waste management unit boundary is at least five hundred feet from the nearest ground water intake for domestic water.

(II) Land-based facilities ((shall)) must be located such that the dangerous waste management unit boundary is at least one-quarter mile from the nearest ground water intake for domestic water.

(E) Special protection areas. Land-based facilities ((shall)) must not be located within ground water special protection areas designated by ecology under the authority of chapter 90.48 RCW.

(d) Plants and animals: Intent. To reduce the potential for dangerous waste contaminating plant and animal habitat in the event of a release of dangerous wastes.

(i) Nonland-based facilities ((shall)) must be located such that the dangerous waste management unit boundary is at least five hundred feet from the following areas:

(A) Wetlands;

(B) Designated critical habitat, for federally listed threatened or endangered species, as defined by the Endangered Species Act of 1973 (P.L. 93-205);

(C) Habitat designated by the Washington department of wildlife as habitat essential to the maintenance or recovery of any state listed threatened or endangered wildlife species;

(D) Natural areas which are acquired or voluntarily registered or dedicated by the owner under chapter 79.70 RCW, Natural area preserves; and

(E) State or federally designated wildlife refuge, preserve, or bald eagle protection area.

(ii) Land-based facilities ((shall)) must be located such that the dangerous waste management unit boundary is at least one-quarter mile from those areas specified in item (i) above.

(e) Precipitation. The intent of this subsection is to reduce the potential for contaminating waters and soils of the state in the event of a release of dangerous wastes.

Land-based facilities ((shall)) must not be located in areas having a mean annual precipitation level of greater than one hundred inches. The mean annual precipitation map in the U.S. Geological Survey Water-Resources Investigations Report 84-4279 ((shall)) must be used to determine whether a land-based facility is proposed to be located in such an area.

(7) **Criteria for elements of the built environment.**

The following siting criteria establish locations from which facilities are excluded or which require separation from identified land uses. Unless otherwise stated, setback distances are measured horizontally from the dangerous waste management unit boundary to the identified land use.

These criteria ((shall)) must be used as an initial screening tool in the selection of sites which may be considered by the department for the purpose of managing dangerous waste. A more comprehensive evaluation of locational factors will occur during the department's review of a permit application. The department may deny a permit or impose additional setback distances or other permit requirements if necessary to protect human health and the environment.

(a) Adjacent land use.

(i) Nonland-based facilities ((shall)) must be located such that the dangerous waste management unit boundary is at least two hundred feet from the nearest point of the facility property line.

(ii) Land-based facilities ((shall)) must be located such that the dangerous waste management unit boundary is at least five hundred feet from the nearest point of the facility property line.

(b) Special land uses.

(i) Wild and scenic rivers. Dangerous waste management facilities ((shall)) must not be located within the viewshed of users on wild and scenic rivers designated by the state or federal government.

(ii) Nonland-based facilities ((shall)) must be located such that the dangerous waste management unit boundary is at least five hundred feet from the following:

(A) State or federally designated park, recreation area, or national monument;

(B) Wilderness area as defined by the Wilderness Act of 1964 (P.L. 88-577); and

(C) Land identified as prime farmland at the time a notice of intent is submitted to the department.

(iii) Land-based facilities ((shall)) must be located such that the dangerous waste management unit boundary is at least one-quarter mile from those land uses specified in item (ii) above.

(c) Residences and public gathering places.

(i) Nonland-based facilities with the exception of incineration facilities ((shall)) must be located such that the dangerous waste management unit boundary is at least five hundred feet from residences or public gathering places.

(ii) Incineration and land-based facilities ((shall)) must be located such that the dangerous waste management unit boundary is at least one-quarter mile from residences or public gathering places.

(d) Land use compatibility. Owners/operators of nonpreempted facilities ((shall)) must conform with local land use zoning designation requirements, as approved by the department under chapter 70.105 RCW.

(e) Archeological sites and historic sites. No dangerous waste management facility ((shall)) must be located in an archeological site or historic site designated by the state or federal government.

AMENDATORY SECTION (Amending Order 88-29, filed 9/6/88)

WAC 173-303-283 Performance standards. (1)

Purpose. This section provides general performance standards for designing, constructing, operating, and maintaining dangerous waste facilities.

(2) Applicability. This section applies to all dangerous waste facilities permitted under WAC 173-303-800 through 173-303-840. These general performance standards ((~~shall~~)) must be used to determine whether more stringent facility standards should be applied than those spelled out in WAC 173-303-280, 173-303-290 through 173-303-400 and 173-303-600 through 173-303-670.

(3) Performance standards. Unless authorized by state, local, or federal laws, or unless otherwise authorized in this regulation, the owner/operator ((~~shall~~)) must design, construct, operate, or maintain a dangerous waste facility that to the maximum extent practical given the limits of technology prevents:

- (a) Degradation of ground water quality;
- (b) Degradation of air quality by open burning or other activities;
- (c) Degradation of surface water quality;
- (d) Destruction or impairment of flora and fauna outside the active portion of the facility;
- (e) Excessive noise;
- (f) Conditions that constitute a negative aesthetic impact for the public using rights of ways, or public lands, or for landowners of adjacent properties;
- (g) Unstable hillsides or soils as a result of trenches, impoundments, excavations, etc.;
- (h) The use of processes that do not treat, detoxify, recycle, reclaim, and recover waste material to the extent economically feasible; and
- (i) Endangerment of the health of employees, or the public near the facility.

AMENDATORY SECTION (Amending Order 92-33, filed 12/8/93, effective 1/8/94)

WAC 173-303-290 Required notices. (1) The facility owner or operator who is receiving dangerous waste from sources outside the United States ((~~shall~~)) must notify the appropriate regional office of the department annually, and in writing at least four weeks in advance of the date the first shipment of waste is expected to arrive at the facility. The notification must be in writing, signed by the importer and operator of the receiving facility, and include the following information:

- (a) Name, street address, mailing address, and telephone number of the exporter.
- (b) Name, street address, mailing address, telephone number, and EPA/state ID number of the importer and receiving facility.
- (c) A description of the dangerous waste and the EPA/state waste numbers, U.S. DOT proper shipping name, hazard class and ID number (UNNA) for each hazardous waste as identified in 49 CFR Parts 171 through 177.
- (d) The estimated frequency or rate at which such waste is to be imported and the period of time over which such waste is to be imported.
- (e) The estimated total quantity of the dangerous waste in units as specified in the instructions to the Uniform Hazardous Waste Manifest Form (8700-22).
- (f) A description of the manner by which the dangerous waste will be treated, stored, disposed of, or recycled by the receiving facility.

Upon request by the department, the importer and/or receiving facility ((~~shall~~)) must furnish to the department any additional information regarding the importation of dangerous waste.

(2) Before transferring ownership or operation of a facility during its active life or post-closure care period, the owner or operator ((~~shall~~)) must notify the new owner or operator in writing of the requirements of this chapter 173-303 WAC.

(3) The owner or operator of a facility that receives dangerous waste from an off-site source (except where the owner or operator is also the generator) must inform the generator in writing that he has the appropriate permit(s) for, and will accept, the waste the generator is shipping. The owner or operator must keep a copy of this written notice as part of the operating record required under WAC 173-303-380(1).

AMENDATORY SECTION (Amending Order 92-33, filed 12/8/93, effective 1/8/94)

WAC 173-303-300 General waste analysis. (1) Purpose. This section requires the facility owner or operator to confirm his knowledge about a dangerous waste before he stores, treats, or disposes of it. The purpose for the analysis is to insure that a dangerous waste is managed properly.

(2) The owner or operator ((~~shall~~)) must obtain a detailed chemical, physical, and/or biological analysis of a dangerous waste, or nondangerous wastes if applicable under WAC 173-303-610 (4)(d), before he stores, treats, or disposes of it. This analysis must contain the information necessary to manage the waste in accordance with the requirements of this chapter 173-303 WAC. The analysis may include or consist of existing published or documented data on the dangerous waste, or on waste generated from similar processes, or data obtained by testing, if necessary.

(3) The owner or operator of an off-site facility ((~~shall~~)) must confirm, by analysis if necessary, that each dangerous waste received at the facility matches the identity of the waste specified on the accompanying manifest or shipping paper.

(4) Analysis ((~~shall~~)) must be repeated as necessary to ensure that it is accurate and current. At a minimum, analysis must be repeated:

(a) When the owner or operator has been notified, or has reason to believe, that the process or operation generating the dangerous waste, or nondangerous wastes if applicable under WAC 173-303-610 (4)(d), has significantly changed; and

(b) When a dangerous waste received at an off-site facility does not match the identity of the waste specified on the manifest or the shipping paper.

(5) Waste analysis plan. The owner or operator ((~~shall~~)) must develop and follow a written waste analysis plan which describes the procedures he will use to comply with the waste analysis requirements of subsections (1), (2), (3), and (4) of this section. He must keep this plan at the facility, and the plan must contain at least:

(a) The parameters for which each dangerous waste, or nondangerous waste if applicable under WAC 173-303-610 (4)(d), will be analyzed, and the rationale for selecting these parameters;

(b) The methods of obtaining or testing for these parameters;

(c) The methods for obtaining representative samples of wastes for analysis (representative sampling methods are discussed in WAC 173-303-110(2));

(d) The frequency with which analysis of a waste will be reviewed or repeated to ensure that the analysis is accurate and current;

(e) The waste analyses which generators have agreed to supply;

(f) Where applicable, the methods for meeting the additional waste analysis requirements for specific waste management methods as specified in WAC 173-303-400(3) which incorporates by reference the regulations in 40 CFR Part 265 Subparts F through R 265.1034, 265.1063, 268.4(a) and 268.7 for interim status facilities and in WAC 173-303-140 (4)(b), 173-303-395(1) ((and in WAC)), 173-303-630 through 173-303-670, and 40 CFR 264.1034, 264.1063, 268.4(a) and 268.7 for final status facilities; ((and))

(g) For off-site facilities, the ~~((procedures for confirming that each dangerous waste received matches the identity of the waste specified on the accompanying manifest or shipping paper. This includes at least:~~

(i) ~~The procedures for identifying each waste movement at the facility; and~~

(ii) ~~The method for obtaining a representative sample of the waste to be identified, if the identification method includes sampling))~~ waste analysis that dangerous waste generators have agreed to supply;

(h) For surface impoundments exempted from land disposal restrictions under 40 CFR 268.4(a), incorporated by reference in WAC 173-303-140(2), the procedures and schedules for:

(i) The sampling of impoundment contents;

(ii) The analysis of test data; and

(iii) The annual removal of residues that are not delisted under 40 CFR 260.22 or which exhibit a characteristic of hazardous waste and either:

(A) Do not meet applicable treatment standards of 40 CFR Part 268, Subpart D; or

(B) Where no treatment standards have been established;

(I) Such residues are prohibited from land disposal under 40 CFR 268.32 or RCRA section 3004(d); or

(II) Such residues are prohibited from land disposal under 40 CFR 268.33(f).

(6) For off-site facilities, the waste analysis plan required in subsection (5) of this section must also specify the procedures which will be used to inspect and, if necessary, analyze each movement of hazardous waste received at the facility to ensure that it matches the identity of the waste designated on the accompanying manifest or shipping paper. At a minimum, the plan must describe:

(a) The procedures which will be used to determine the identity of each movement of waste managed at the facility;

(b) The sampling method which will be used to obtain a representative sample of the waste to be identified, if the identification method includes sampling; and

(c) The procedures that the owner or operator of an off-site landfill receiving containerized hazardous waste will use to determine whether a hazardous waste generator or treater has added a biodegradable sorbent to the waste in the container.

Comment: WAC 173-303-806 requires that the waste analysis plan be submitted with Part B of the permit application.

AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)

WAC 173-303-310 Security. (1) The owner or operator ~~((shall))~~ must comply with the requirements of this section, unless he can demonstrate to the department that:

(a) Physical contact with wastes or equipment within the active portion of the facility will not injure persons or livestock; and

(b) Disturbance of the wastes or equipment within the active portion of the facility by persons or livestock will not result in violations of this chapter 173-303 WAC.

(2) A facility must have:

(a) Signs posted at each entrance to the active portion, and at other locations, in sufficient numbers to be seen from any approach to the active portion. Signs must bear the legend, "Danger-unauthorized personnel keep out," or an equivalent legend, written in English, and must be legible from a distance of twenty-five feet or more; and either

(b) A 24-hour surveillance system which continuously monitors and controls entry onto the active portion of the facility; or

(c) An artificial or natural barrier, or a combination of both, which completely surrounds the active portion of the facility, with a means to control access through gates or other entrances to the active portion of the facility at all times.

(3) In lieu of WAC 173-303-310(2), above, the owner or operator of a totally enclosed treatment facility or an elementary neutralization or wastewater treatment unit (as defined in WAC 173-303-040) must prevent the unknowing entry, and minimize the possibility for the unauthorized entry, of persons or livestock into or onto the totally enclosed treatment facility or the elementary neutralization or wastewater treatment unit.

AMENDATORY SECTION (Amending Order 92-33, filed 12/8/93, effective 1/8/94)

WAC 173-303-320 General inspection. (1) The owner or operator ~~((shall))~~ must inspect his facility to prevent malfunctions and deterioration, operator errors, and discharges which may cause or lead to the release of dangerous waste constituents to the environment, or a threat to human health. The owner or operator must conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment.

(2) The owner or operator ~~((shall))~~ must develop and follow a written schedule for inspecting all monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment that help prevent, detect, or respond to hazards to the public health or the environment. In addition:

(a) He must keep the schedule at the facility;

(b) The schedule must identify the types of problems which are to be looked for during inspections;

(c) The schedule ~~((shall))~~ must indicate the frequency of inspection for specific items. The frequency should be based on the rate of possible deterioration of equipment, and the

probability of an environmental or human health incident. Areas subject to spills must be inspected daily when in use. At a minimum the inspection schedule ((~~shall~~)) must also include the applicable items and frequencies required for the specific waste management methods described in 40 CFR Part 265 Subparts F through R, 265.1033, 265.1052, 265.1053, and 265.1058, for interim status facilities and in WAC 173-303-630 through 173-303-680, and 40 CFR 264.1033, 264.1052, 264.1053, and 264.1058 for final status facilities; and

(d) The owner or operator ((~~shall~~)) must keep an inspection log or summary, including at least the date and time of the inspection, the printed name and the handwritten signature of the inspector, a notation of the observations made, an account of spills or discharges in accordance with WAC 173-303-145, and the date and nature of any repairs or remedial actions taken. The log or summary must be kept at the facility for at least five years from the date of inspection.

(3) The owner or operator ((~~shall~~)) must remedy any problems revealed by the inspection, on a schedule which prevents hazards to the public health and environment. Where a hazard is imminent or has already occurred, remedial action must be taken immediately.

AMENDATORY SECTION (Amending Order 92-33, filed 12/8/93, effective 1/8/94)

WAC 173-303-330 Personnel training. (1) Training program. The facility owner or operator ((~~shall~~)) must provide a program of classroom instruction or on-the-job training for facility personnel. This program must teach personnel to perform their duties in a way that ensures the facility's compliance with this chapter 173-303 WAC, must teach facility personnel dangerous waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed, must ensure that facility personnel are able to respond effectively to emergencies, and ((~~shall~~)) must include those elements set forth in the training plan required in subsection (2) of this section. In addition:

(a) The training program ((~~shall~~)) must be directed by a person knowledgeable in dangerous waste management procedures, and must include training relevant to the positions in which the facility personnel are employed;

(b) Facility personnel must participate in an annual review of the training provided in the training program;

(c) This program must be successfully completed by the facility personnel:

(i) Within six months after these regulations become effective; or

(ii) Within six months after their employment at or assignment to the facility, or to a new position at the facility, whichever is later.

Employees hired after the effective date of these regulations must be supervised until they complete the training program; and

(d) At a minimum, the training program ((~~shall~~)) must familiarize facility personnel with emergency equipment and systems, and emergency procedures. The program ((~~shall~~)) must include other parameters as set forth by the department, but at a minimum ((~~shall~~)) must include, where applicable:

(i) Procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment;

(ii) Key parameters for automatic waste feed cut-off systems;

(iii) Communications or alarm systems;

(iv) Response to fires or explosions;

(v) Response to ground-water contamination incidents; and

(vi) Shutdown of operations.

(2) Written training plan. The owner or operator ((~~shall~~)) must develop a written training plan which must be kept at the facility and which must include the following documents and records:

(a) For each position related to dangerous waste management at the facility, the job title, the job description, and the name of the employee filling each job. The job description must include the requisite skills, education, other qualifications, and duties for each position;

(b) A written description of the type and amount of both introductory and continuing training required for each position; and

(c) Records documenting that facility personnel have received and completed the training required by this section. The department may require, on a case-by-case basis, that training records include employee initials or signature to verify that training was received.

(3) Training records. Training records on current personnel must be kept until closure of the facility. Training records on former employees must be kept for at least three years from the date the employee last worked at the facility. Personnel training records may accompany personnel transferred within the same company.

NEW SECTION

WAC 173-303-335 Construction quality assurance program. (1) CQA program.

(a) A construction quality assurance (CQA) program is required for all surface impoundment, waste pile, and landfill units that are required to comply with WAC 173-303-650 (2)(j) and (k), 173-303-660 (2)(j) and (k), and 173-303-665 (2)(h) and (j). The program must ensure that the constructed unit meets or exceeds all design criteria and specifications in the permit. The program must be developed and implemented under the direction of a CQA officer who is a registered professional engineer.

(b) The CQA program must address the following physical components, where applicable:

(i) Foundations;

(ii) Dikes;

(iii) Low-permeability soil liners;

(iv) Geomembranes (flexible membrane liners);

(v) Leachate collection and removal systems and leak detection systems; and

(vi) Final cover systems.

(2) Written CQA plan. The owner or operator of units subject to the CQA program under (a) of this subsection must develop and implement a written CQA plan. The plan must identify steps that will be used to monitor and document the quality of materials and the condition and manner of their installation. The CQA plan must include:

(a) Identification of applicable units, and a description of how they will be constructed.

(b) Identification of key personnel in the development and implementation of the CQA plan, and CQA officer qualifications.

(c) A description of inspection and sampling activities for all unit components identified in subsection (1)(b) of this section, including observations and tests that will be used before, during, and after construction to ensure that the construction materials and the installed unit components meet the design specifications. The description must cover: Sampling size and locations; frequency of testing; data evaluation procedures; acceptance and rejection criteria for construction materials; plans for implementing corrective measures; and data or other information to be recorded and retained in the operating record under WAC 173-303-380.

(3) Contents of program.

(a) The CQA program must include observations, inspections, tests, and measurements sufficient to ensure:

(i) Structural stability and integrity of all components of the unit identified in subsection (1)(b) of this section;

(ii) Proper construction of all components of the liners, leachate collection and removal system, leak detection system, and final cover system, according to permit specifications and good engineering practices, and proper installation of all components (e.g., pipes) according to design specifications;

(iii) Conformity of all materials used with design and other material specifications under WAC 173-303-650, 173-303-660, and 173-303-665.

(b) The CQA program will include test fills for compacted soil liners, using the same compaction methods as in the full scale unit, to ensure that the liners are constructed to meet the hydraulic conductivity requirements of WAC 173-303-650 (2)(j)(i)(B), 173-303-660 (2)(j)(i)(B), and 173-303-665 (2)(h)(i)(B) in the field. Compliance with the hydraulic conductivity requirements must be verified by using in-situ testing on the constructed test fill. The department may accept an alternative demonstration, in lieu of a test fill, where data are sufficient to show that a constructed soil liner will meet the hydraulic conductivity requirements of WAC 173-303-650 (2)(j)(i)(B), 173-303-660 (2)(j)(i)(B), and 173-303-665 (2)(h)(i)(B) in the field.

(4) Certification. Waste will not be received in a unit subject to this section until the owner or operator has submitted to the department by certified mail or hand delivery a certification signed by the CQA officer that the approved CQA plan has been successfully carried out and that the unit meets the requirements of WAC 173-303-650 (2)(j) or (k), 173-303-660 (2)(j) or (k), or 173-303-665 (2)(h) or (j); and the procedure in WAC 173-303-810 (14)(a) has been completed. Documentation supporting the CQA officer's certification must be furnished to the department upon request.

AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)

WAC 173-303-340 Preparedness and prevention. Facilities ~~((shall))~~ must be designed, constructed, maintained and operated to minimize the possibility of fire, explosion, or any unplanned sudden or nonsudden release of dangerous

waste or dangerous waste constituents to air, soil, or surface or ground water which could threaten the public health or the environment. This section describes preparations and preventive measures which help avoid or mitigate such situations.

(1) Required equipment. All facilities must be equipped with the following, unless it can be demonstrated to the department that none of the hazards posed by waste handled at the facility could require a particular kind of equipment specified below:

(a) An internal communications or alarm system capable of providing immediate emergency instruction to facility personnel;

(b) A device, such as a telephone or a hand-held, two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or state or local emergency response teams;

(c) Portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment, and decontamination equipment; and

(d) Water at adequate volume and pressure to supply water hose streams, foam producing equipment, automatic sprinklers, or water spray systems.

All facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, must be tested and maintained as necessary to assure its proper operation in time of emergency.

(2) Access to communications or alarms. Personnel must have immediate access to the signalling devices described in the situations below:

(a) Whenever dangerous waste is being poured, mixed, spread, or otherwise handled, all personnel involved must have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless such a device is not required in subsection (1) of this section;

(b) If there is ever just one employee on the premises while the facility is operating, he must have immediate access to a device, such as a telephone or a hand-held, two-way radio, capable of summoning external emergency assistance, unless such a device is not required in subsection (1) of this section.

(3) Aisle space. The owner or operator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless it can be demonstrated to the department that aisle space is not needed for any of these purposes.

(4) Arrangements with local authorities. The owner or operator ~~((shall))~~ must attempt to make the following arrangements, as appropriate for the type of waste handled at his facility and the potential need for the services of these organizations, unless the hazards posed by wastes handled at the facility would not require these arrangements:

(a) Arrangements to familiarize police, fire departments, and emergency response teams with the layout of the facility, properties of dangerous waste handled at the facility and associated hazards, places where facility personnel

would normally be working, entrances to and roads inside the facility, and possible evacuation routes;

(b) Arrangements to familiarize local hospitals with the properties of dangerous waste handled at the facility and the types of injuries or illnesses which could result from fires, explosions, or releases at the facility;

(c) Agreements with state emergency response teams, emergency response contractors, and equipment suppliers; and

(d) Where more than one party might respond to an emergency, agreements designating primary emergency authority and agreements with any others to provide support to the primary emergency authority.

(5) Where state or local authorities decline to enter into such arrangements, the owner or operator must document the refusal in the operating record.

AMENDATORY SECTION (Amending Order 92-33, filed 12/8/93, effective 1/8/94)

WAC 173-303-350 Contingency plan and emergency procedures. (1) Purpose. The purpose of this section and WAC 173-303-360 is to lessen the potential impact on the public health and the environment in the event of an emergency circumstance, including a fire, explosion, or unplanned sudden or nonsudden release of dangerous waste or dangerous waste constituents to air, soil, surface water, or ground water by a facility. A contingency plan must be developed to lessen the potential impacts of such emergency circumstances, and the plan ~~((shall))~~ must be implemented immediately in such emergency circumstances.

(2) Contingency plan. Each owner or operator must have a contingency plan at his facility for use in emergencies or sudden or nonsudden releases which threaten the public health and the environment. If the owner or operator has already prepared a spill prevention control and countermeasures (SPCC) plan in accordance with Part 112 of Title 40 CFR or Part 1510 of chapter V, or some other emergency or contingency plan, he need only amend that plan to incorporate dangerous waste management provisions that are sufficient to comply with the requirements of this section and WAC 173-303-360.

(3) The contingency plan must contain the following:

(a) A description of the actions which facility personnel must take to comply with this section and WAC 173-303-360;

(b) A description of the actions which ~~((shall))~~ will be taken in the event that a dangerous waste shipment, which is damaged or otherwise presents a hazard to the public health and the environment, arrives at the facility, and is not acceptable to the owner or operator, but cannot be transported, pursuant to the requirements of WAC 173-303-370(5), Manifest system, reasons for not accepting dangerous waste shipments;

(c) A description of the arrangements agreed to by local police departments, fire departments, hospitals, contractors, and state and local emergency response teams to coordinate emergency services as required in WAC 173-303-340(4);

(d) A current list of names, addresses, and phone numbers (office and home) of all persons qualified to act as the emergency coordinator required under WAC 173-303-360(1). Where more than one person is listed, one must be

named as primary emergency coordinator, and others must be listed in the order in which they will assume responsibility as alternates. For new facilities only, this list may be provided to the department at the time of facility certification (as required by WAC 173-303-810 (14)(a)(i)), rather than as part of the permit application;

(e) A list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems, and decontamination equipment), where this equipment is required. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities; and

(f) An evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. This plan must describe the signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes.

(4) Copies of contingency plan. A copy of the contingency plan and all revisions to the plan ~~((shall))~~ must be:

(a) Maintained at the facility; and

(b) Submitted to all local police departments, fire departments, hospitals, and state and local emergency response teams that may be called upon to provide emergency services.

(5) Amendments. The owner or operator ~~((shall))~~ must review and immediately amend the contingency plan, if necessary, whenever:

(a) Applicable regulations or the facility permit are revised;

(b) The plan fails in an emergency;

(c) The facility changes (in its design, construction, operation, maintenance, or other circumstances) in a way that materially increases the potential for fires, explosions, or releases of dangerous waste or dangerous waste constituents, or in a way that changes the response necessary in an emergency;

(d) The list of emergency coordinators changes; or

(e) The list of emergency equipment changes.

AMENDATORY SECTION (Amending WSR 90-20-016, filed 9/21/90, effective 10/22/90)

WAC 173-303-355 Superfund Amendments and Reauthorization Act Title III coordination. (1) Owners or operators ~~((shall))~~ must coordinate preparedness and prevention planning and contingency planning efforts, conducted under WAC 173-303-340 and 173-303-350, with local emergency planning committees established pursuant to Title III of the 1986 Superfund Amendments and Reauthorization Act.

(2) Appropriate and generally accepted computer models should be utilized to determine the impacts of a potential catastrophic air release due to fire, explosion, or other accidental releases of hazardous constituents. Evacuation plans prepared pursuant to WAC 173-303-350 (3)(d) ~~((shall))~~ must include those effected persons and areas identified through these modelling efforts.

AMENDATORY SECTION (Amending Order 90-42, filed 3/7/91, effective 4/7/91)

WAC 173-303-360 Emergencies. (1) Emergency coordinator. At all times, there must be at least one employee either on the facility premises or on call with the responsibility for coordinating all emergency response measures. This emergency coordinator must be thoroughly familiar with all aspects of the facility's contingency plan, required by WAC 173-303-350(2), all operations and activities at the facility, the location and properties of all wastes handled, the location of all records within the facility, and the facility layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan.

(2) Emergency procedures. The following procedures (~~shall~~) **must** be implemented in the event of an emergency.

(a) Whenever there is an imminent or actual emergency situation, the emergency coordinator (or his designee when the emergency coordinator is on call) must immediately:

(i) Activate internal facility alarms or communication systems, where applicable, to notify all facility personnel; and

(ii) Notify appropriate state or local agencies with designated response roles if their help is needed.

(b) Whenever there is a release, fire, or explosion, the emergency coordinator must immediately identify the character, exact source, amount, and areal extent of any released materials.

(c) Concurrently, the emergency coordinator (~~shall~~) **must** assess possible hazards to human health and the environment (considering direct, indirect, immediate, and long-term effects) that may result from the release, fire, or explosion.

(d) If the emergency coordinator determines that the facility has had a release, fire, or explosion which could threaten human health or the environment, he must report his findings as follows:

(i) If his assessment indicates that evacuation of local areas may be advisable, he must immediately notify appropriate local authorities. He must be available to help appropriate officials decide whether local areas should be evacuated; and

(ii) He must immediately notify the department and either the government official designated as the on-scene coordinator, or the National Response Center (using their 24-hour toll free number (800) 424-8802).

(e) His assessment report must include:

(i) Name and telephone number of reporter;

(ii) Name and address of facility;

(iii) Time and type of incident (e.g., release, fire);

(iv) Name and quantity of material(s) involved, to the extent known;

(v) The extent of injuries, if any; and

(vi) The possible hazards to human health or the environment outside the facility.

(f) During an emergency, the emergency coordinator must take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other dangerous waste at the facility. These measures must include, where applicable, stopping processes and

operations, collecting and containing released waste, and removing or isolating containers.

(g) If the facility stops operations in response to a fire, explosion, or release, the emergency coordinator must monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate.

(h) Immediately after an emergency, the emergency coordinator must provide for treating, storing, or disposing of recovered waste, contaminated soil or surface water, or any other material that results from a release, fire, or explosion at the facility.

(i) The emergency coordinator must ensure that, in the affected area(s) of the facility:

(i) No waste that may be incompatible with the released material is treated, stored, or disposed of until cleanup procedures are completed; and

(ii) All emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.

(j) The owner or operator must notify the department, and appropriate local authorities, that the facility is in compliance with (i) of this subsection before operations are resumed in the affected area(s) of the facility.

(k) The owner or operator must note in the operating record the time, date, and details of any incident that requires implementing the contingency plan. Within fifteen days after the incident, he must submit a written report on the incident to the department. The report must include:

(i) Name, address, and telephone number of the owner or operator;

(ii) Name, address, and telephone number of the facility;

(iii) Date, time, and type of incident (e.g., fire, explosion);

(iv) Name and quantity of material(s) involved;

(v) The extent of injuries, if any;

(vi) An assessment of actual or potential hazards to human health or the environment, where this is applicable;

(vii) Estimated quantity and disposition of recovered material that resulted from the incident;

(viii) Cause of incident; and

(ix) Description of corrective action taken to prevent reoccurrence of the incident.

AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)

WAC 173-303-370 Manifest system. (1) Applicability. The requirements of this section apply to owners and operators who receive dangerous waste from off-site sources.

(2) If a facility receives dangerous waste accompanied by a manifest, the owner or operator, or his agent, must:

(a) Sign and date each copy of the manifest to certify that the dangerous waste covered by the manifest was received;

(b) Note any significant discrepancies in the manifest, as described in subsection (4) of this section, on each copy of the manifest;

(c) Immediately give the transporter at least one copy of the signed manifest;

(d) Within thirty days after the delivery, send a copy of the manifest to the generator; and

(e) Retain at the facility a copy of each manifest for at least three years from the date of delivery.

(3) If a facility receives, from a rail or water (bulk shipment) transporter, dangerous waste which is accompanied by a manifest or shipping paper containing all the information required on the manifest (excluding the EPA/state identification numbers, generator's certification, and signatures), the owner or operator, or his agent, must:

(a) Sign and date each copy of the manifest or shipping paper to certify that the dangerous waste covered by the manifest or shipping paper was received;

(b) Note any significant discrepancies in the manifest or shipping paper, as described in subsection (4) of this section, on each copy of the manifest or shipping paper;

(c) Immediately give the rail or water (bulk shipment) transporter at least one copy of the manifest or shipping paper;

(d) Within thirty days after the delivery, send a copy of the signed and dated manifest or shipping paper to the generator. However, if the manifest is not received within thirty days after the delivery, the owner or operator, or his agent, must send a copy of the signed and dated shipping paper to the generator; and

(e) Retain at the facility a copy of each shipping paper and manifest for at least three years from the date of delivery.

(4) Manifest discrepancies.

(a) Manifest discrepancies are significant discrepancies between the quantity or type of dangerous waste designated on the manifest or shipping paper and the quantity or type of dangerous waste a facility actually receives. Significant discrepancies in quantity are variations greater than ten percent in weight for bulk quantities (e.g., tanker trucks, railroad tank cars, etc.), or any variations in piece count for nonbulk quantities (i.e., any missing container or package would be a significant discrepancy). Significant discrepancies in type are obvious physical or chemical differences which can be discovered by inspection or waste analysis (e.g., waste solvent substituted for waste acid).

(b) Upon discovering a significant discrepancy, the owner or operator must attempt to reconcile the discrepancy with the waste generator or transporter. If the discrepancy is not resolved within fifteen days after receiving the waste, the owner or operator must immediately submit to the department a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue.

(5) Reasons for not accepting dangerous waste shipments. The owner or operator may decide that a dangerous shipment should not be accepted by his facility.

(a) The following (~~shall be~~) are acceptable reasons for denying receipt of a dangerous waste shipment:

(i) The facility is not capable of properly managing the type(s) of dangerous waste in the shipment;

(ii) There is a significant discrepancy (as described in subsection (4) of this section) between the shipment and the wastes listed on the manifest or shipping paper; or

(iii) The shipment has arrived in a condition which the owner or operator believes would present an unreasonable hazard to facility operations, or to facility personnel handling the dangerous waste(s) (including, but not limited to, leaking or damaged containers, and improperly labeled containers).

(b) The owner or operator may send the shipment on to the alternate facility designated on the manifest or shipping paper, or contact the generator to identify another facility capable of handling the waste and provide for its delivery to that other facility, unless, the containers are damaged to such an extent, or the dangerous waste is in such a condition as to present a hazard to the public health or the environment in the process of further transportation.

(c) If the dangerous waste shipment cannot leave the facility for the reasons described in (b) of this subsection, then the owner or operator (~~shall~~) must take those actions described in the contingency plan, WAC 173-303-350 (3)(b).

AMENDATORY SECTION (Amending Order 90-42, filed 3/7/91, effective 4/7/91)

WAC 173-303-380 Facility recordkeeping. (1) Operating record. The owner or operator of a facility (~~shall~~) must keep a written operating record at (~~his~~) their facility. The following information (~~shall~~) must be recorded, as it becomes available, and maintained in the operating record until closure of the facility:

(a) A description of and the quantity of each dangerous waste received or managed on-site, and the method(s) and date(s) of its treatment, storage, or disposal at the facility as required by subsection (2) of this section, recordkeeping instructions;

(b) The location of each dangerous waste within the facility and the quantity at each location. For disposal facilities, the location and quantity of each dangerous waste must be recorded on a map or diagram of each cell or disposal area. For all facilities, this information must include cross-references to specific manifest document numbers, if the waste was accompanied by a manifest;

(c) Records and results of waste analyses and trial tests required by WAC 173-303-300, General waste analysis, and by 40 CFR sections 264.1034, 264.1063, 265.1034, 265.1063, 268.4(a), and 268.7;

(d) Summary reports and details of all incidents that require implementing the contingency plan, as specified in WAC 173-303-360 (2)(k);

(e) Records and results of inspections as required by WAC 173-303-320 (2)(d), General inspection (except such information need be kept only for five years);

(f) Monitoring, testing, or analytical data, and corrective action where required by 40 CFR Part 265 Subparts F through R and sections 265.1034(c) through (f), 265.1035, 265.1063(d) through (i), and 265.1064 for interim status facilities, and by WAC 173-303-630 through (~~173-303-680~~) 173-303-695 and 40 CFR sections 264.1034(c) through (f), 264.1035, 264.1063(d) through (i), and 264.1064 for final status facilities;

(g) All closure and post-closure cost estimates required for the facility; (~~and~~)

(h) For off-site facilities, copies of notices to generators informing them that the facility has all appropriate permits, as required by WAC 173-303-290, Required notices;

(i) Records of the quantities (and date of placement) for each shipment of hazardous waste placed in land disposal units under an extension to the effective date of any land disposal restriction granted pursuant to 40 CFR 268.5, a petition pursuant to 40 CFR 268.6, or a certification under

268.8, and the applicable notice required by a generator under 40 CFR 268.7(a);

(j) For an off-site treatment facility, a copy of the notice, and the certification and demonstration, if applicable, required by the generator or the owner or operator under 40 CFR 268.7 or 268.8;

(k) For an on-site treatment facility, the information contained in the notice (except the manifest number), and the certification and demonstration if applicable, required by the generator or the owner or operator under 40 CFR 268.7 or 268.8;

(l) For an off-site land disposal facility, a copy of the notice, and the certification and demonstration if applicable, required by the generator or the owner or operator of a treatment facility under 40 CFR 268.7 and 268.8, whichever is applicable;

(m) For an on-site land disposal facility, the information contained in the notice required by the generator or owner or operator of a treatment facility under 40 CFR 268.7, except for the manifest number, and the certification and demonstration if applicable, required under 40 CFR 268.8, whichever is applicable;

(n) For an off-site storage facility, a copy of the notice, and the certification and demonstration if applicable, required by the generator or the owner or operator under 40 CFR 268.7 or 268.8; and

(o) For an on-site storage facility, the information contained in the notice (except the manifest number), and the certification and demonstration if applicable, required by the generator or the owner or operator under 40 CFR 268.7 or 268.8.

(2) Recordkeeping instructions. This paragraph provides instructions for recording the portions of the operating record which are related to describing the types, quantities, and management of dangerous wastes at the facility. This information ((shall)) must be kept in the operating record, as follows:

(a) Each dangerous waste received or managed ((shall)) must be described by its common name and by its dangerous waste number(s) from WAC 173-303-080 through 173-303-104. Where a dangerous waste contains more than one process waste or waste constituent the waste description must include all applicable dangerous waste numbers. If the dangerous waste number is not listed then the waste description ((shall)) must include the process which generated the waste;

(b) The waste description ((shall)) must include the waste's physical form (i.e., liquid, solid, sludge, or gas);

(c) The weight, or volume and density, of the dangerous waste ((shall)) must be recorded, using one of the units of measure specified in Table 1, below;

TABLE 1

Unit of Measure	Symbol	Density
Pounds	P	
Short tons (2000 lbs)	T	
Gallons (U.S.)	G	P/G
Cubic yards	Y	T/Y
Kilograms	K	
Tonnes (1000 kg)	M	

Liters	L	K/L
Cubic meters	C	M/C

(d) And, the date(s) and method(s) of management for each dangerous waste received or managed (treated, recycled, stored, or disposed of) ((shall)) must be recorded, using the handling code(s) specified in Table 2, below.

TABLE 2

1. Storage
 - S01 Container (barrel, drum, etc.)
 - S02 Tank
 - S03 Waste pile
 - S04 Surface impoundment
 - S05 Other (specify)
2. Treatment
 - (a) Thermal treatment
 - T06 Liquid injection incinerator
 - T07 Rotary kiln incinerator
 - T08 Fluidized bed incinerator
 - T09 Multiple hearth incinerator
 - T10 Infrared furnace incinerator
 - T11 Molten salt destructor
 - T12 Pyrolysis
 - T13 Wet air oxidation
 - T14 Calcination
 - T15 Microwave discharge
 - T16 Cement kiln
 - T17 Lime kiln
 - T18 Other (specify)
 - (b) Chemical treatment
 - T19 Absorption mound
 - T20 Absorption field
 - T21 Chemical fixation
 - T22 Chemical oxidation
 - T23 Chemical precipitation
 - T24 Chemical reduction
 - T25 Chlorination
 - T26 Chlorinolysis
 - T27 Cyanide destruction
 - T28 Degradation
 - T29 Detoxification
 - T30 Ion exchange
 - T31 Neutralization
 - T32 Ozonation
 - T33 Photolysis
 - T34 Other (specify)
 - (c) Physical treatment
 - (i) Separation of components
 - T35 Centrifugation
 - T36 Clarification
 - T37 Coagulation
 - T38 Decanting
 - T39 Encapsulation
 - T40 Filtration
 - T41 Flocculation
 - T42 Flotation
 - T43 Foaming
 - T44 Sedimentation
 - T45 Thickening
 - T46 Ultrafiltration

PERMANENT

- T47 Other (specify)
 - (ii) Removal of specific components
- T48 Absorption-molecular sieve
- T49 Activated carbon
- T50 Blending
- T51 Catalysis
- T52 Crystallization
- T53 Dialysis
- T54 Distillation
- T55 Electro dialysis
- T56 Electrolysis
- T57 Evaporation
- T58 High gradient magnetic separation
- T59 Leaching
- T60 Liquid ion exchange
- T61 Liquid-liquid extraction
- T62 Reverse osmosis
- T63 Solvent recovery
- T64 Stripping
- T65 Sand filter
- T66 Other (specify)
 - (d) Biological treatment
- T67 Activated sludge
- T68 Aerobic lagoon
- T69 Aerobic tank
- T70 Anaerobic lagoon or tank
- T71 Composting
- T72 Septic tank
- T73 Spray irrigation
- T74 Thickening filter
- T75 Trickle filter
- T76 Waste stabilization pond
- T77 Other (specify)
- T78-79 (Reserved)

3. Disposal

- D80 Underground injection
- D81 Landfill
- D82 Land treatment
- D83 Ocean disposal
- D84 Surface impoundment
 - (to be closed as a landfill)
- D85 Other (specify)

(3) Availability, retention and disposition of records.

(a) All facility records, including plans, required by this chapter must be furnished upon request, and made available at all reasonable times for inspection, by any officer, employee, or representative of the department who is designated by the director.

(b) The retention period for all facility records required under this chapter is extended automatically during the course of any unresolved enforcement action regarding the facility or as requested by the director.

(c) A copy of records of waste disposal locations and quantities under this section must be submitted to the United States EPA regional administrator, the department, and the local land use and planning authority upon closure of the facility.

AMENDATORY SECTION (Amending Order 92-33, filed 12/8/93, effective 1/8/94)

WAC 173-303-390 Facility reporting. The owner or operator of a facility is responsible for preparing and submitting the reports described in this section.

(1) Unmanifested waste reports. If a facility accepts any dangerous waste from an off-site source without an accompanying manifest or shipping paper, and if the waste is not excluded from the manifest requirements of this chapter 173-303 WAC, then the owner or operator must prepare and submit a single copy of a report to the department within fifteen days after receiving the waste. The report form and instructions in the Unmanifested Dangerous Waste Report - Form 6 (which may be obtained from the department) must be used for this report. The report must include at least the following information:

- (a) The EPA/state identification number, name, and address of the facility;
- (b) The date the facility received the waste;
- (c) The EPA/state identification number, name, and address of the generator and the transporter, if available;
- (d) A description and the quantity of each unmanifested dangerous waste the facility received;
- (e) The method of management for each dangerous waste;
- (f) The certification signed by the owner or operator of the facility or his authorized representative; and
- (g) A brief explanation of why the waste was unmanifested, if known.

(2) Annual reports. The owner or operator of a facility that holds an active EPA/state identification number (~~shall~~) must prepare and submit a single copy of an annual report to the department by March 1 of each year. The report form and instructions in the (~~TSD Facility Annual~~) Dangerous Waste Annual Report (~~(-Form 5)~~) (which may be obtained from the department) must be used for this report. In addition, any facility which ships dangerous waste off-site must comply with the annual reporting requirements of WAC 173-303-220. The annual report must cover facility activities during the previous calendar year and must include, but is not limited to the following information:

- (a) The EPA/state identification number, name, and address of the facility;
- (b) The calendar year covered by the report;
- (c) For off-site facilities, the EPA/state identification number of each dangerous waste generator from which the facility received a dangerous waste during the year. For imported shipments, the report must give the name and address of the foreign generator;
- (d) A description and the quantity of each dangerous waste the facility received during the year. For off-site facilities, this information must be listed by EPA/state identification number of each generator;
- (e) The method of treatment, storage, or disposal for each dangerous waste;
- (f) The most recent closure cost estimate under WAC 173-303-620(3) (or 40 CFR 265.142 for interim status facilities), and for disposal facilities, the most recent post-closure cost estimate under WAC 173-303-620(5) (or 40 CFR 265.144 for interim status facilities); and

(g) The certification signed in accordance with the requirements of WAC 173-303-810(12).

(3) Additional reports. The owner or operator (~~shall~~ also) must report to the department:

(a) Releases of dangerous wastes, fires, and explosions as specified in WAC 173-303-360 (2)(k) (~~and~~), facility closures specified in WAC 173-303-610(6);

(b) Interim status groundwater monitoring data, as specified in 40 CFR 265.94 (a)(2) and (b)(2);

(c) Facility closures specified in WAC 173-303-610(6); and

(d) As otherwise required by WAC 173-303-645 through 173-303-665, WAC 173-303-690 through 173-303-691, and WAC 173-303-400.

(~~In addition,;~~) The owner or operator (~~shall~~) must also submit any other reports (including engineering reports, plans, and specifications) required by the department.

(4) Recordkeeping. The owner/operator of a facility (~~shall~~) must keep a copy of all unmanifested waste reports, annual reports, and any other reports submitted to the department according to the requirements of this section for a period of three years from the date the report was submitted.

AMENDATORY SECTION (Amending Order DE-85-10, filed 6/3/86)

WAC 173-303-395 Other general requirements. (1) Precautions for ignitable, reactive, or incompatible wastes.

(a) The owner or operator must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste. This waste must be separated and protected from sources of ignition or reaction including, but not limited to, open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, or mechanical), spontaneous ignition (e.g., from heat-producing chemical reactions), and radiant heat. While ignitable or reactive waste is being handled, the owner or operator must confine smoking and open flame to specially designated locations. "No smoking" signs must be conspicuously placed wherever there is a hazard from ignitable or reactive waste.

(b) Where specifically required by other sections of this chapter 173-303 WAC, the treatment, storage, or disposal of ignitable or reactive waste, and the mixture or commingling of incompatible wastes, or incompatible wastes and materials, must be conducted so that it does not:

(i) Generate extreme heat or pressure, fire or explosion, or violent reaction;

(ii) Produce uncontrolled toxic mists, fumes, dusts, or gases in sufficient quantities to threaten human health or the environment;

(iii) Produce uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosions;

(iv) Damage the structural integrity of the facility or device containing the waste; or

(v) Through other like means, threaten human health or the environment.

(c) When required to comply with (a) and (b) of this subsection, the owner or operator must document that compliance in the operating record required under WAC 173-303-380(1). This documentation may be based on references to published scientific or engineering literature,

data from trial tests, waste analyses, or the results of the treatment of similar wastes by similar treatment processes and under similar operating conditions.

(d) At least yearly, the owner or operator (~~shall~~) must inspect those areas of his facility where ignitable or reactive wastes are stored. This inspection (~~shall~~) must be performed in the presence of a professional person who is familiar with the Uniform Fire Code, or in the presence of the local, state, or federal fire marshal. The owner or operator (~~shall~~) must enter the following information in his inspection log or operating record as a result of this inspection:

(i) The date and time of the inspection;

(ii) The name of the professional inspector or fire marshal;

(iii) A notation of the observations made; and

(iv) Any remedial actions which were taken as a result of the inspection.

(2) Compliance with other environmental protection laws and regulations. In receiving, storing, handling, treating, processing, or disposing of dangerous wastes, the owner/operator (~~shall~~) must design, maintain and operate his dangerous waste facility in compliance with all applicable federal, state and local laws and regulations (e.g., control of stormwater or sanitary water discharge, control of volatile air emissions, etc.).

(3) Asbestos dangerous waste disposal requirements. All asbestos containing waste material (~~shall~~) must be disposed of at waste disposal sites which are operated in accordance with 40 CFR Part 61 Subpart M. Such sites will not need to comply with any other standards of chapter 173-303 WAC, if they comply with 40 CFR Part 61.

(4) Loading and unloading areas. TSD facilities which receive or ship manifested shipments of liquid dangerous waste for treatment, storage or disposal must provide for and use an area (or areas) for loading and unloading waste shipments. The loading and unloading area(s) must be designed, constructed, operated and maintained to:

(a) Contain spills and leaks that might occur during loading or unloading;

(b) Prevent release of dangerous waste or dangerous waste constituents to ground or surface waters;

(c) Contain wash waters (if any) resulting from the cleaning of contaminated transport vehicles and load/unload equipment; and

(d) Allow for removal, as soon as possible, of collected wastes resulting from spills, leaks and equipment cleaning (if any) in a manner which assures compliance with (b) of this subsection.

(5) Storage time limit for impoundments and piles.

(a) Except as provided in (b) or (c) of this subsection, dangerous waste (~~shall~~) may not be stored in a surface impoundment or waste pile for more than five years after the waste was first placed in the impoundment or pile. For the purposes of this requirement, the five-year limit, for waste regulated under this chapter and being stored in impoundments or piles on the effective date of this requirement, will begin on August 1, 1984. The age of stored wastes must be determined on a monthly basis.

The owner/operator of a surface impoundment or waste pile used for storing dangerous waste must develop a written plan, to be kept at the facility, for complying with the five-

year storage limit. The plan must describe the operating conditions, waste identification procedures (for keeping track of the age of the wastes), and a waste removal schedule, and at a minimum the plan must include the following elements:

(i) Methods for identifying the age of dangerous wastes placed in the impoundment or pile;

(ii) Where practical, procedures for segregating wastes of different ages. If the wastes cannot be practically segregated, then the age of all wastes placed in the impoundment or pile ((~~shall~~)) must be deemed the same age as the oldest waste in the impoundment or pile;

(iii) A schedule for removing dangerous waste from the impoundment or pile, or for disposing of them in a timely manner to assure compliance with the five-year limit;

(iv) A description of the actions to be taken according to the schedule required by (a)(iii) of this subsection;

(v) Procedures for noting in the operating record required by WAC 173-303-380(1) that the requirements of this subsection have been satisfied; and

(vi) Such other requirements as the department specifies.

(b) If the owner/operator of a surface impoundment or waste pile can develop a written plan and schedule for developing and implementing a recycling or treatment process for the wastes stored in his impoundment or pile, then the department may grant an extension to the storage time limit required in (a) of this subsection. Such extension will be granted only once, will only apply to those dangerous wastes covered by the recycling or treatment plan and which are less than five years old on the date that the plan is approved by the department, and will not exceed five years: *Provided*, That on a case-by-case basis the department may grant an extension of longer than five years, but in no case will any extension be granted for longer than ten years, if the owner/operator of the impoundment or pile can demonstrate to the department's satisfaction that an extension of more than five years will not pose a threat to public health or the environment, and is necessary because: Other treatment or recycling options of shorter durations are not available; the treatment or recycling plan developed by the owner/operator cannot be implemented within five years due to technological circumstances; or, such other reasons as are determined acceptable by the department. Until the department grants the extension by approving the recycling or treatment plan, the owner/operator must continue to comply with the requirements of (a) of this subsection. The recycling or treatment plan and schedule, at a minimum, must:

(i) Specify the wastes which will be recycled or treated in accordance with the plan;

(ii) Describe in detail the recycling or treatment which the owner/operator intends to perform. If the recycling or treatment will involve physical changes to the owner's/operator's facility, the plan must include descriptions of all necessary equipment, processes to be used, site plans, and maps to show any new structures, pipes, channels, waste handling areas, roads, etc.;

(iii) Discuss any permit actions (including issuance or modification) necessary under this chapter, and any other permits which will be required under other federal, state or local laws;

(iv) Establish a schedule for complying with the plan. The schedule must, at a minimum, cover:

(A) The rate at which wastes will be recycled or treated in order to comply with the extension granted by the department;

(B) Construction and equipment installation times as appropriate;

(C) Timing for complying with all required permit actions; and

(D) Such other elements as the department might require;

(v) Describe how the owner/operator will continue to comply with the requirements of (a) of this subsection for all wastes not specified in (b)(i) of this subsection;

(vi) Identify any future occurrences or situations which the owner/operator could reasonably expect to occur and which might cause him to fail to comply with his recycling or treatment plan. The owner/operator must also describe what actions he would take in the event that such occurrences or situations happen;

(vii) Be approved by the department. The plan ((~~shall~~)) may not be implemented until it is approved by the department including, if necessary, issuance or modification of a facility permit as required by this chapter. Any extension granted by the department will begin on the date that the plan is approved, or the date five years after the effective date of this subsection, whichever is later; and

(viii) Include any other elements that the department might require.

(c) The owner/operator of a surface impoundment or waste pile is exempted from the requirements of (a) and (b) of this subsection if:

(i) The owner/operator of a surface impoundment or waste pile can demonstrate to the department's satisfaction that the impoundment or pile is not used primarily for storage, but that it is primarily used to actively and effectively neutralize, detoxify, or other wise treat dangerous waste; or

(ii) The owner/operator of a surface impoundment or waste pile can demonstrate to the department's satisfaction that dangerous waste is removed on a frequent basis (at least four times a year) for treatment, recycling or disposal, provided that the amount of waste removed during any five-year period must equal or exceed the amount of waste placed in the impoundment or pile during that five-year period. However, this exemption does not apply to waste removal which is being performed pursuant to a recycling or treatment plan developed and approved under (b) of this subsection; or

(iii) The owner/operator of a surface impoundment or waste pile has demonstrated, through his permit, closure plan or other instrument, that the impoundment or pile is being operated as a land disposal unit and that it will be closed as a landfill.

(6) Labeling for containers and tanks. The owner or operator must label containers and tanks in a manner which adequately identifies the major risk(s) associated with the contents for employees, emergency response personnel and the public (Note—If there is already a system in use that performs this function in accordance with local, state or federal regulations, then such system will be adequate). The owner or operator must ensure that labels are not obscured, removed, or otherwise unreadable in the course of inspection required under WAC 173-303-320. For tanks, the label or

sign (~~shall~~) must be legible at a distance of at least fifty feet. For containers, the owner or operator must affix labels upon transfer of dangerous waste from one container to another. The owner or operator must destroy or otherwise remove labels from the emptied container, unless the container will continue to be used for storing dangerous waste at the facility.

AMENDATORY SECTION (Amending Order 92-33, filed 12/8/93, effective 1/8/94)

WAC 173-303-400 Interim status facility standards.

(1) Purpose. The purpose of WAC 173-303-400 is to establish standards which define the acceptable management of dangerous waste during the period of interim status and until certification of final closure or, if the facility is subject to post-closure requirements, until post-closure responsibilities are fulfilled.

(2) Applicability.

(a) The interim status standards apply to owners and operators of facilities which treat, store, transfer, and/or dispose of dangerous waste. For purposes of this section, interim status (~~shall apply~~) applies to all facilities which comply fully with the requirements for interim status under Section 3005(e) of the Federal Resource Conservation and Recovery Act or WAC 173-303-805. The interim status standards (~~shall~~) also apply to those owners and operators of facilities in existence on November 19, 1980, for RCRA wastes and those facilities in existence on August 9, 1982, for state only wastes who have failed to provide the required notification pursuant to WAC 173-303-060 or failed to file Part A of the permit application pursuant to WAC 173-303-805 (4) and (5). Interim status (~~shall~~) will end after final administrative disposition of the Part B permit application is completed, or may be terminated for the causes described in WAC 173-303-805(8).

(b) Interim status facilities must meet the interim status standards by November 19, 1980, except that:

(i) Interim status facilities which handle only state designated wastes (i.e., not designated by 40 CFR Part 261) must meet the interim status standards by August 9, 1982; and

(ii) Interim status facilities must comply with the additional state interim status requirements specified in subsection (3)(c)(ii), (iii) and (v), of this section, by August 9, 1982.

(c) The requirements of the interim status standards do not apply to:

(i) Persons disposing of dangerous waste subject to a permit issued under the Marine Protection, Research and Sanctuaries Act;

(ii) Reserved;

(iii) The owner or operator of a POTW who treats, stores, or disposes of dangerous wastes, provided that he has a permit by rule pursuant to the requirements of WAC 173-303-802(4);

(iv) The owner or operator of a totally enclosed treatment facility or elementary neutralization or wastewater treatment units as defined in WAC 173-303-040, provided that he has a permit by rule pursuant to the requirements of WAC 173-303-802(5);

(v) Generators accumulating waste for less than ninety days except to the extent WAC 173-303-200 provides otherwise;

(vi) The addition, by a generator, of absorbent material to waste in a container, or of waste to absorbent material in a container, provided that these actions occur at the time the waste is first placed in containers or, in the case of repackaging of previously containerized waste into new containers, at the time the waste is first placed into the new containers and the generator complies with WAC 173-303-200 (1)(b) and 173-303-395 (1)(a) and (b);

(vii) The compaction or sorting, by a generator, of miscellaneous waste forms such as cans, rags, and bottles in a container, so long as the activity is solely for the purpose of reducing waste void space, and so long as these activities are conducted in a manner that protects human health and prevents any release to the environment and the generator complies with WAC 173-303-200 (1)(b) and 173-303-395 (1)(a) and (b)(-);

(viii) Generators treating dangerous waste on-site in tanks or containers that are used for accumulation of such wastes provided the generator complies with the WAC 173-303-170(3);

(ix) The owner or operator of an elementary neutralization unit or a wastewater treatment unit as defined in WAC 173-303-040, provided that if the owner or operator is diluting hazardous ignitable (D001) wastes (other than the D001 High TOC Subcategory defined in 40 CFR section 268.40, Table Treatment Standards for Hazardous Wastes), or reactive (D003) waste, to remove the characteristic before land disposal, the owner/operator must comply with the requirements set out in WAC 173-303-395 (1)(a); and

(x) Any person, other than an owner or operator who is already subject to the final facility standards, who is carrying out an immediate or emergency response to contain or treat a discharge or potential discharge of a dangerous waste or hazardous substance.

~~((d) The owner or operator of an interim status facility which manages special waste may comply with the special requirements selected under WAC 173-303-550 through 173-303-560 in lieu of the interim status facility standards of this section, but only for those special wastes which he manages and only after the owner or operator has requested and the department has issued a notice of interim status modification.)) Reserve.~~

(3) Standards.

(a) Interim status standards (~~shall be~~) are the standards set forth by the Environmental Protection Agency in 40 CFR Part 265 Subparts F through R, Subpart W, and Subparts AA, BB, and DD which are incorporated by reference into this regulation (including, by reference, any EPA requirements specified in those subparts which are not otherwise explicitly described in this chapter), and:

(i) The land disposal restrictions of WAC 173-303-140 (~~and~~); the facility requirements of WAC 173-303-280 through 173-303-440; and the corrective action requirements of WAC 173-303-646(2);

(ii) WAC 173-303-630(3), for containers. In addition, for container storage, the department may require that the storage area include secondary containment in accordance with WAC 173-303-630(7), if the department determines that there is a potential threat to public health or the environment

due to the nature of the wastes being stored, or due to a history of spills or releases from stored containers. Any new container storage areas constructed or installed after September 30, 1986, must comply with the provisions of WAC 173-303-630(7).

(iii) WAC 173-303-640 (5)(d), for tanks; and

(iv) WAC 173-303-805.

(b) For purposes of applying the interim status standards of 40 CFR Part 265 Subparts F through R, Subpart W, and Subparts AA, BB, and DD to the state of Washington facilities, the federal terms ~~((shall))~~ have (and in the case of the wording used in the financial instruments referenced in Subpart H of Part 265, ~~((shall))~~ must be replaced with) the following state of Washington meanings:

(i) "Regional administrator" ~~((shall))~~ means the "department" except for 40 CFR Parts 270.2; 270.3; 270.5; 270.10(e)(1),(2) and (4); 270.10(f) and (g); 270.11(a)(3); 270.14(b)(20); 270.32(b)(2); and 270.51;

(ii) "Hazardous" ~~((shall))~~ means "dangerous"; ~~((and))~~

(iii) "Compliance procedure" ~~((shall have))~~ has the meaning set forth in WAC 173-303-040, Definitions;

(iv) "EPA hazardous waste numbers" mean "dangerous waste numbers".

(c) In addition to the changes described in (b) of this subsection, the following modifications ~~((shall be))~~ are made to interim status standards of 40 CFR Part 265 Subparts F through R, Subpart W, and Subparts AA, BB, and DD:

(i) The words "the effective date of these regulations" ~~((shall))~~ means:

(A) November 19, 1980, for facilities which manage any wastes designated by 40 CFR Part 261;

(B) For wastes which become designated by 40 CFR Part 261 subsequent to November 19, 1980, the effective date ~~((shall be))~~ is the date on which the wastes become regulated;

(C) March 12, 1982, for facilities which manage wastes designated only by WAC 173-303-080 through 173-303-100 and not designated by 40 CFR Part 261;

(D) For wastes which become designated only by WAC 173-303-080 through 173-303-100 and not designated by 40 CFR Part 261 subsequent to March 12, 1982, the effective date ~~((shall be))~~ is the date on which the wastes become regulated.

(ii) "Subpart N - landfills" ~~((shall have))~~ has an additional section added which reads: "An owner/operator ~~((shall))~~ must not landfill an organic carcinogen or an EHW, as defined by WAC 173-303-080 through 173-303-100, except at the EHW facility at Hanford";

(iii) "Subpart R - underground injection" ~~((shall have))~~ has an additional section which reads: "Owners and operators of wells are prohibited from disposing of EHW or an organic carcinogen designated under WAC 173-303-080 through 173-303-100";

(iv) "Subpart M - land treatment," section 265.273(b) ~~((shall be))~~ is modified to replace the words "Part 261, Subpart D of this chapter" with "WAC 173-303-080";

(v) "Subpart F - ground water monitoring," section 265.91(c) ~~((shall))~~ includes the requirement that: "Ground-water monitoring wells ~~((shall))~~ must be designed, constructed, and operated so as to prevent groundwater contamination. Chapter 173-160 WAC may be used as guidance in the installation of wells";

(vi) "Subpart H - financial requirements" ~~((shall have))~~ has an additional section which reads: "Any owner or operator who can provide financial assurances and instruments which satisfy the requirements of WAC 173-303-620 will be deemed to be in compliance with 40 CFR Part 265 Subpart H". In 40 CFR Parts 265.143(g) and 265.145(g) the following sentence does not apply to the state: "If the facilities covered by the mechanisms are in more than one Region, identical evidence of financial assurance must be submitted to ~~((the))~~, and maintained with the Regional Administrators of all such Regions." In addition, the following sections and any cross-reference to these sections are not incorporated by reference: 40 CFR Parts 265.149 and 265.150; and

(vii) "Subpart J - tank systems" section 265.193(a) ~~((shall be))~~ is modified so that the dates by which secondary containment (which meets the requirements of that section) must be provided are the same as the dates in WAC 173-303-640 (4)(a).

(viii) "Subpart J - tank systems" section 265.191(a) ~~((shall be))~~ is modified so that the date by which an assessment of a tank system's integrity must be completed is January 12, 1990.

(ix) "Subpart G - closure and post-closure" section 265.115 ~~((shall be))~~ is modified to read "Within 60 days of completion of closure of each dangerous waste management unit (including tank systems and container storage areas) and within 60 days of completion of final closure..." In addition, the clean-up levels for removal or decontamination set forth at WAC 173-303-610 (2)(b) apply.

(x) "Subpart B - general facility standards. References to "EPA" (etc.), means the "department" except at 40 CFR 265.11. Additionally, references to "administrator" (etc.), means the "director" except at 40 CFR 265.12(a)."

(xi) The following sections and any cross-reference to these sections are not incorporated or adopted by reference:

(A) 40 CFR Parts 260.1 (b)(4)-(6) and 260.20-22.

(B) 40 CFR Parts 264.1 (d) and (f); 265.1 (c)(4); 264.149-150 and 265.149-150; 264.301(k); and 265.430.

(C) 40 CFR Parts 268.5 and 6; 268 Subpart B; 268.42(b); and 268.44.

(D) 40 CFR Parts 270.1 (c)(1)(i); 270.60(b); and 270.64.

(E) 40 CFR Parts 124.1 (b)-(e); 124.4; 124.5(e); 124.9; 124.10 (a)(1)(iv); 124.12(e); 124.14(d); 124.15 (b)(2); 124.16; 124.17(b); 124.18; 124.19; and 124.21.

(F) 40 CFR Parts 2.106(b); 2.202(b); 2.205(i); 2.209 (b)-(c); 2.212-213; and 2.301-311.

(4) The requirements of this section apply to owners or operators of all facilities that treat, store or dispose of hazardous waste referred to in 40 CFR Part 268, and the 40 CFR Part 268 standards are considered material conditions or requirements of the interim status standards incorporated by reference in subsection (3) of this section.

AMENDATORY SECTION (Amending Order 90-42, filed 3/7/91, effective 4/7/91)

WAC 173-303-500 Recycling requirements for state-only dangerous waste. (1) Applicability. This section applies to the recycling of state-only dangerous waste that are not regulated as hazardous wastes (defined in WAC 173-303-040) by EPA.

(2) Standards.

(a) If state-only dangerous wastes are recycled in any of the ways described in WAC 173-303-505 through 173-303-525, then such recycling is subject to the respective requirements of WAC 173-303-505 through 173-303-525, except as provided in (c) of this subsection.

(b) If state-only dangerous wastes are recycled in any way not specifically described in WAC 173-303-505 through 173-303-525, then such recycling is subject to the requirements of WAC 173-303-120(4), except as provided in (c) of this subsection.

(c) Recyclers who receive state-only dangerous wastes from off-site and who store the wastes in containers or tanks may, in lieu of the provisions for storing dangerous wastes prior to recycling, comply with:

(i) WAC 173-303-060;

(ii) WAC 173-303-370 (if the dangerous waste received must be accompanied by a manifest); and

(iii) The following requirements, provided that the dangerous waste is recycled within ninety days of the date it is received by the recycler:

(A) WAC 173-303-330 through 173-303-360;

(B) WAC 173-303-630 (2), (3), (4), (5), (6), (8) and (9), for containers;

(C) WAC 173-303-640 (3), (4), (5), (6) and (7), for tanks; and

(D) WAC 173-303-630(7) for new container areas installed after September 30, 1986, and WAC 173-303-640(2) for new tanks installed after September 30, 1986.

(d) The department may require a recycler who is storing his waste under the provisions of (c) of this subsection to comply with the provisions for storing dangerous waste prior to recycling specified in WAC 173-303-505 through 173-303-525 and 173-303-120(4) if:

(i) The recycler fails to comply with the requirements of (c) of this subsection; or

(ii) The department determines, on a case-by-case basis, that the requirements of (c) of this subsection do not adequately protect public health or the environment.

(3) Relief from standards. The owner/operator of a facility recycling dangerous wastes under the provisions of this section may ask the department to provide relief from any of the applicable requirements of this section. Requests for relief must be submitted as described in (a) of this subsection. Requests for relief will be approved or denied as described in (b) of this subsection.

(a) A request for relief must be submitted by the recycler to the department in writing and must describe the standards from which the recycler is seeking relief. The request must include:

(i) The facility name, EPA/state identification number, address, telephone number, and a contact person at the facility;

(ii) The waste(s) managed at the facility and the type(s) recycling;

(iii) The specific standards from which the owner/operator seeks relief;

(iv) A description, for each standard, demonstrating:

(A) Why the owner/operator believes the standard to be unnecessary;

(B) How public health and the environment will continue to be protected if the standard is not applied to the facility; and

(C) Any evidence supporting the contention that public health and the environment will be adequately protected if the standard is not applied (e.g., test data, diagrams, experiences at similar facilities, records, reports, etc.); and

(v) The following certification, signed and dated by a person who would be authorized to sign a report under WAC 173-303-810 (12)(b):

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this request and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

The department may ask for any additional information it deems necessary, and will not consider approval of the owner's/operator's request until all necessary information has been submitted. Failure to provide any of the information required may result in the department's denying the owner's/operator's request.

(b) The department will review any requests submitted pursuant to (a) of this subsection, and based on the adequacy of the information provided in the request will approve or deny all or any part of the request. The department will notify the recycler of its decision in writing. If the department decides to approve all or part of the request and the recycler agrees with the department's decision, then the department will proceed to grant the approval as described below. No approval (~~shall~~) will be effective until the procedures described below have been completed.

(i) For facilities which are required to have a final facility permit, the department (~~shall~~) will follow the procedures for issuing (or, for facilities which already have a final facility permit, the procedures for modifying) a final facility permit, as described in WAC 173-303-806. The new or modified final facility permit (~~shall~~) will include the standards the owner/operator must meet.

(ii) For all other types of recycling facilities, the department (~~shall~~) will issue a notice of modification stating what standards will be applied. Before issuing the notice of modification, the department (~~shall~~) will provide public notice of its intent, (~~shall~~) will allow thirty days for public comment, and (~~shall~~) will hold a public hearing if there is a significant degree of public interest or there is written notice of opposition and the department receives a request for a hearing during the comment period. Notice of a public hearing (~~shall~~) will be provided at least fifteen days in advance, and the public comment period (~~shall~~) will be extended to include the date of the hearing if it will occur after the initial thirty-day comment period. Within fifteen days of the end of the public comment period the department (~~shall~~) will, based on comments received, issue, modify and issue, or deny the notice of modification.

(c) Failure to comply with the conditions and standards as stated in the permit or notice of modification issued under (b) of this subsection (~~shall~~) will form a basis for modifying or revoking the permit or notice of modification.

AMENDATORY SECTION (Amending Order 92-33, filed 12/8/93, effective 1/8/94)

WAC 173-303-505 Special requirements for recyclable materials used in a manner constituting disposal. (1) Applicability.

(a) This section applies to recyclable materials that are applied to or placed on the land:

(i) Without mixing with any other substance(s); or

(ii) After mixing or combining with any other substance(s). These materials will be referred to as "materials used in a manner that constitutes disposal."

(b) Products produced for the general public's use that are used in a manner that constitutes disposal and that contain recyclable materials are not presently subject to regulation if the recyclable materials have undergone a chemical reaction in the course of producing the product so as to become inseparable by physical means and if such products meet the applicable treatment standards in 40 CFR Part 268 Subpart D (or applicable prohibition levels in 268.32 or RCRA section 3004(d), where no treatment standards have been established) for each recyclable material (i.e., hazardous waste) that they contain. Registered commercial fertilizers that are produced for the general public's use that contain recyclable materials also are not subject to regulation provided they meet these same treatment standards or prohibition levels for each recyclable material that they contain. However, zinc-containing fertilizers using hazardous waste K061 that are produced for the general public's use are not presently subject to regulation.

(2) Recyclable materials used in a manner that constitutes disposal are dangerous wastes and are subject to the following requirements:

(a) For generators, WAC 173-303-170 through 173-303-230;

(b) For transporters, WAC 173-303-240 through 173-303-270; and

(c) For facilities that store or use dangerous wastes in a manner constituting disposal, the applicable requirements of 40 CFR Part 268 (incorporated by reference in WAC 173-303-140 (2)(a) and WAC 173-303-280 through 173-303-840 (except that users of such products are not subject to these standards if the products meet the requirements of subsection (1)(b) of this section).

AMENDATORY SECTION (Amending Order 92-32, filed 1/5/93, effective 2/5/93)

WAC 173-303-506 Special requirements for the recycling of spent CFC or HCFC refrigerants. (1) Applicability.

(a) This section applies to spent chlorofluorocarbon (CFC) and hydrochlorofluorocarbon (HCFC) refrigerants that are reclaimed or recycled. Refrigerants eligible for these special requirements are those CFCs and HCFCs that were used as heat transfer material in a refrigeration cycle in totally enclosed heat transfer equipment and are subsequently reclaimed or recycled.

(b) Persons who generate, transport, or store spent CFC or HCFC refrigerants prior to reclamation or recycling and facilities that reclaim or recycle spent CFC or HCFC refrigerants are subject to the requirements of this section, and WAC 173-303-050, 173-303-145, and 173-303-960.

Spent CFC or HCFC refrigerants that are not reclaimed or recycled are subject to all the applicable requirements of chapter 173-303 WAC. Any discharge of spent CFCs or HCFCs to the environment constitutes disposal and is subject to full regulation under chapter 173-303 WAC.

(2) Generator requirements.

(a) Persons who reclaim or recycle their spent CFC or HCFC refrigerants, either on-site or send their wastes off-site to be reclaimed or recycled, (~~shall~~) must keep records for a period of at least five years from the date of reclamation/recycling to document:

(i) The date of shipment (if sent off-site);

(ii) The quantity (by weight) reclaimed/recycled per shipment (when sent off-site) or batch (when recycled on-site);

(iii) The percentage of the total amount of CFC or HCFC wastes reclaimed/recycled per shipment or batch (and the manner of disposal for the remaining CFCs or HCFCs); and

(iv) The dates of reclamation/recycling.

(b) For CFCs or HCFCs sent off-site, the generator must obtain a signed document from the reclamation facility certifying the information in (a) of this subsection.

(3) Reclamation facility requirements.

(a) Facilities that reclaim or recycle CFC or HCFC refrigerants (~~shall~~) must comply with all the requirements of WAC 173-303-500 (except for WAC 173-303-500 (2)(c)(ii)). The applicable provisions of the following sections will also apply:

(i) WAC 173-303-280(2), General requirements for dangerous waste management facilities, imminent hazard;

(ii) WAC 173-303-283, Performance standards;

(iii) WAC 173-303-290 (1) and (2), Required notices;

(iv) WAC 173-303-380, Facility recordkeeping; except for WAC 173-303-380 (1)(c), (e), and (h);

(v) WAC 173-303-390(3), Facility reporting;

(vi) WAC 173-303-630(10), Use and management of containers;

(vii) WAC 173-303-640 (1), (2), (8), and (10), Tank systems, except WAC 173-303-640 (8)(c) and the second sentence of WAC 173-303-640 (8)(a) (i.e., a recycler, unless otherwise required to do so, does not have to prepare a closure plan, a cost estimate for closure, or provide financial responsibility for his tank system to satisfy the requirements of this section).

(b) The reclamation facility must supply generators with a signed document certifying the information in subsection (2)(a) of this section.

AMENDATORY SECTION (Amending Order 92-33, filed 12/8/93, effective 1/8/94)

WAC 173-303-510 Special requirements for dangerous wastes burned for energy recovery. (1) Applicability.

(a) This section applies to generators, marketers, transporters, blenders, and burners of dangerous waste fuels that are to be burned for energy recovery in any boiler or industrial furnace that is not regulated under Subpart O of 40 CFR Part 265 or WAC 173-303-670, except as provided by (b) of this subsection. These regulations do not apply to gas recovered from dangerous waste management activities when such gas is burned for energy recovery. Note: (This note is

a reminder that all generators, transporters, and burners of federally regulated hazardous waste fuels that are to be burned for energy recovery, and all storage facility owners and operators of facilities that store dangerous waste that is burned in a boiler or industrial furnace must comply with the requirements of 40 CFR Part 266 Subpart H.)

(b) The following dangerous wastes are not subject to regulation under this section:

(i) Used oil burned for energy recovery if it is a dangerous waste because it:

(A) Exhibits a characteristic of dangerous waste identified in WAC 173-303-090; or

(B) Is designated as DW only through the criteria of WAC 173-303-100; or

(C) Is a dangerous waste designated solely as W001. Such used oil is subject to regulation under WAC 173-303-515 rather than this section.

Note: Used oil burned for energy recovery containing a listed waste (unless such listed waste is only state source W001) or a waste designated as EHW through the criteria of WAC 173-303-100 (a) and (b) is subject to this section.

(ii) (Reserved.)

(2) Definitions. Any terms used in this section that are not defined below (~~shall~~) have the meanings provided in WAC 173-303-040. For the purposes of this section, the following terms (~~shall~~) have the described meanings:

(a) "Dangerous waste fuel" means dangerous waste burned or to be burned for energy recovery. Fuel produced from dangerous waste by processing, blending, or other treatment is also dangerous waste fuel.

(b) "Distributor" means persons who distribute but do not process or blend dangerous waste fuel. Distributors may broker fuel by arranging for the final disposition of the fuel. Distributors are regulated under subsection (6) of this section.

(c) "Blender" means persons who produce, process, or blend fuel from dangerous wastes. Blenders are regulated under subsection (7) of this section.

(d) "Marketer" means persons who are:

(i) Generators who market dangerous waste fuel directly to a burner. Generators are regulated under subsection (4) of this section;

(ii) Distributors, regulated under subsection (6) of this section;

(iii) Blenders, regulated under subsection (7) of this section.

(3) Prohibitions.

(a) A person may market dangerous waste fuel only:

(i) To persons, in state, who have notified the department of their dangerous waste fuel activities under WAC 173-303-060 and have an EPA/state identification number or to out-of-state marketers or burners who have notified the EPA or authorized state agency and who have an EPA/state identification number; and

(ii) When marketed to a burner, to persons who burn the fuel in boilers or industrial furnaces identified in (b) of this subsection.

(b) Dangerous waste fuel may be burned for energy recovery in the following devices only:

(i) Industrial furnaces identified in WAC 173-303-040;

(ii) Boilers, as defined in WAC 173-303-040, that are identified as follows:

(A) Industrial boilers located on the site of a facility engaged in a manufacturing process where substances are transformed into new products, including the component parts of products, by mechanical or chemical processes; or

(B) Utility boilers used to produce electric power, steam, or heated or cooled air or other gases or fluids for sale.

(c) No fuel which contains any dangerous waste may be burned in any cement kiln which is located within the boundaries of any incorporated municipality with a population greater than five hundred thousand (based on the most recent census statistics) unless such kiln fully complies with regulations under this chapter that are applicable to incinerators.

(4) Standards applicable to generators of dangerous waste fuel.

(a) All generators of dangerous waste that is used as a fuel or used to produce a fuel are subject to WAC 173-303-170 through 173-303-230.

(b) Generators who are marketers. Generators are marketers if they send their waste fuel directly to a burner. Generators who are marketers must:

(i) Prohibitions. Comply with the prohibitions under subsection (3) of this subsection.

(ii) Notification. Comply with the notification requirements under WAC 173-303-060 for dangerous waste fuel activities. Generators who have previously notified the department of their dangerous waste management activities and obtained an EPA/state identification number, must renotify to identify their dangerous waste fuel activities.

(iii) Accumulation. Comply with accumulation requirements of WAC 173-303-200 or 173-303-201.

(iv) Storage. For generators who have interim or final status and exceed the accumulation time frames referenced in (b)(iii) of this subsection, comply with the storage provisions of:

(A) WAC 173-303-280 through 173-303-395; and

(B) WAC 173-303-800 through 173-303-840; and

(C) WAC 173-303-400 for interim status facilities or WAC 173-303-600 through (~~173-303-680~~) 173-303-691 for final status facilities.

(v) Required notice. Obtain, prior to initiating the first shipment of dangerous waste fuel, a one time written and signed certification notice from the burner certifying that:

(A) The burner has notified as described under subsection (3) of this subsection; and

(B) The burner will burn the dangerous waste fuel only in an industrial furnace or boiler identified in subsection (3)(b) of this subsection.

(vi) Recordkeeping. Keep a copy of each certification notice received for at least five years from the date of the last dangerous waste fuel shipment to the burner who sent such notice.

(c) Generators who are burners also are subject to subsection (8) of this section.

(5) Standards applicable to transporters of dangerous waste fuel. Transporters of dangerous waste fuel (and dangerous waste that is used to produce a fuel) are subject to the requirements of WAC 173-303-240 through 173-303-270.

(6) Standards applicable to distributors of dangerous waste fuel.

(a) Prohibitions. The prohibitions under subsection (3) of this section;

(b) Notification. Notification requirements under WAC 173-303-060 for dangerous waste fuel activities. Distributors who have previously notified the department of their dangerous waste management activities and obtained an EPA/state identification number, must renotify to identify their dangerous waste fuel activities.

(c) Storage. Distributors who store dangerous waste fuels must comply with the applicable storage provisions of:

(i) WAC 173-303-280 through 173-303-395; and

(ii) WAC 173-303-800 through 173-303-840; and

(iii) WAC 173-303-400 for interim status facilities or WAC 173-303-600 through (~~173-303-680~~) 173-303-691 for final status facilities;

(iv) The standards for generators in WAC 173-303-170 through 173-303-230.

(d) Off-site shipment. A distributor must meet the standards for generators in WAC 173-303-170 through 173-303-230 when the distributor initiates a shipment of dangerous waste fuel. Except that a distributor may not accumulate dangerous waste fuels under the accumulation provisions of WAC 173-303-200 or 173-303-201;

(e) Required notices.

(i) Before initiating the first shipment of dangerous waste fuel to another distributor, a blender, or a burner, a distributor must obtain a one-time written and signed certification notice from the distributor, blender, or burner certifying that:

(A) The burner, distributor, or blender has notified as described under subsection (3) of this section; and

(B) If the recipient is a burner, the burner will burn the dangerous waste fuel only in an industrial furnace or boiler identified in subsection (3)(b) of this section.

(ii) Before accepting the first shipment of dangerous waste fuel from another distributor or blender, the distributor must provide the other distributor or blender with a one-time written and signed certification that the distributor has complied with the notification requirements described in subsection (3) of this section; and

(f) Recordkeeping. A distributor must keep a copy of each certification notice received or sent for at least five years from the date the distributor last engaged in a dangerous waste fuel marketing transaction with the person who sent or received the certification notice.

(7) Standards applicable to blenders of dangerous waste fuels.

(a) Prohibitions. The prohibitions under subsection (3) of this section.

(b) Notification. Notification requirements under WAC 173-303-060 for dangerous waste fuel activities. Blenders who have previously notified the department of their dangerous waste management activities and obtained an EPA/state identification number, must renotify to identify their dangerous waste fuel activities.

(c) Facility. For tanks, containers, or other units used to hold dangerous waste prior to blending or processing; for blending or processing tanks, containers, or other units; and for tanks, containers, or other units, used to hold blended or processed fuel, blenders must comply with the applicable provisions of:

(i) WAC 173-303-280 through 173-303-395; and

(ii) WAC 173-303-800 through 173-303-840; and

(iii) WAC 173-303-400 for interim status facilities or WAC 173-303-600 through (~~173-303-680~~) 173-303-691 for final status facilities;

(d) Off-site shipment. The standards for generators in WAC 173-303-170 through 173-303-230 when a blender initiates a shipment of dangerous waste fuel, except that a blender may not accumulate dangerous waste fuels under the accumulation provisions of WAC 173-303-200 or 173-303-201;

(e) Required notices.

(i) Before initiating the first shipment of dangerous waste fuel to another blender, a distributor, or a burner, a blender must obtain a one-time written and signed certification notice from the blender, distributor, or burner certifying that:

(A) The burner, distributor, or blender has notified as described under subsection (3) of this section; and

(B) If the recipient is a burner, the burner will burn the dangerous waste fuel only in an industrial furnace or boiler identified in subsection (3)(b) of this section.

(ii) Before accepting the first shipment of dangerous waste fuel from another blender or distributor, the blender must provide the other blender or distributor with a one-time written and signed certification that the blender has complied with the notification requirements described in subsection (3) of this section; and

(f) Recordkeeping. A blender must keep a copy of each certification notice received or sent for at least five years from the date the blender last engaged in a dangerous waste fuel marketing transaction with the person who sent or received the certification notice.

(8) Standards applicable to burners of dangerous waste fuel.

Owners and operators of industrial furnaces and boilers identified in subsection (3)(b) of this section must comply with:

(a) Prohibitions. The prohibitions under subsection (3) of this section;

(b) Notification. Notification requirements under WAC 173-303-060 for dangerous waste fuel activities. A burner who has previously notified the department of dangerous waste management activities and obtained an EPA/state identification number, must renotify to identify the dangerous waste fuel activities;

(c) Storage.

(i) For short term accumulation by generators who burn their dangerous waste fuel on-site, the applicable provisions of WAC 173-303-200 or 173-303-201.

(ii) For all burners who store dangerous waste fuel, the applicable storage provisions of:

(A) WAC 173-303-280 through 173-303-395;

(B) WAC 173-303-800 through 173-303-840; and

(C) WAC 173-303-400 for interim status facilities or WAC 173-303-600 through (~~173-303-680~~) 173-303-691 for final status facilities (the air emission requirements do not apply to burners that meet the small quantity burner exemption at 40 CFR 266.101);

(d) Required notices. Before a burner accepts the first shipment of dangerous waste fuel from a distributor, or a blender, or a generator the burner must provide the distribu-

tor, or the blender, or the generator a one-time written and signed notice certifying that:

(i) The burner has notified as described under subsection (3) of this section; and

(ii) The dangerous waste fuel will only be burned in an industrial furnace or boiler identified in subsection (3)(b) of this section.

(e) Recordkeeping. In addition to the applicable recordkeeping requirements of WAC 173-303-380, a burner must keep a copy of each certification notice sent for at least five years from the date the burner last receives dangerous waste fuel from the person who received the certification notice.

(f) Local requirements. Any person who burns dangerous waste for energy recovery must comply with air emission requirements of the local air pollution control authority (or department of ecology if no local authority with jurisdiction exists).

AMENDATORY SECTION (Amending Order 90-42, filed 3/7/91, effective 4/7/91)

WAC 173-303-550 ((Special requirements for facilities managing special waste.)) Reserved. ((1) Purpose. Special wastes (as defined in WAC 173-303-040) pose less risk to public health and the environment than do other dangerous wastes, therefore, they do not require as high a level of regulation. The purpose of WAC 173-303-550 through 173-303-560 is to set forth those mandatory standards which are minimally acceptable for managing special waste, and the criteria and selective standards which will be applied based on the specific risks posed by such wastes.

(2) Applicability. The requirements of WAC 173-303-550 through 173-303-560 apply to owners and operators of facilities which manage special waste, and are only applicable to such special wastes as are being managed. Whenever a special waste is shipped from a facility, the owner or operator must comply with WAC 173-303-170 through 173-303-230, requirements for generators.

(3) Standards. The owner/operator of a facility managing special wastes must comply with all applicable standards of this chapter unless he requests (as described in subsection (4) of this section) and the department approves (as described in subsection (5) of this section) the application of less stringent standards to his facility. The owner/operator may request relief from any standards except those minimum standards specified in WAC 173-303-560. Failure to comply with an approval issued by the department pursuant to subsection (5) of this section, will be a violation of this chapter. Failure to comply with all applicable requirements of this chapter while the department is considering a request or after a request has been denied will be a violation of this chapter.

(4) Request. The owner/operator may request that less stringent standards be applied to his special waste management activities in any manner or form that he chooses. His request must be submitted in writing to the department, and must include:

(a) The facility name, EPA/state identification #, address, telephone number, and a contact person at the facility;

(b) The special waste(s) managed at the facility and the type(s) of management applied to them;

(c) The specific standards from which the owner/operator seeks relief;

(d) A description, for each standard, demonstrating:

(i) Why the owner/operator believes the standard to be unnecessary;

(ii) How public health and the environment will continue to be protected if the standard is not applied to the facility; and

(iii) Any evidence supporting the contention that public health and the environment will be adequately protected if the standard is not applied (e.g., test data, diagrams, experiences at similar facilities, records, reports, etc.); and

(e) The following certification, signed and dated by a person who would be authorized to sign a report under WAC 173-303-810 (12)(b):

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this request and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

The department may ask for any additional information it deems necessary, and will not consider approval of the owner's/operator's request until all necessary information has been submitted. Failure to provide any of the information required by this subsection may result in the department's denying the owner's/operator's request.

(5) Approval or denial. The department will review any requests submitted pursuant to subsection (4) of this section, and based on the adequacy of the information provided in the request will approve or deny all or any part of the request. The department will notify the owner/operator of its decision in writing. Approval of a request will not be final until the permit has been modified or issued as described in (a) or (b) of this subsection. If the department decides to approve all or part of the request and the owner/operator agrees with the department's decision, then the department will proceed to grant such approval as follows:

(a) Interim status facilities. For a facility which qualifies for interim status (as described in WAC 173-303-805), the department shall issue a notice of interim status modification in accordance with WAC 173-303-805(9) stating what standards the owner/operator must meet;

(b) Final facilities.

(i) For facilities which are required to have a final facility permit, the department shall follow the procedures for issuing (or, for facilities which already have a final facility permit, the procedures for modifying) a final facility permit, as described in WAC 173-303-806. The new or modified final facility permit shall include the standards the owner/operator must meet.

(ii) The department may request that an applicant for a final facility permit submit his planned special waste demonstrations (prepared in accordance with subsection (4) of this section) a maximum of three months prior to submittal of his Part B application.)

AMENDATORY SECTION (Amending Order 90-42, filed 3/7/91, effective 4/7/91)

WAC 173-303-560 (~~Minimum standards for facilities managing special waste.~~) **Reserved.** (~~In no case will the department approve standards for facilities managing special waste which do not include, at a minimum, the following applicable requirements:~~

- (1) ~~WAC 173-303-060;~~
- (2) ~~WAC 173-303-283;~~
- (3) ~~WAC 173-303-350;~~
- (4) ~~WAC 173-303-360;~~
- (5) ~~WAC 173-303-370;~~
- (6) ~~WAC 173-303-380; and~~
- (7) ~~WAC 173-303-390.~~)

AMENDATORY SECTION (Amending Order 92-33, filed 12/8/93, effective 1/8/94)

WAC 173-303-600 Final facility standards. Purpose, scope, and applicability.

(1) The purpose of WAC 173-303-600 through 173-303-680, is to establish minimum state-wide standards which describe the acceptable management of dangerous waste. In addition to WAC 173-303-600 through 173-303-680, the final facility standards include WAC 173-303-280 through 173-303-395.

(2) The final facility standards apply to owners and operators of all facilities which treat, store or dispose of dangerous waste, and which are not exempted by subsection (3) of this section.

(3) The final facility standards do not apply to:

(a) Persons whose disposal activities are permitted under the Marine Protection, Research and Sanctuaries Act, except that storage, or treatment facilities where dangerous waste is loaded onto an ocean vessel for incineration or disposal at sea are subject to final facility standards;

(b) Persons whose disposal activities are permitted under the underground injection control program of the Safe Drinking Water Act, except that storage, or treatment facilities needed to handle dangerous wastes are subject to final facility standards;

(c) The owner or operator of a POTW which treats, stores, or disposes of dangerous waste provided he has a permit by rule pursuant to the requirements of WAC 173-303-802(4);

(d) A generator accumulating waste on site in compliance with WAC 173-303-200;

(e) The owner or operator of a facility which is permitted to manage solid waste pursuant to chapter 173-304 WAC, if the only dangerous waste the facility manages is excluded from regulation under this chapter by WAC 173-303-070(8);

(f) A farmer disposing of waste pesticides from his own use provided he complies with WAC 173-303-160 (2)(b);

(g) A transporter storing a manifested shipment of dangerous waste for ten days or less in accordance with WAC 173-303-240(5);

(h) Any person, other than an owner or operator who is already subject to the final facility standards, who is carrying out an immediate or emergency response to contain or treat a discharge or potential discharge of a dangerous waste or hazardous substance;

(i) The owner or operator of a facility which is in compliance with the interim status requirements of WAC 173-303-400 and 173-303-805, until final administrative disposition of his final facility permit;

(j) The owner or operator of a totally enclosed treatment facility or elementary neutralization or wastewater treatment unit as defined in WAC 173-303-040, provided that he has a permit by rule pursuant to the requirements of WAC 173-303-802(5);

(k) The addition, by a generator, of absorbent material to waste in a container, or of waste to absorbent material in a container, provided that these actions occur at the time the waste is first placed in containers or, in the case of repackaging of previously containerized waste into new containers, at the time the waste is first placed into the new containers and the generator complies with WAC 173-303-200 (1)(b) and 173-303-395 (1)(a) and (b);

(l) The compaction or sorting of miscellaneous waste forms such as cans, rags, and bottles in a container, so long as the activity is solely for the purpose of reducing waste void space, and so long as these activities are conducted in a manner that protects human health and prevents any release to the environment and the generator complies with WAC 173-303-200 (1)(b) and 173-303-395 (1)(a) and (b); ~~(and)~~

(m) Generators treating dangerous waste on-site in tanks or containers that are used for accumulation of such wastes provided the generator complies with the WAC 173-303-170(3); and

(n) The owner or operator of an elementary neutralization unit or a wastewater treatment unit as defined in WAC 173-303-040, provided that if the owner or operator is diluting hazardous ignitable (D001) wastes (other than the D001 High TOC Subcategory defined in 40 CFR section 268.40, Table Treatment Standards for Hazardous Wastes), or reactive (D003) waste, to remove the characteristic before land disposal, the owner/operator must comply with the requirements set out in WAC 173-303-395(1)(a).

~~(4) ((The owner or operator of a final status TSD facility which manages special waste may comply with the special requirements selected under WAC 173-303-550 through 173-303-560 in lieu of the final facility standards of WAC 173-303-600 through 173-303-670, but only for those special wastes which he manages and only after the department has issued or modified his final facility permit in accordance with WAC 173-303-800 through 173-303-840 to incorporate the special requirements.)) Reserve.~~

(5) The owner or operator of a facility which recycles dangerous waste may, for such recycled wastes only, comply with the applicable recycling standards specified in WAC 173-303-120 and 173-303-500 through 173-303-525 in lieu of the final facility standards.

(6) The owner or operator must comply with the special land disposal restrictions for certain dangerous wastes in WAC 173-303-140.

AMENDATORY SECTION (Amending Order 92-33, filed 12/8/93, effective 1/8/94)

WAC 173-303-610 Closure and postclosure. (1) Applicability.

(a) Subsections (2) through (6) of this section, (which concern closure), apply to the owners and operators of all dangerous waste facilities.

(b) Subsections (7) through (11) of this section, (which concern postclosure care), apply to the owners and operators of all regulated units (as defined in WAC 173-303-040) at which dangerous waste will remain after closure, to tank systems that are required under WAC 173-303-640(8) to meet the requirements of landfills, to surface impoundments, waste piles, and miscellaneous units as specified in WAC 173-303-650(6), 173-303-660(9), and 173-303-680(4), respectively; to containment buildings that are required under 40 CFR 264.1102 (incorporated by reference at WAC 173-303-695) to meet the requirements for landfills; and, unless otherwise authorized by the department, to the owners and operators of all facilities which, at closure, cannot meet the removal or decontamination limits specified in subsection (2)(b) of this section.

(c) For the purposes of the closure and postclosure requirements, any portion of a facility which closes is subject to the applicable closure and postclosure standards even if the rest of the facility does not close and continues to operate.

(2) Closure performance standard. The owner or operator must close the facility in a manner that:

(a)(i) Minimizes the need for further maintenance;

(ii) Controls, minimizes or eliminates to the extent necessary to protect human health and the environment, postclosure escape of dangerous waste, dangerous constituents, leachate, contaminated run-off, or dangerous waste decomposition products to the ground, surface water, ground water, or the atmosphere; and

(iii) Returns the land to the appearance and use of surrounding land areas to the degree possible given the nature of the previous dangerous waste activity.

(b) Where the closure requirements of this section, or of WAC 173-303-630(10), 173-303-640(8), 173-303-650(6), 173-303-655(6), 173-303-655(8), 173-303-660(9), 173-303-665(6), 173-303-670(8), ((~~and~~)) 173-303-680 (2) through (4), or 40 CFR 264.1102 (incorporated by reference at WAC 173-303-695) call for the removal or decontamination of dangerous wastes, waste residues, or equipment, bases, liners, soils or other materials containing or contaminated with dangerous wastes or waste residue, then such removal or decontamination must assure that the levels of dangerous waste or dangerous waste constituents or residues do not exceed:

(i) For soils, ground water, surface water, and air, the numeric cleanup levels calculated using residential exposure assumptions according to the Model Toxics Control Act Regulations, chapter 173-340 WAC as now or hereafter amended. Primarily, these will be numeric cleanup levels calculated according to MTCA Method B, although MTCA Method A may be used as appropriate, see WAC 173-340-700 through 173-340-760, excluding WAC 173-340-745; and

(ii) For all structures, equipment, bases, liners, etc., clean closure standards (~~shall~~) will be set by the department on a case-by-case basis in accordance with the closure performance standards of WAC 173-303-610 (2)(a)(ii) and in a manner that minimizes or eliminates post-closure escape of dangerous waste constituents.

(3) Closure plan; amendment of plan.

(a) The owner or operator of a dangerous waste management facility must have a written closure plan. In addition, certain surface impoundments and waste piles from which the owner or operator intends to remove or decontaminate the dangerous waste at partial or final closure are required by WAC 173-303-650(6) and 173-303-660(9) to have contingent closure plans. The plan must be submitted with the permit application, in accordance with WAC 173-303-806(4), and approved by the department as part of the permit issuance procedures under WAC 173-303-840. The approved closure plan will become a condition of any permit. The department's decision must assure that the approved closure plan is consistent with subsections (2), (3), (4), (5), and (6) of this section, and the applicable requirements of WAC 173-303-630(10), 173-303-640(8), 173-303-645, 173-303-650(6), 173-303-655(8), 173-303-660(9), 173-303-665(6), 173-303-670(8), ~~((and))~~ 173-303-680(2), and 40 CFR 264.1102 (incorporated by reference at WAC 173-303-695). A copy of the approved plan and all revisions to the plan must be furnished to the department upon request, including request by mail until final closure is completed and certified in accordance with subsection (6) of this section. The plan must identify steps necessary to perform partial and/or final closure of the facility at any point during its active life. The closure plan must include at least:

(i) A description of how each dangerous waste management unit at the facility will be closed in accordance with subsection (2) of this section;

(ii) A description of how final closure of the facility will be conducted in accordance with subsection (2) of this section. The description must identify the maximum extent of the operation which will be unclosed during the active life of the facility;

(iii) An estimate of the maximum inventory of dangerous wastes ever on-site over the active life of the facility. (Any change in this estimate is a minor modification under WAC 173-303-830(4));

(iv) A detailed description of the methods to be used during partial closures and final closure, including, but not limited to, methods for removing, transporting, treating, storing, or disposing of all dangerous wastes, and identification of the type(s) of the off-site dangerous waste management units to be used, if applicable;

(v) A detailed description of the steps needed to remove or decontaminate all dangerous waste residues and contaminated containment system components, equipment, structures, and soils during partial and final closure, including, but not limited to, procedures for cleaning equipment and removing contaminated soils, methods for sampling and testing surrounding soils, and criteria for determining the extent of decontamination required to satisfy the closure performance standard;

(vi) A detailed description of other activities necessary during the closure period to ensure that all partial closures and final closure satisfy the closure performance standards, including, but not limited to, ground water monitoring, leachate collection, and run-on and run-off control; and

(vii) A schedule for closure of each dangerous waste management unit and for final closure of the facility. The schedule must include, at a minimum, the total time required to close each dangerous waste management unit and the time required for intervening closure activities which will allow

tracking of the progress of partial and final closure. (For example, in the case of a landfill unit, estimates of the time required to treat or dispose of all dangerous waste inventory and of the time required to place a final cover must be included.) Additionally, for facilities that use trust funds to establish financial assurance under WAC 173-303-620 (4) or (6) and that are expected to close prior to the expiration of the permit, an estimate of the expected year of final closure.

(b) The owner or operator must submit a written notification of or request for a permit modification to authorize a change in operating plans, facility design, or the approved closure plan in accordance with the applicable procedures in WAC 173-303-800 through 173-303-840. The written notification or request must include a copy of the amended closure plan for review or approval by the department.

(i) The owner or operator may submit a written notification or request to the department for a permit modification to amend the closure plan at any time prior to the notification of partial or final closure of the facility.

(ii) The owner or operator must submit a written notification of or request for a permit modification to authorize a change in the approved closure plan whenever:

(A) Changes in operating plans or facility design affect the closure plan; or

(B) There is a change in the expected year of closure, if applicable; or

(C) In conducting partial or final closure activities, unexpected events require a modification of the approved closure plan.

(iii) The owner or operator must submit a written request for a permit modification including a copy of the amended closure plan for approval at least sixty days prior to the proposed change in facility design or operation, or no later than sixty days after an unexpected event has occurred which has affected the closure plan. If an unexpected event occurs during the partial or final closure period, the owner or operator must request a permit modification no later than thirty days after the unexpected event. An owner or operator of a surface impoundment or waste pile that intends to remove all dangerous waste at closure and is not otherwise required to prepare a contingent closure plan under WAC 173-303-650(6) or 173-303-660(9), must submit an amended closure plan to the department no later than sixty days from the date that the owner or operator or department determines that the dangerous waste management unit must be closed as a landfill, subject to the requirements of WAC 173-303-665, or no later than thirty days from that date if the determination is made during partial or final closure. The department will approve, disapprove, or modify this amended plan in accordance with the procedures in WAC 173-303-800 through 173-303-840. The approved closure plan will become a condition of any permit issued.

(iv) The department may request modifications to the plan under the conditions described in (b)(ii) of this subsection. The owner or operator must submit the modified plan within sixty days of the department's request, or within thirty days if the change in facility conditions occurs during partial or final closure. Any modifications requested by the department will be approved in accordance with the procedures in WAC 173-303-800 through 173-303-840.

(c) Notification of partial closure and final closure.

(i) The owner or operator must notify the department in writing at least sixty days prior to the date on which he expects to begin closure of a surface impoundment, waste pile, land treatment, or landfill unit, or final closure of a facility with such a unit. The owner or operator must notify the department in writing at least forty-five days prior to the date on which he expects to begin final closure of a facility with only treatment or storage tanks, container storage, or incinerator units to be closed.

(ii) The date when he "expects to begin closure" must be either:

(A) No later than thirty days after the date on which any dangerous waste management unit receives the known final volume of dangerous wastes or, if there is a reasonable possibility that the dangerous waste management unit will receive additional dangerous wastes, no later than one year after the date on which the unit received the most recent volume of dangerous waste. If the owner or operator of a dangerous waste management unit can demonstrate to the department that the dangerous waste management unit or facility has the capacity to receive additional dangerous wastes and he has taken, and will continue to take, all steps to prevent threats to human health and the environment, including compliance with all applicable permit requirements, the department may approve an extension to this one-year limit; or

(B) For units meeting the requirements of subsection (4)(d) of this section, no later than thirty days after the date on which the dangerous waste management unit receives the known final volume of nondangerous wastes, or if there is a reasonable possibility that the dangerous waste management unit will receive additional nondangerous wastes, no later than one year after the date on which the unit received the most recent volume of nondangerous wastes. If the owner or operator can demonstrate to the department that the dangerous waste management unit has the capacity to receive additional nondangerous wastes and he has taken, and will continue to take, all steps to prevent threats to human health and the environment, including compliance with all applicable permit requirements, the department may approve an extension to this one-year limit.

(iii) If the facility's permit is terminated, or if the facility is otherwise ordered, by judicial decree or final order to cease receiving dangerous wastes or to close, then the requirements of (c) of this subsection do not apply. However, the owner or operator must close the facility in accordance with the deadlines established in subsection (4) of this section.

(iv) Removal of wastes and decontamination or dismantling of equipment. Nothing in this subsection (~~(shall)~~) will preclude the owner or operator from removing dangerous wastes and decontaminating or dismantling equipment in accordance with the approved partial or final closure plan at any time before or after notification of partial or final closure.

(4) Closure; time allowed for closure.

(a) Within ninety days after receiving the final volume of dangerous wastes, or the final volume of nondangerous wastes if the owner or operator complies with all applicable requirements in (d) and (e) of this subsection, at a dangerous waste management unit or facility, the owner or operator must treat, remove from the unit or facility, or dispose of on

site, all dangerous wastes in accordance with the approved closure plan. The department may approve a longer period if the owner or operator complies with all applicable requirements for requesting a modification to the permit and demonstrates that he has taken and will continue to take all steps to prevent threats to human health and the environment, including compliance with all applicable permit requirements, and either:

(i) The activities required to comply with this paragraph will, of necessity, take longer than ninety days to complete; or

(ii)(A) The dangerous waste management unit or facility has the capacity to receive additional dangerous wastes, or has the capacity to receive nondangerous wastes if the owner or operator complies with (d) and (e) of this subsection;

(B) There is a reasonable likelihood that he or another person will recommence operation of the dangerous waste management unit or the facility within one year; and

(C) Closure of the dangerous waste management unit or facility would be incompatible with continued operation of the site.

(b) The owner or operator must complete partial and final closure activities in accordance with the approved closure plan and within one hundred eighty days after receiving the final volume of dangerous wastes, or the final volume of nondangerous wastes if the owner or operator complies with all applicable requirements in (d) and (e) of this subsection, at the dangerous waste management unit or facility. The department may approve an extension to the closure period if the owner or operator complies with all applicable requirements for requesting a modification to the permit and demonstrates that he has taken and will continue to take all steps to prevent threats to human health and the environment from the unclosed but not operating dangerous waste management unit or facility, including compliance with all applicable permit requirements, and either:

(i) The partial or final closure activities will, of necessity, take longer than one hundred eighty days to complete; or

(ii)(A) The dangerous waste management unit or facility has the capacity to receive additional dangerous wastes, or has the capacity to receive nondangerous wastes if the owner or operator complies with (d) and (e) of this subsection;

(B) There is reasonable likelihood that he or another person will recommence operation of the dangerous waste management unit or the facility within one year; and

(C) Closure of the dangerous waste management unit or facility would be incompatible with continued operation of the site.

(c) The demonstrations referred to in (a) and (b) of this subsection must be made as follows: The demonstrations in (a) of this subsection must be made at least thirty days prior to the expiration of the specified ninety-day period; and the demonstration in (b) of this subsection must be made at least thirty days prior to the expiration of the specified one hundred eighty-day period unless the owner or operator is otherwise subject to the deadlines in (d) of this subsection.

(d) The department may allow an owner or operator to receive only nondangerous wastes in a landfill, land treatment, or surface impoundment unit after the final receipt of dangerous wastes at that unit if:

(i) The owner or operator requests a permit modification in compliance with all applicable requirements in WAC 173-

303-830 and 40 CFR Part 124 and in the permit modification request demonstrates that:

(A) The unit has the existing design capacity as indicated on the part A application to receive nondangerous wastes; and

(B) There is a reasonable likelihood that the owner or operator or another person will receive nondangerous wastes in the unit within one year after the final receipt of dangerous wastes; and

(C) The nondangerous wastes will not be incompatible with any remaining wastes in the unit, or with the facility design and operating requirements of the unit or facility under this part; and

(D) Closure of the dangerous waste management unit would be incompatible with continued operation of the unit or facility; and

(E) The owner or operator is operating and will continue to operate in compliance with all applicable permit requirements; and

(ii) The request to modify the permit includes an amended wastes analysis plan, ground water monitoring and response program, human exposure assessment required under RCRA section 3019, and closure and postclosure plan, and updated cost estimates and demonstrations of financial assurance for closure and postclosure care as necessary and appropriate, to reflect any changes due to the presence of dangerous constituents in the nondangerous wastes, and changes in closure activities, including the expected year of closure if applicable under subsection (3)(a)(vii) of this section, as a result of the receipt of nondangerous wastes following the final receipt of dangerous wastes; and

(iii) The request to modify the permit includes revisions, as necessary and appropriate, to affected conditions of the permit to account for the receipt of nondangerous wastes following receipt of the final volume of dangerous wastes; and

(iv) The request to modify the permit and the demonstration referred to in (d)(i) and (ii) of this subsection are submitted to the department no later than one hundred twenty days prior to the date on which the owner or operator of the facility receives the known final volume of dangerous wastes at the unit, or no later than ninety days after the effective date of this rule in the state in which the unit is located, whichever is later.

(e) In addition to the requirements in (d) of this subsection, an owner or operator of a dangerous wastes surface impoundment that is not in compliance with the liner and leachate collection system requirements in 42 U.S.C. 3004 (o)(1) and 3005 (j)(1) or 42 U.S.C. 3004 (o)(2) or (3) or 3005 (j)(2), (3), (4) or (13) must:

(i) Submit with the request to modify the permit:

(A) A contingent corrective measures plan, unless a corrective action plan has already been submitted under WAC 173-303-645(10); and

(B) A plan for removing dangerous wastes in compliance with (e)(ii) of this subsection; and

(ii) Remove all dangerous wastes from the unit by removing all dangerous liquids, and removing all dangerous sludges to the extent practicable without impairing the integrity of the liner(s), if any.

(iii) Removal of dangerous wastes must be completed no later than ninety days after the final receipt of dangerous

wastes. The department may approve an extension to this deadline if the owner or operator demonstrates that the removal of dangerous wastes will, of necessity, take longer than the allotted period to complete and that an extension will not pose a threat to human health and the environment.

(iv) If a release that is a statistically significant increase (or decrease in the case of pH) over background values for detection monitoring parameters of constituents specified in the permit or that exceeds the facility's ground water protection standard at the point of compliance, if applicable, is detected in accordance with the requirements in WAC 173-303-645, the owner or operator of the unit:

(A) Must implement corrective measures in accordance with the approved contingent corrective measures plan required by (e)(i) of this subsection no later than one year after detection of the release, or approval of the contingent corrective measures plan, whichever is later;

(B) May continue to receive wastes at the unit following detection of the release only if the approved corrective measures plan includes a demonstration that continued receipt of wastes will not impede corrective action; and

(C) May be required by the department to implement corrective measures in less than one year or to cease the receipt of wastes until corrective measures have been implemented if necessary to protect human health and the environment.

(v) During the period of corrective action, the owner or operator (~~shall~~) must provide semiannual reports to the department that describe the progress of the corrective action program, compile all ground water monitoring data, and evaluate the effect of the continued receipt of nondangerous wastes on the effectiveness of the corrective action.

(vi) The department may require the owner or operator to commence closure of the unit if the owner or operator fails to implement corrective action measures in accordance with the approved contingent corrective measures plan within one year as required in (e)(iv) of this subsection, or fails to make substantial progress in implementing corrective action and achieving the facility's ground water protection standard or background levels if the facility has not yet established a ground water protection standard.

(vii) If the owner or operator fails to implement corrective measures as required in (e)(iv) of this subsection or if the department determines that substantial progress has not been made pursuant to (e)(vi) of this subsection the department (~~shall~~) will:

(A) Notify the owner or operator in writing that the owner or operator must begin closure in accordance with the deadline in (a) and (b) of this subsection and provide a detailed statement of reasons for this determination; and

(B) Provide the owner or operator and the public, through a newspaper notice, the opportunity to submit written comments on the decision no later than twenty days after the date of the notice.

(C) If the department receives no written comments, the decision will become final five days after the close of the comment period. The department will notify the owner or operator that the decision is final, and that a revised closure plan, if necessary, must be submitted within fifteen days of the final notice and that closure must begin in accordance with the deadlines in (a) and (b) of this subsection.

(D) If the department receives written comments on the decision, it (~~shall~~) will make a final decision within thirty days after the end of the comment period, and provide the owner or operator in writing and the public through a newspaper notice, a detailed statement of reasons for the final decision. If the department determines that substantial progress has not been made, closure must be initiated in accordance with the deadlines in (a) and (b) of this subsection.

(E) The final determinations made by the department under (e)(vii)(C) and (D) of this subsection are not subject to administrative appeal.

(5) Disposal or decontamination of equipment, structures and soils. During the partial and final closure periods, all contaminated equipment, structures and soils must be properly disposed of or decontaminated unless otherwise specified in WAC 173-303-640(8), 173-303-650(6), 173-303-655(8), 173-303-660(9), 173-303-665(6), or under the authority of WAC 173-303-680 (2) and (4). By removing any dangerous wastes or dangerous constituents during partial and final closure, the owner or operator may become a generator of dangerous waste and must handle that waste in accordance with all applicable requirements of WAC 173-303-170 through 173-303-230.

(6) Certification of closure. Within sixty days of completion of closure of each dangerous waste management unit (including tank systems and container storage areas), and within sixty days of the completion of final closure, the owner or operator must submit to the department by registered mail, a certification that the dangerous waste management unit or facility, as applicable, has been closed in accordance with the specifications in the approved closure plan. The certification must be signed by the owner or operator and by an independent registered professional engineer. Documentation supporting the independent registered professional engineer's certification must be furnished to the department upon request until it releases the owner or operator from the financial assurance requirements for closure under WAC 173-303-620(4).

(7) Postclosure care and use of property.

(a) Postclosure care for each dangerous waste management unit subject to postclosure requirements must begin after completion of closure of the unit and continue for thirty years after that date and must consist of at least the following:

(i) Ground water monitoring and reporting (~~as applicable~~) as required by WAC 173-303-645, 173-303-650, 173-303-655, 173-303-660, 173-303-665, and 173-303-680; and

(ii) Maintenance and monitoring of waste containment systems as applicable.

(b) Any time preceding partial closure of a dangerous waste management unit subject to postclosure care requirements or final closure, or any time during the postclosure period for a particular unit, the department may, in accordance with the permit modification procedures in WAC 173-303-800 through 173-303-840:

(i) Shorten the postclosure care period applicable to the dangerous waste management unit, or facility, if all disposal units have been closed, if it finds that the reduced period is sufficient to protect human health and the environment (e.g., leachate or ground water monitoring results, characteristics of the dangerous waste, application of advanced technology,

or alternative disposal, treatment, or reuse techniques indicate that the dangerous waste management unit or facility is secure); or

(ii) Extend the postclosure care period applicable to the dangerous waste management unit or facility if it finds that the extended period is necessary to protect human health and the environment (e.g., leachate or ground water monitoring results indicate a potential for migration of dangerous waste at levels which may be harmful to human health and the environment).

(c) The department may require, at partial or final closure, continuation of any of the security requirements of WAC 173-303-310 during part or all of the postclosure period when:

(i) Dangerous wastes may remain exposed after completion of partial or final closure; or

(ii) Access by the public or domestic livestock may pose a hazard to human health.

(d) Postclosure use of property on or in which dangerous wastes remain after partial or final closure must never be allowed to disturb the integrity of the final cover, liner(s), or any other components of any containment system, or the function of the facility's monitoring systems, unless the department finds that the disturbance:

(i) Is necessary to the proposed use of the property, and will not increase the potential hazard to human health or the environment; or

(ii) Is necessary to reduce a threat to human health or the environment.

(e) All postclosure care activities must be in accordance with the provisions of the approved postclosure plan as specified in subsection (8) of this section.

(8) Postclosure plan; amendment of plan.

(a) The owner or operator of a dangerous waste disposal unit must have a written postclosure plan. In addition, certain surface impoundments and certain piles from which the owner or operator intends to remove or decontaminate the dangerous wastes at partial or final closure are required by WAC 173-303-650 and 173-303-660, respectively, to have written contingent postclosure plans. Owners or operators of surface impoundments and waste piles not otherwise required to prepare contingent postclosure plans under WAC 173-303-650 or 173-303-660 must submit a postclosure plan to the department within ninety days from the date that the owner or operator or department determines that the dangerous waste management unit must be closed as a landfill, subject to the postclosure requirements. The plan must be submitted with the permit application, in accordance with WAC 173-303-806, and approved by the department as part of the permit issuance procedures under WAC 173-303-840. The approved postclosure plan will become a condition of any permit issued.

(b) For each dangerous waste management unit subject to the requirements of this subsection, the postclosure plan must identify the activities which will be carried on after closure and the frequency of these activities, and include at least:

(i) A description of the planned ground water monitoring activities and frequencies at which they will be performed;

(ii) A description of the planned maintenance activities, and frequencies at which they will be performed to comply

with WAC 173-303-645, 173-303-650, 173-303-655, 173-303-660, 173-303-665, and 173-303-680 during the postclosure care period, to ensure:

(A) The integrity of the cap and final cover or other containment structures (~~where applicable~~) in accordance with the requirements of 173-303-645, 173-303-650, 173-303-655, 173-303-660, 173-303-665, and 173-303-680; and

(B) The function of the facility monitoring equipment;

(iii) And the name, address, and phone number of the person or office to contact about the dangerous waste disposal unit or facility during the postclosure care period.

(c) Until final closure of the facility, a copy of the approved postclosure plan must be furnished to the department upon request, including request by mail. After final closure has been certified, the person or office specified in (b)(iii) of this subsection must keep the approved postclosure plan during the remainder of the postclosure period.

(d) Amendment of plan. The owner or operator must submit a written notification of or request for a permit modification to authorize a change in the approved postclosure plan in accordance with the applicable requirements of WAC 173-303-800 through 173-303-840. The written notification or request must include a copy of the amended postclosure plan for review or approval by the department.

(i) The owner or operator may submit a written notification or request to the department for a permit modification to amend the postclosure plan at any time during the active life of the facility or during the postclosure care period.

(ii) The owner or operator must submit a written notification of or request for a permit modification to authorize a change in the approved postclosure plan whenever:

(A) Changes in operating plans or facility design affect the approved postclosure plan; or

(B) There is a change in the expected year of final closure, if applicable; or

(C) Events which occur during the active life of the facility, including partial and final closures, affect the approved postclosure plan.

(iii) The owner or operator must submit a written request for a permit modification at least sixty days prior to the proposed change in facility design or operation, or no later than sixty days after an unexpected event has occurred which has affected the postclosure plan. An owner or operator of a surface impoundment or waste pile that intends to remove all dangerous waste at closure and is not otherwise required to submit a contingent postclosure plan under WAC 173-303-650 or 173-303-660 must submit a postclosure plan to the department no later than ninety days after the date that the owner or operator or department determines that the dangerous waste management unit must be closed as a landfill, subject to the requirements of WAC 173-303-665. The department will approve, disapprove, or modify this plan in accordance with the procedures in WAC 173-303-800 through 173-303-840. The approved postclosure plan will become a permit condition.

(iv) The department may request modifications to the plan under the conditions described in (d)(ii) of this subsection. The owner or operator must submit the modified plan no later than sixty days after the department's request, or no later than ninety days if the unit is a surface impoundment

or waste pile not previously required to prepare a contingent postclosure plan. Any modifications requested by the department will be approved, disapproved, or modified in accordance with the procedures in WAC 173-303-800 through 173-303-840.

(9) Notice to local land authority. No later than the submission of the certification of closure of each dangerous waste disposal unit, the owner or operator of a disposal facility must submit to the local zoning authority or the authority with jurisdiction over local land use and to the department a survey plat indicating the location and dimensions of landfill cells or other dangerous waste disposal units with respect to permanently surveyed benchmarks. This plat must be prepared and certified by a professional land surveyor. The plat filed with the local zoning authority or the authority with jurisdiction over local land use must contain a note, prominently displayed, which states the owner's or operator's obligation to restrict disturbance of the dangerous waste disposal unit in accordance with the applicable requirements of this section. In addition, no later than sixty days after certification of closure of each dangerous waste disposal unit, the owner or operator must submit to the local zoning authority or the authority with jurisdiction over local land use and to the department, a record of the type, location, and quantity of dangerous wastes disposed of within each cell or other disposal unit of the facility. For wastes disposed of before November 19, 1980 (March 12, 1982, for facilities subject to this chapter but not subject to 40 CFR Part 264), the owner or operator must identify the type, location, and quantity of the dangerous wastes to the best of his knowledge and in accordance with any records he has kept.

(10) Notice in deed to property.

(a) No later than sixty days after certification of closure of each dangerous waste disposal unit, the owner or operator must submit to the local zoning authority, or the authority with jurisdiction over local land use, and to the department a record of the type, location, and quantity of dangerous wastes disposed of within each cell or other disposal unit of the facility. For hazardous wastes (as defined in WAC 173-303-040) disposed of before January 12, 1981, the owner or operator must identify the type, location, and quantity of the dangerous wastes to the best of his knowledge and in accordance with any records he has kept.

(b) Within sixty days of certification of closure of the first dangerous waste disposal unit and within sixty days of certification of closure of the last dangerous waste disposal unit, the owner or operator must:

(i) Record, in accordance with state law, a notation on the deed to the facility property, or on some other instrument which is normally examined during title search, that will in perpetuity notify any potential purchaser of the property that:

(A) The land has been used to manage dangerous wastes;

(B) Its use is restricted under this section; and

(C) The survey plat and record of the type, location, and quantity of dangerous wastes disposed of within each cell or other dangerous waste disposal unit of the facility required in subsection (9) of this section have been filed with the local zoning authority, or the authority with jurisdiction over local land use, and with the department; and

(ii) Submit a certification, signed by the owner or operator, that he has recorded the notation specified in (b)(i) of this subsection, including a copy of the document in which the notation has been placed, to the department.

(c) If the owner or operator or any subsequent owner of the land upon which a dangerous waste facility was located wishes to remove dangerous wastes and dangerous waste residues, the liner, if any, or contaminated soils, he must request a modification to the postclosure permit in accordance with the applicable requirements in WAC 173-303-800 through 173-303-840. The owner or operator must demonstrate that the removal of dangerous wastes will satisfy the criteria of subsection (7)(d) of this section. By removing dangerous waste, the owner or operator may become a generator of dangerous waste and must manage it in accordance with all applicable requirements of this chapter. If he is granted a permit modification or otherwise granted approval to conduct such removal activities, the owner or operator may request that the department approve either:

(i) The removal of the notation on the deed to the facility property or other instrument normally examined during title search; or

(ii) The addition of a notation to the deed or instrument indicating the removal of the dangerous waste.

(11) Certification of completion of postclosure care. No later than sixty days after completion of the established postclosure care period for each dangerous waste disposal unit, the owner or operator must submit to the department, by registered mail, a certification that the postclosure care period for the dangerous waste disposal unit was performed in accordance with the specifications in the approved postclosure plan. The certification must be signed by the owner or operator and an independent registered professional engineer. Documentation supporting the independent registered professional engineer's certification must be furnished to the department upon request until he releases the owner or operator from the financial assurance requirements for postclosure care under WAC 173-303-620(6).

AMENDATORY SECTION (Amending Order 90-42, filed 3/7/91, effective 4/7/91)

WAC 173-303-620 Financial requirements. (1) Applicability.

(a) The requirements of subsections (3), (4), (7), (8), (9), and (10) of this section, apply to owners and operators of all dangerous waste facilities, except as provided otherwise in this section.

(b) The requirements of subsections (5) and (6) of this section apply (~~only~~) to owners and operators of:

(i) Dangerous waste disposal facilities(~~(-to)~~);

(ii) Tank systems that are required under WAC 173-303-640(8) to meet the requirements of landfills(~~(-to)~~);

(iii) Miscellaneous units as specified in WAC 173-303-680(4)(~~(-and to)~~);

(iv) Waste piles and surface impoundments to the extent that WAC 173-303-650 and 173-303-660, respectively, require that such facilities comply with this section; and

(v) Containment buildings that are required under WAC 173-303-695 to meet the requirements for landfills.

(c) States and the federal government, and operators of state or federally owned facilities, are exempt from the

requirements of this section, except ~~((that))~~ subsections (3) and (5) of this section. Operators of facilities who are under contract with (but not owned by) the state or federal government must meet all of the requirements of this section.

(2) Definitions. As used in this section, the following listed or referenced terms ~~((shall))~~ have the meanings given below:

(a) "Closure plan" means the plan for closure prepared in accordance with the requirements of WAC 173-303-610(3);

(b) "Current closure cost estimate" means the most recent of the estimates prepared in accordance with subsection (3) of this section;

(c) "Current postclosure cost estimate" means the most recent of the estimates prepared in accordance with subsection (5) of this section;

(d) "Parent corporation" means a corporation which directly owns at least fifty percent of the voting stock of the corporation which is the facility owner or operator; the latter corporation is deemed a "subsidiary" of the parent corporation;

(e) "Postclosure plan" means the plan for postclosure care prepared in accordance with the requirements of WAC 173-303-610 (7), (8), (9), and (10);

(f) "Regional administrator" means the department;

(g) "Hazardous waste" means dangerous waste; and

(h) The additional terms listed and defined in 40 CFR 264.141 (f), (g), and (h) are adopted by reference.

(3) Cost estimate for facility closure.

(a) The owner or operator must have a detailed written estimate, in current dollars, of the cost of closing the facility in accordance with the requirements in WAC 173-303-610 (2) through (6), and applicable closure requirements in WAC 173-303-630(10), 173-303-640(5), 173-303-650(6), 173-303-655(8), 173-303-660(9), 173-303-665(6), 173-303-670(8), ~~((and))~~ 173-303-680 (2) through (4) and 173-303-695. The closure cost estimate:

(i) Must equal the cost of closure at the point in the facility's operating life when the extent and manner of its operation would make closure the most expensive, as indicated by its closure plan (see WAC 173-303-610 (3)(a));

(ii) Must be based on the costs to the owner or operator of hiring a third party to close the facility. A third party is a party who is neither a parent nor a subsidiary of the owner or operator. (See definition of parent corporation in subsection (2)(d) of this section.) The owner or operator may use costs for on-site disposal if he can demonstrate that on-site disposal capacity will exist at all times over the life of the facility;

(iii) May not incorporate any salvage value that may be realized with the sale of dangerous wastes, or nondangerous wastes if applicable under WAC 173-303-610 (4)(d), facility structures or equipment, land, or other assets associated with the facility at the time of partial or final closure; and

(iv) May not incorporate a zero cost for dangerous wastes, or nondangerous wastes if applicable under WAC 173-303-610 (4)(d), that might have economic value.

(b) During the active life of the facility, the owner or operator must revise the closure cost estimate no later than thirty days after the department has approved the request to modify the closure plan, if the change in the closure plan increases the cost of closure. The revised closure cost

estimate must be adjusted for inflation as specified in (c)(i) and (ii) of this subsection.

(c) During the active life of the facility, the owner or operator must adjust the closure cost estimate for inflation within sixty days prior to the anniversary date of the establishment of the financial instrument(s) used to comply with this section. For owners and operators using the financial test or corporate guarantee, the closure cost estimate must be updated for inflation within thirty days after the close of the firm's fiscal year and before submission of updated information to the department as specified in subsection (4) of this section. The adjustment may be made by recalculating the maximum costs of closure in current dollars, or by using an inflation factor derived from the most recent *Implicit Price Deflator for Gross National Product* as published by the United States Department of Commerce in its survey of current business. The inflation factor is the result of dividing the latest published annual deflator by the deflator for the previous year.

(i) The first adjustment is made by multiplying the closure cost estimate by the inflation factor. The result is the adjusted closure cost estimate.

(ii) Subsequent adjustments are made by multiplying the latest adjusted closure cost estimate by the latest inflation factor.

(d) During the operating life of the facility, the owner or operator must keep at the facility the latest closure cost estimate prepared in accordance with (a) and (b) of this subsection, and, when this estimate has been adjusted in accordance with (c) of this subsection, the latest adjusted closure cost estimate.

(4) Financial assurance for facility closure.

(a) An owner or operator of a TSD facility must establish financial assurance for closure of the facility. The owner or operator must choose from the following options or combination of options:

(i) Closure trust fund;

(ii) Surety bond guaranteeing payment into a closure trust fund;

(iii) Surety bond guaranteeing performance of closure;

(iv) Closure letter of credit;

(v) Closure insurance; or

(vi) Financial test and corporate guarantee for closure.

(b) In satisfying the requirements of financial assurance for facility closure in this subsection, the owner or operator ~~((shall))~~ must meet all the requirements set forth in 40 CFR 264.143.

(5) Cost estimate for postclosure monitoring and maintenance.

(a) The owner or operator of a facility subject to postclosure monitoring or maintenance requirements must have a detailed written estimate, in current dollars, of the annual cost of postclosure monitoring and maintenance of the facility in accordance with the applicable postclosure regulations in WAC 173-303-610 (7) through (10), 173-303-650(6), 173-303-655(8), 173-303-660(9), 173-303-665(6), and 173-303-680(4). The postclosure cost estimate must be based on the costs to the owner or operator of hiring a third party to conduct postclosure care activities. A third party is a party who is neither a parent nor a subsidiary of the owner or operator. (See definition of parent corporation in subsection (2)(d) of this section.) The postclosure cost estimate is

calculated by multiplying the annual postclosure cost estimate by the number of years of postclosure care required by WAC 173-303-610.

(b) During the active life of the facility, the owner or operator must revise the postclosure cost estimate within thirty days after the department has approved the request to modify the postclosure plan, if the change in the postclosure plan increases the cost of postclosure care. The revised postclosure cost estimate must be adjusted for inflation as specified in (c)(i) and (ii) of this subsection.

(c) During the active life of the facility, the owner or operator must adjust the postclosure cost estimate for inflation within sixty days prior to the anniversary date of the establishment of the financial instrument(s) used to comply with subsection (6) of this section. For owners or operators using the financial test or corporate guarantee, the postclosure cost estimate must be updated for inflation within thirty days after the close of the firm's fiscal year and before the submission of updated information to the department as specified in subsection (6) of this section. The adjustment may be made by recalculating the postclosure cost estimate in current dollars or by using an inflation factor derived from the most recent Implicit Price Deflator for Gross National Product as published by the United States Department of Commerce in its Survey of Current Business. The inflation factor is the result of dividing the latest published annual deflator by the deflator for the previous year.

(i) The first adjustment is made by multiplying the postclosure cost estimate by the inflation factor. The result is the adjusted postclosure cost estimate.

(ii) Subsequent adjustments are made by multiplying the latest adjusted postclosure cost estimate by the latest inflation factor.

(d) During the operating life of the facility, the owner or operator must keep at the facility the latest postclosure cost estimate prepared in accordance with (a) and (b) of this subsection, and, when this estimate has been adjusted in accordance with (c) of this subsection, the latest adjusted postclosure cost estimate.

(6) Financial assurance for postclosure monitoring and maintenance.

(a) An owner or operator of a facility subject to postclosure monitoring or maintenance requirements must establish financial assurance for postclosure care in accordance with the approved postclosure care plan. He must choose from the following options or combination of options:

- (i) Postclosure trust fund;
- (ii) Surety bond guaranteeing payment into a postclosure trust fund;
- (iii) Surety bond guaranteeing performance of postclosure care;
- (iv) Postclosure letter of credit;
- (v) Postclosure insurance; or
- (vi) Financial test and corporate guarantee for postclosure care.

(b) In satisfying the requirements of financial assurance for facility postclosure care in this subsection, the owner or operator (~~shall~~) must meet all the requirements set forth in 40 CFR 264.145.

(7) Use of a mechanism for financial assurance of both closure and postclosure care. An owner or operator may

satisfy the requirements for financial assurance for both closure and postclosure care for one or more facilities by using a trust fund, surety bond, letter of credit, insurance, financial test, or corporate guarantee that meets the specifications for the mechanism in both 40 CFR 264.143 and 264.145. The amount of funds available through the mechanism must be no less than the sum of funds that would be available if a separate mechanism had been established and maintained for financial assurance of closure and of postclosure care.

(8) Liability requirements.

(a) An owner or operator of a TSD facility or a group of such facilities must demonstrate financial responsibility for bodily injury and property damages to third parties caused by sudden accidental occurrences arising from operations of the facility or group of facilities. The owner or operator must meet the requirements of 40 CFR 264.147(a).

(b) An owner or operator of a facility with a regulated unit or units (as defined in WAC 173-303-040) or a disposal miscellaneous unit or units used to manage dangerous waste or a group of such facilities must demonstrate financial responsibility for bodily injury and property damage to third parties caused by nonsudden accidental occurrences arising from operations of the facility or group of facilities. The owner or operator must meet the requirements of 40 CFR 264.147(b), 264.177 (f), (g), (h), (i), and (j).

(c) Request for variance. If an owner or operator can demonstrate to the satisfaction of the department that the levels of financial responsibility required by (a) or (b) of this subsection are not consistent with the degree and duration of risk associated with treatment, storage, or disposal at the facility or group of facilities, the owner or operator may obtain a variance from the department. The request for a variance must be submitted to the department as part of the application under WAC 173-303-806(4) for a facility that does not have a permit, or pursuant to the procedures for permit modification under WAC 173-303-830 for a facility that has a permit. If granted, the variance will take the form of an adjusted level of required liability coverage, such level to be based on the department's assessment of the degree and duration of risk associated with the ownership or operation of the facility or group of facilities. The department may require an owner or operator who requests a variance to provide such technical and engineering information as is deemed necessary by the department to determine a level of financial responsibility other than that required by (a) or (b) of this subsection. Any request for a variance for a permitted facility will be treated as a request for a permit modification under WAC 173-303-830.

(d) Adjustments by the department. If the department determines that the levels of financial responsibility required by (a) or (b) of this subsection are not consistent with the degree and duration of risk associated with treatment, storage, or disposal at the facility or group of facilities, the department may adjust the level of financial responsibility required under (a) or (b) of this subsection as may be necessary to protect human health and the environment. This adjusted level will be based on the department's assessment of the degree and duration of risk associated with the ownership or operation of the facility or group of facilities. In addition, if the department determines that there

is a significant risk to human health and the environment from nonsudden accidental occurrences resulting from the operations of a facility that has no regulated units (as defined in WAC 173-303-040), it may require that the owner or operator of the facility comply with (b) of this subsection. An owner or operator must furnish to the department within a reasonable time, any information which the department requests to determine whether cause exists for such adjustments of level or type of coverage. Any adjustments of level or type of coverage for a facility that has a permit will be treated as a permit modification under WAC 173-303-830.

(e) Period of coverage. An owner or operator must continuously provide liability coverage for a facility as required by this subsection until certifications of closure of the facility, as specified in WAC 173-303-610(6), are received by the department.

(f) The following subsections are incorporated by reference: 40 CFR section 260.147(f), Financial test for liability coverage, (g) Guarantee for liability coverage, (h) Letter of credit for liability coverage, (i) Surety bond for liability coverage, and (j) Trust fund for liability coverage.

(9) Incapacity of owners or operators, guarantor or financial institutions.

(a) An owner or operator must notify the department by certified mail of the commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), United States Code, naming the owner or operator as debtor, within ten days after commencement of the proceeding. A guarantor of a corporate guarantee as specified in 40 CFR 264.143(f) and 264.145(f) must make such a notification if he is named as debtor, as required under the terms of the corporate guarantee (40 CFR 264.151(h)).

(b) An owner or operator who fulfills the requirements of 40 CFR 264.143, 264.145, or 264.147 (a) or (b) by obtaining a trust fund, surety bond, letter of credit, or insurance policy will be deemed to be without the required financial assurance or liability coverage in the event of bankruptcy of the trustee or issuing institution, or a suspension or revocation of the authority of the trustee institution to act as trustee or of the institution issuing the surety bond, letter of credit, or insurance policy to issue such instruments. The owner or operator must establish other financial assurance or liability coverage within sixty days after such an event.

(10) Wording of the instruments. The financial instruments required by this section ((~~shall~~)) must contain the wording specified by 40 CFR 264.151, except that:

(a) The words "regional administrator" and "environmental protection agency" must be replaced with the word "department";

(b) The words "hazardous waste" must be replaced with the words "dangerous waste"; and

(c) Any other words specified by the department ((~~shall~~)) must be changed as necessary to assure financial responsibility of the facility in accordance with the requirements of this section.

Copies of the financial instruments with the appropriate word changes will be available from the department by June 30, 1984.

AMENDATORY SECTION (Amending Order 92-33, filed 12/8/93, effective 1/8/94)

WAC 173-303-630 Use and management of containers. (1) Applicability. The regulations in this section apply to owners and operators of all dangerous waste facilities that store containers of dangerous waste.

(2) Condition of containers. If a container holding dangerous waste is not in good condition (e.g., severe rusting, apparent structural defects) or if it begins to leak, the owner or operator must transfer the dangerous waste from the container to a container that is in good condition or manage the waste in some other way that complies with the requirements of chapter 173-303 WAC. In addition, the owner or operator must address leaks and spills in accordance with the applicable provisions of WAC 173-303-145 and 173-303-360.

(3) Identification of containers. The owner or operator must label containers in a manner which adequately identifies the major risk(s) associated with the contents of the containers for employees, emergency response personnel and the public (Note—If there is already a system in use that performs this function in accordance with local, state or federal regulations, then such system will be adequate). The owner or operator must affix labels upon transfer of dangerous wastes from one container to another. The owner or operator must destroy or otherwise remove labels from the emptied container, unless the container will continue to be used for storing dangerous waste at the facility. The owner or operator must ensure that labels are not obscured, removed, or otherwise unreadable in the course of inspection required under WAC 173-303-320.

(4) Compatibility of waste with containers. The owner or operator must use a container made of or lined with materials which will not react with, and are otherwise compatible with, the dangerous waste to be stored, so that the ability of the container to contain the waste is not impaired.

(5) Management of containers.

(a) A container holding dangerous waste must always be closed, except when it is necessary to add or remove waste.

(b) A container holding dangerous waste must not be opened, handled, or stored in a manner which may rupture the container or cause it to leak.

(c) A minimum thirty-inch separation is required between aisles of containers holding dangerous waste(s). A row of drums must be no more than two drums wide.

(6) Inspections. At least weekly, the owner or operator must inspect areas where containers are stored, looking for leaking containers and for deterioration of containers and the containment system caused by corrosion, deterioration, or other factors. The owner or operator ((~~shall~~)) must keep an inspection log including at least the date and time of the inspection, the printed name and the handwritten signature of the inspector, a notation of the observations made and the date and nature of any repairs or remedial actions taken. The log must be kept at the facility for at least five years from the date of inspection.

(7) Containment.

(a) Container storage areas must have a containment system that is capable of collecting and holding spills and leaks. In addition to the necessary leak containment capaci-

ty, uncovered storage areas must be capable of holding the additional volume that would result from the precipitation of a maximum twenty-five year storm of twenty-four hours duration. The containment system must:

(i) Have a base underlying the containers which is free of cracks or gaps and is sufficiently impervious to contain leaks, spills, and accumulated rainfall until the collected material is detected and removed. The base must be sloped or the containment system must be otherwise designed and operated to drain and remove liquids resulting from leaks, spills, or precipitation, unless the containers are elevated or are otherwise protected from contact with accumulated liquids;

(ii) Be designed for positive drainage control (such as a locked drainage valve) to prevent release of contaminated liquids and so that uncontaminated precipitation can be drained promptly for convenience of operation. Spilled or leaked waste and accumulated precipitation must be removed from the containment system in as timely a manner as is necessary to prevent overflow; and

(iii) Have sufficient capacity to contain ten percent of the volume of all containers or the volume of the largest container, whichever is greater. Only containers holding free liquids, or holding wastes designated as F020, F021, F022, F023, F026, or F027 need to be considered in this determination.

(b) Run-on into the containment system must be prevented, unless the department waives this requirement in the permit after determining that the collection system has sufficient excess capacity in addition to that required in (a)(iii) of this subsection to accommodate any run-on which might enter the system.

(c) Storage areas that store containers holding only wastes that do not contain free liquids, do not exhibit either the characteristic of ignitability or reactivity as described in WAC 173-303-090 (5) or (7), and are not designated as F020, F021, F022, F023, F026, or F027, need not have a containment system as described in this subsection: *Provided, That:*

(i) The storage area is sloped or is otherwise designed and operated to drain and remove liquid resulting from precipitation; or

(ii) The containers are elevated or are otherwise protected from contact with accumulated liquids.

(d) ~~((EHW in containers must be protected from the elements by means of a building or other protective covering that otherwise allows))~~ The department may require generators to protect their containers from the elements by means of a building or other protective covering if the department determines that such protection is necessary to prevent a release of waste or waste constituents due to the nature of the waste or design of the container. The building or other protective covering must allow adequate inspection under subsection (6) of this section.

(8) Special requirements for ignitable or reactive waste.

(a) Containers holding reactive waste exhibiting a characteristic specified in WAC 173-303-090 (7)(a)(vi), (vii) or (viii) must be stored in a manner equivalent to the Uniform Fire Code's "American Table of Distances for Storage of Explosives," Table 77-201, 1979 edition or the version adopted by the local fire district.

(b) The owner or operator ~~((shall))~~ must design, operate, and maintain ignitable waste and reactive waste (other than a reactive waste which must meet (a) of this subsection) container storage in a manner equivalent with the Uniform Fire Code. Where no specific standard or requirements are specified in the Uniform Fire Code, or in existing state or local fire codes, applicable sections of the NFPA Pamphlet # 30, "Flammable and Combustible Liquids Code," ~~((shall))~~ must be used. The owner/operator ~~((shall))~~ must also comply with the requirements of WAC 173-303-395 (1)(d).

(9) Special requirements for incompatible wastes.

(a) Incompatible wastes, or incompatible wastes and materials must not be placed in the same container, unless WAC 173-303-395 (1)(b) is complied with.

(b) Dangerous waste must not be placed in an unwashed container that previously held an incompatible waste or material.

(c) A storage container holding a dangerous waste that is incompatible with any waste or other materials stored nearby in other containers, piles, open tanks, or surface impoundments must be separated from the other materials or protected from them by means of a dike, berm, wall, or other device. Containment systems for incompatible wastes ~~((shall))~~ must be separate.

(10) Closure. At closure, all dangerous waste and dangerous waste residues must be removed from the containment system. Remaining containers, liners, bases, and soil containing or contaminated with dangerous waste or dangerous waste residues must be decontaminated or removed.

AMENDATORY SECTION (Amending Order 92-33, filed 12/8/93, effective 1/8/94)

WAC 173-303-640 Tank systems. (1) Applicability.

(a) The regulations in WAC 173-303-640 apply to owners and operators of facilities that use tank systems to treat or store dangerous waste, except as (b) ~~((and)),~~ (c), and (d) of this subsection provides otherwise.

(b) Tank systems that are used to store or treat dangerous waste which contain no free liquids and are situated inside a building with an impermeable floor are exempted from the requirements in subsection (4) of this section. To demonstrate the absence or presence of free liquids in the stored/treated waste, the test method described in WAC 173-303-110 (3)(c)(i) must be used.

(c) Tank systems, including sumps, as defined in WAC 173-303-040, that serve as part of a secondary containment system to collect or contain releases of dangerous wastes are exempted from the requirements in subsection (4)(a) of this section.

(d) Tanks, sumps, and other such collection devices or systems used in conjunction with drip pads, as defined in WAC 173-303-040 and regulated under WAC 173-303-675, must meet the requirements of this section.

(2) Assessment of existing tank system's integrity.

(a) For each existing tank system, the owner or operator must determine that the tank system is not leaking or is unfit for use. Except as provided in (b) of this subsection, the owner or operator must obtain and keep on file at the facility a written assessment reviewed and certified by an independent, qualified registered professional engineer, in accordance with WAC 173-303-810 (13)(a), that attests to the

tank system's integrity by January 12, 1988, for underground tanks that do not meet the requirements of subsection (4) of this section and that cannot be entered for inspection, or by January 12, 1990, for all other tank systems.

(b) Tank systems that store or treat materials that become dangerous wastes subsequent to January 12, 1989, must conduct this assessment within twelve months after the date that the waste becomes a dangerous waste.

(c) This assessment must determine that the tank system is adequately designed and has sufficient structural strength and compatibility with the waste(s) to be stored or treated, to ensure that it will not collapse, rupture, or fail. At a minimum, this assessment must consider the following:

(i) Design standard(s), if available, according to which the tank system was constructed;

(ii) Dangerous characteristics of the waste(s) that have been and will be handled;

(iii) Existing corrosion protection measures;

(iv) Documented age of the tank system, if available (otherwise, an estimate of the age); and

(v) Results of a leak test, internal inspection, or other tank system integrity examination such that:

(A) For nonenterable underground tanks, the assessment must include a leak test that is capable of taking into account the effects of temperature variations, tank end deflection, vapor pockets, and high water table effects; and

(B) For other than nonenterable underground tanks and for ancillary equipment, this assessment must include either a leak test, as described above, or other integrity examination, that is certified by an independent, qualified, registered professional engineer, in accordance with WAC 173-303-810 (13)(a), that addresses cracks, leaks, corrosion, and erosion.

Note: The practices described in the American Petroleum Institute (API) Publication, Guide for Inspection of Refinery Equipment, Chapter XIII, "Atmospheric and Low-Pressure Storage Tanks," 4th edition, 1981, may be used, where applicable, as guidelines in conducting other than a leak test.

(d) If, as a result of the assessment conducted in accordance with (a) of this subsection, a tank system is found to be leaking or unfit for use, the owner or operator must comply with the requirements of subsection (7) of this section.

(e) The owner or operator must develop a schedule for conducting integrity assessments over the life of the tank to ensure that the tank retains its structural integrity and will not collapse, rupture, or fail. The schedule must be based on the results of past integrity assessments, age of the tank system, materials of construction, characteristics of the waste, and any other relevant factors.

(3) Design and installation of new tank systems or components.

(a) Owners or operators of new tank systems or components must obtain (and for facilities that are pursuing or have obtained a final status permit, submit to the department, at time of submittal of Part B information) a written assessment, reviewed and certified by an independent, qualified registered professional engineer, in accordance with WAC 173-303-810 (13)(a), attesting that the tank system has sufficient structural integrity and is acceptable for the storing and treating of dangerous waste. The assessment must show that the foundation, structural support, seams, connections, and pressure controls (if applicable) are adequately designed

and that the tank system has sufficient structural strength, compatibility with the waste(s) to be stored or treated, and corrosion protection to ensure that it will not collapse, rupture, or fail. This assessment (which will be used by the department to review and approve or disapprove the acceptability of the tank system design at facilities which are pursuing or have obtained a final status permit) must include, at a minimum, the following information:

(i) Design standard(s) according to which tank system(s) are constructed;

(ii) Dangerous characteristics of the waste(s) to be handled;

(iii) For new tank systems or components in which the external shell of a metal tank or any external metal component of the tank system will be in contact with the soil or with water, a determination by a corrosion expert of:

(A) Factors affecting the potential for corrosion, including but not limited to:

(I) Soil moisture content;

(II) Soil pH;

(III) Soil sulfides level;

(IV) Soil resistivity;

(V) Structure to soil potential;

(VI) Influence of nearby underground metal structures (e.g., piping);

(VII) Existence of stray electric current;

(VIII) Existing corrosion-protection measures (e.g., coating, cathodic protection); and

(B) The type and degree of external corrosion protection that are needed to ensure the integrity of the tank system during the use of the tank system or component, consisting of one or more of the following:

(I) Corrosion-resistant materials of construction such as special alloys, fiberglass reinforced plastic, etc.;

(II) Corrosion-resistant coating (such as epoxy, fiberglass, etc.) with cathodic protection (e.g., impressed current or sacrificial anodes); and

(III) Electrical isolation devices such as insulating joints, flanges, etc.

Note: The practices described in the National Association of Corrosion Engineers (NACE) standard, "Recommended Practice (RP-02-85)—Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems," and the American Petroleum Institute (API) Publication 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems," may be used, where applicable, as guidelines in providing corrosion protection for tank systems.

(iv) For underground tank system components that are likely to be adversely affected by vehicular traffic, a determination of design or operational measures that will protect the tank system against potential damage; and

(v) Design considerations to ensure that:

(A) Tank foundations will maintain the load of a full tank;

(B) Tank systems will be anchored to prevent flotation or dislodgment where the tank system is either placed in a saturated zone, or is located less than five hundred feet from a fault which has had displacement in Holocene times; and

(C) Tank systems will withstand the effects of frost heave.

(b) The owner or operator must develop a schedule for conducting integrity assessments over the life of the tank to

ensure that the tank retains its structural integrity and will not collapse, rupture or fail. The schedule must be based on the results of past integrity assessments, age of the tank system, materials of construction, characteristics of the waste, and any other relevant factors.

(c) The owner or operator of a new tank system must ensure that proper handling procedures are adhered to in order to prevent damage to the system during installation. Prior to covering, enclosing, or placing a new tank system or component in use, an independent, qualified installation inspector or an independent, qualified, registered professional engineer, either of whom is trained and experienced in the proper installation of tank systems or components, must inspect the system for the presence of any of the following items:

- (i) Weld breaks;
- (ii) Punctures;
- (iii) Scrapes of protective coatings;
- (iv) Cracks;
- (v) Corrosion;
- (vi) Other structural damage or inadequate construction/ installation.

All discrepancies must be remedied before the tank system is covered, enclosed, or placed in use.

(d) New tank systems or components that are placed underground and that are backfilled must be provided with a backfill material that is a noncorrosive, porous, homogeneous substance and that is installed so that the backfill is placed completely around the tank and compacted to ensure that the tank and piping are fully and uniformly supported.

(e) All new tanks and ancillary equipment must be tested for tightness prior to being covered, enclosed, or placed in use. If a tank system is found not to be tight, all repairs necessary to remedy the leak(s) in the system must be performed prior to the tank system being covered, enclosed, or placed into use.

(f) Ancillary equipment must be supported and protected against physical damage and excessive stress due to settlement, vibration, expansion, or contraction.

Note: The piping system installation procedures described in American Petroleum Institute (API) Publication 1615 (November 1979), "Installation of Underground Petroleum Storage Systems," or ANSI Standard B31.3, "Petroleum Refinery Piping," and ANSI Standard B31.4 "Liquid Petroleum Transportation Piping System," may be used, where applicable, as guidelines for proper installation of piping systems.

(g) The owner or operator must provide the type and degree of corrosion protection recommended by an independent corrosion expert, based on the information provided under (a)(iii) of this subsection, or other corrosion protection if the department believes other corrosion protection is necessary to ensure the integrity of the tank system during use of the tank system. The installation of a corrosion protection system that is field fabricated must be supervised by an independent corrosion expert to ensure proper installation.

(h) The owner or operator must obtain and keep on file at the facility written statements by those persons required to certify the design of the tank system and supervise the installation of the tank system in accordance with the requirements of (b) through (g) of this subsection, that attest that the tank system was properly designed and installed and

that repairs, pursuant to (c) and (e) of this subsection, were performed. These written statements must also include the certification statement as required in WAC 173-303-810 (13)(a).

(4) Containment and detection of releases.

(a) In order to prevent the release of dangerous waste or dangerous constituents to the environment, secondary containment that meets the requirements of this subsection must be provided (except as provided in (f) and (g) of this subsection):

(i) For all new tank systems or components, prior to their being put into service;

(ii) For all existing tank systems used to store or treat Dangerous Waste Nos. F020, F021, F022, F023, F026, and F027, within two years after January 12, 1989;

(iii) For those existing tank systems of known and documented age, within two years after January 12, 1989, or when the tank system has reached fifteen years of age, whichever comes later;

(iv) For those existing tank systems for which the age cannot be documented, within eight years of January 12, 1989; but if the age of the facility is greater than seven years, secondary containment must be provided by the time the facility reaches fifteen years of age, or within two years of January 12, 1989, whichever comes later; and

(v) For tank systems that store or treat materials that become dangerous wastes subsequent to January 12, 1989, within the time intervals required in (a)(i) through (iv) of this subsection, except that the date that a material becomes a dangerous waste must be used in place of January 12, 1989.

(b) Secondary containment systems must be:

(i) Designed, installed, and operated to prevent any migration of wastes or accumulated liquid out of the system to the soil, ground water, or surface water at any time during the use of the tank system; and

(ii) Capable of detecting and collecting releases and accumulated liquids until the collected material is removed.

(c) To meet the requirements of (b) of this subsection, secondary containment systems must be at a minimum:

(i) Constructed of or lined with materials that are compatible with the waste(s) to be placed in the tank system and must have sufficient strength and thickness to prevent failure owing to pressure gradients (including static head and external hydrological forces), physical contact with the waste to which it is exposed, climatic conditions, and the stress of daily operations (including stresses from nearby vehicular traffic);

(ii) Placed on a foundation or base capable of providing support to the secondary containment system, resistance to pressure gradients above and below the system, and capable of preventing failure due to settlement, compression, or uplift;

(iii) Provided with a leak-detection system that is designed and operated so that it will detect the failure of either the primary or secondary containment structure or the presence of any release of dangerous waste or accumulated liquid in the secondary containment system within twenty-four hours, or at the earliest practicable time if the owner or operator can demonstrate to the department that existing detection technologies or site conditions will not allow detection of a release within twenty-four hours; and

(iv) Sloped or otherwise designed or operated to drain and remove liquids resulting from leaks, spills, or precipitation. Spilled or leaked waste and accumulated precipitation must be removed from the secondary containment system within twenty-four hours, or in as timely a manner as is possible to prevent harm to human health and the environment, if the owner or operator can demonstrate to the department that removal of the released waste or accumulated precipitation cannot be accomplished within twenty-four hours.

Note: If the collected material is a dangerous waste under WAC 173-303-070, it is subject to management as a dangerous waste in accordance with all applicable requirements of WAC 173-303-170 through 173-303-400 and WAC 173-303-600 through 173-303-695. If the collected material is discharged through a point source to waters of the United States, it is subject to the requirements of sections 301, 304, and 402 of the Clean Water Act, as amended. If discharged to a publicly owned treatment works (POTW), it is subject to the requirements of section 307 of the Clean Water Act, as amended. If the collected material is released to the environment, it may be subject to the reporting requirements of 40 CFR Part 302.

(d) Secondary containment for tanks must include one or more of the following devices:

- (i) A liner (external to the tank);
- (ii) A vault;
- (iii) A double-walled tank; or
- (iv) An equivalent device as approved by the department.

(e) In addition to the requirements of (b), (c), and (d) of this subsection, secondary containment systems must satisfy the following requirements:

(i) External liner systems must be:

(A) Designed or operated to contain one hundred percent of the capacity of the largest tank within its boundary;

(B) Designed or operated to prevent run-on or infiltration of precipitation into the secondary containment system unless the collection system has sufficient excess capacity to contain run-on or infiltration. Such additional capacity must be sufficient to contain precipitation from a twenty-five-year, twenty-four-hour rainfall event.

(C) Free of cracks or gaps; and

(D) Designed and installed to surround the tank completely and to cover all surrounding earth likely to come into contact with the waste if the waste is released from the tank(s) (i.e., capable of preventing lateral as well as vertical migration of the waste).

(ii) Vault systems must be:

(A) Designed or operated to contain one hundred percent of the capacity of the largest tank within its boundary;

(B) Designed or operated to prevent run-on or infiltration of precipitation into the secondary containment system unless the collection system has sufficient excess capacity to contain run-on or infiltration. Such additional capacity must be sufficient to contain precipitation from a twenty-five-year, twenty-four-hour rainfall event;

(C) Constructed with chemical-resistant water stops in place at all joints (if any);

(D) Provided with an impermeable interior coating or lining that is compatible with the stored waste and that will prevent migration of waste into the concrete;

(E) Provided with a means to protect against the formation of and ignition of vapors within the vault, if the waste being stored or treated:

(I) Meets the definition of ignitable waste under WAC 173-303-090(5); or

(II) Meets the definition of reactive waste under WAC 173-303-090(7), and may form an ignitable or explosive vapor.

(F) Provided with an exterior moisture barrier or be otherwise designed or operated to prevent migration of moisture into the vault if the vault is subject to hydraulic pressure.

(iii) Double-walled tanks must be:

(A) Designed as an integral structure (i.e., an inner tank completely enveloped within an outer shell) so that any release from the inner tank is contained by the outer shell;

(B) Protected, if constructed of metal, from both corrosion of the primary tank interior and of the external surface of the outer shell; and

(C) Provided with a built-in continuous leak detection system capable of detecting a release within twenty-four hours, or at the earliest practicable time, if the owner or operator can demonstrate to the department, and the department concludes, that the existing detection technology or site conditions would not allow detection of a release within twenty-four hours.

Note: The provisions outlined in the Steel Tank Institute's (STI) "Standard for Dual Wall Underground Steel Storage Tanks" may be used as guidelines for aspects of the design of underground steel double-walled tanks.

(f) Ancillary equipment must be provided with secondary containment (e.g., trench, jacketing, double-walled piping) that meets the requirements of (b) and (c) of this subsection except for:

(i) Aboveground piping (exclusive of flanges, joints, valves, and other connections) that are visually inspected for leaks on a daily basis;

(ii) Welded flanges, welded joints, and welded connections, that are visually inspected for leaks on a daily basis;

(iii) Sealless or magnetic coupling pumps and sealless valves, that are visually inspected for leaks on a daily basis; and

(iv) Pressurized aboveground piping systems with automatic shut-off devices (e.g., excess flow check valves, flow metering shutdown devices, loss of pressure actuated shut-off devices) that are visually inspected for leaks on a daily basis.

(g) The owner or operator may obtain a variance from the requirements of this subsection if the department finds, as a result of a demonstration by the owner or operator that alternative design and operating practices, together with location characteristics, will prevent the migration of any dangerous waste or dangerous constituents into the ground water, or surface water at least as effectively as secondary containment during the active life of the tank system or that in the event of a release that does migrate to ground water or surface water, no substantial present or potential hazard will be posed to human health or the environment. New underground tank systems may not, per a demonstration in accordance with (g)(ii) of this subsection, be exempted from the secondary containment requirements of this section.

(i) In deciding whether to grant a variance based on a demonstration of equivalent protection of ground water and surface water, the department will consider:

- (A) The nature and quantity of the wastes;
- (B) The proposed alternate design and operation;
- (C) The hydrogeologic setting of the facility, including the thickness of soils present between the tank system and ground water; and
- (D) All other factors that would influence the quality and mobility of the dangerous constituents and the potential for them to migrate to ground water or surface water.

(ii) In deciding whether to grant a variance based on a demonstration of no substantial present or potential hazard, the department will consider:

(A) The potential adverse effects on ground water, surface water, and land quality taking into account:

- (I) The physical and chemical characteristics of the waste in the tank system, including its potential for migration;
- (II) The hydrogeological characteristics of the facility and surrounding land;
- (III) The potential for health risks caused by human exposure to waste constituents;
- (IV) The potential for damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents; and
- (V) The persistence and permanence of the potential adverse effects.

(B) The potential adverse effects of a release on ground-water quality, taking into account:

- (I) The quantity and quality of ground water and the direction of ground-water flow;
- (II) The proximity and withdrawal rates of ground-water users;
- (III) The current and future uses of ground water in the area; and
- (IV) The existing quality of ground water, including other sources of contamination and their cumulative impact on the ground-water quality.

(C) The potential adverse effects of a release on surface water quality, taking into account:

- (I) The quantity and quality of ground water and the direction of ground-water flow;
- (II) The patterns of rainfall in the region;
- (III) The proximity of the tank system to surface waters;
- (IV) The current and future uses of surface waters in the area and any water quality standards established for those surface waters; and
- (V) The existing quality of surface water, including other sources of contamination and the cumulative impact on surface-water quality.

(D) The potential adverse effects of a release on the land surrounding the tank system, taking into account:

- (I) The patterns of rainfall in the region; and
- (II) The current and future uses of the surrounding land.
- (iii) The owner or operator of a tank system, for which a variance from secondary containment had been granted in accordance with the requirements of (g)(i) of this subsection, at which a release of dangerous waste has occurred from the primary tank system but has not migrated beyond the zone of engineering control (as established in the variance), must:

(A) Comply with the requirements of subsection (7) of this section, except subsection (7)(d) of this section; and

(B) Decontaminate or remove contaminated soil to the extent necessary to:

(I) Enable the tank system for which the variance was granted to resume operation with the capability for the detection of releases at least equivalent to the capability it had prior to the release; and

(II) Prevent the migration of dangerous waste or dangerous constituents to ground water or surface water.

(C) If contaminated soil cannot be removed or decontaminated in accordance with (g)(iii)(B) of this subsection, comply with the requirements of subsection (8) of this section.

(iv) The owner or operator of a tank system, for which a variance from secondary containment had been granted in accordance with the requirements of (g)(i) of this subsection, at which a release of dangerous waste has occurred from the primary tank system and has migrated beyond the zone of engineering control (as established in the variance), must:

(A) Comply with the requirements of subsection (7)(a), (b), (c), and (d) of this section; and

(B) Prevent the migration of dangerous waste or dangerous constituents to ground water or surface water, if possible, and decontaminate or remove contaminated soil. If contaminated soil cannot be decontaminated or removed or if ground water has been contaminated, the owner or operator must comply with the requirements of subsection (8)(b) of this section; and

(C) If repairing, replacing, or reinstalling the tank system, provide secondary containment in accordance with the requirements of (a) through (f) of this subsection or reapply for a variance from secondary containment and meet the requirements for new tank systems in subsection (3) of this section if the tank system is replaced. The owner or operator must comply with these requirements even if contaminated soil can be decontaminated or removed and ground water or surface water has not been contaminated.

(h) The following procedures must be followed in order to request a variance from secondary containment:

(i) The department must be notified in writing by the owner or operator that he intends to conduct and submit a demonstration for a variance from secondary containment as allowed in (g) of this subsection according to the following schedule:

(A) For existing tank systems, at least twenty-four months prior to the date that secondary containment must be provided in accordance with (a) of this subsection.

(B) For new tank systems, at least thirty days prior to entering into a contract for installation.

(ii) As part of the notification, the owner or operator must also submit to the department a description of the steps necessary to conduct the demonstration and a timetable for completing each of the steps. The demonstration must address each of the factors listed in (g)(i) or (ii) of this subsection;

(iii) The demonstration for a variance must be completed within one hundred eighty days after notifying the department of an intent to conduct the demonstration; and

(iv) If a variance is granted under this subsection, the department will require the permittee to construct and

operate the tank system in the manner that was demonstrated to meet the requirements for the variance.

(i) All tank systems, until such time as secondary containment that meets the requirements of this section is provided, must comply with the following:

(A) For nonenterable underground tanks, a leak test that meets the requirements of subsection (2)(c)(v) of this section or other tank integrity method, as approved or required by the department, must be conducted at least annually.

(B) For other than nonenterable underground tanks, the owner or operator must either conduct a leak test as in (i)(A) of this subsection or develop a schedule and procedure for an assessment of the overall condition of the tank system by an independent, qualified registered professional engineer. The schedule and procedure must be adequate to detect obvious cracks, leaks, and corrosion or erosion that may lead to cracks and leaks. The owner or operator must remove the stored waste from the tank, if necessary, to allow the condition of all internal tank surfaces to be assessed. The frequency of these assessments must be based on the material of construction of the tank and its ancillary equipment, the age of the system, the type of corrosion or erosion protection used, the rate of corrosion or erosion observed during the previous inspection, and the characteristics of the waste being stored or treated.

(C) For ancillary equipment, a leak test or other integrity assessment as approved by the department must be conducted at least annually.

Note: The practices described in the American Petroleum Institute (API) Publication Guide for Inspection of Refinery Equipment, Chapter XIII, "Atmospheric and Low-Pressure Storage Tanks," 4th edition, 1981, may be used, where applicable, as guidelines for assessing the overall condition of the tank system.

(D) The owner or operator must maintain on file at the facility a record of the results of the assessments conducted in accordance with (h)(iv)(A) through (C) of this subsection.

(E) If a tank system or component is found to be leaking or unfit for use as a result of the leak test or assessment in (h)(iv)(A) through (C) of this subsection, the owner or operator must comply with the requirements of subsection (7) of this section.

(5) General operating requirements.

(a) Dangerous wastes or treatment reagents must not be placed in a tank system if they could cause the tank, its ancillary equipment, or the containment system to rupture, leak, corrode, or otherwise fail.

(b) The owner or operator must use appropriate controls and practices to prevent spills and overflows from tank or containment systems. These include at a minimum:

(i) Spill prevention controls (e.g., check valves, dry disconnect couplings);

(ii) Overfill prevention controls (e.g., level sensing devices, high level alarms, automatic feed cutoff, or bypass to a standby tank); and

(iii) Maintenance of sufficient freeboard in uncovered tanks to prevent overtopping by wave or wind action or by precipitation.

(c) The owner or operator must comply with the requirements of subsection (7) of this section if a leak or spill occurs in the tank system.

(d) All tank systems holding dangerous waste (~~shall~~) must be marked with labels or signs to identify the waste

contained in the tank. The label or sign (~~shall~~) must be legible at a distance of at least fifty feet, and (~~shall~~) must bear a legend which identifies the waste in a manner which adequately warns employees, emergency response personnel, and the public of the major risk(s) associated with the waste being stored or treated in the tank system(s). (Note—If there already is a system in use that performs this function in accordance with local, state or federal regulations, then such system will be adequate.)

(e) All tank systems holding (~~EHW~~) dangerous wastes which (~~is~~) are acutely or chronically toxic by inhalation must be designed to prevent escape of vapors, fumes, or other emissions into the air.

(6) Inspections.

(a) The owner or operator must develop and follow a schedule and procedure for inspecting overfill controls.

(b) The owner or operator must inspect at least once each operating day:

(i) Aboveground portions of the tank system, if any, to detect corrosion or releases of waste;

(ii) Data gathered from monitoring any leak detection equipment (e.g., pressure or temperature gauges, monitoring wells) to ensure that the tank system is being operated according to its design; and

(iii) The construction materials and the area immediately surrounding the externally accessible portion of the tank system, including the secondary containment system (e.g., dikes) to detect erosion or signs of releases of dangerous waste (e.g., wet spots, dead vegetation).

Note: WAC 173-303-320 requires the owner or operator to remedy any deterioration or malfunction he finds. Subsection (7) of this section requires the owner or operator to notify the department within twenty-four hours of confirming a leak. Also, 40 CFR Part 302 may require the owner or operator to notify the National Response Center of a release.

(c) The owner or operator must inspect cathodic protection systems, if present, according to, at a minimum, the following schedule to ensure that they are functioning properly:

(i) The proper operation of the cathodic protection system must be confirmed within six months after initial installation and annually thereafter; and

(ii) All sources of impressed current must be inspected and/or tested, as appropriate, at least bimonthly (i.e., every other month).

Note: The practices described in the National Association of Corrosion Engineers (NACE) standard, "Recommended Practice (RP-02-85)—Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems," and the American Petroleum Institute (API) Publication 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems," may be used, where applicable, as guidelines in maintaining and inspecting cathodic protection systems.

(d) The owner or operator must document in the operating record of the facility an inspection of those items in (a) through (c) of this subsection. The owner or operator (~~shall~~) must keep an inspection log including at least the date and time of the inspection, the printed name and the handwritten signature of the inspector, a notation of the observations made and the date and nature of any repairs or remedial actions taken. The log must be kept at the facility for at least five years from the date of inspection.

(7) Response to leaks or spills and disposition of leaking or unfit-for-use tank systems.

A tank system or secondary containment system from which there has been a leak or spill, or which is unfit for use, must be removed from service immediately, and the owner or operator must satisfy the following requirements:

(a) Cessation of use; prevent flow or addition of wastes. The owner or operator must immediately stop the flow of dangerous waste into the tank system or secondary containment system and inspect the system to determine the cause of the release.

(b) Removal of waste from tank system or secondary containment system.

(i) If the release was from the tank system, the owner/operator must, within twenty-four hours after detection of the leak or, if the owner/operator demonstrates that it is not possible, at the earliest practicable time, remove as much of the waste as is necessary to prevent further release of dangerous waste to the environment and to allow inspection and repair of the tank system to be performed.

(ii) If the material released was to a secondary containment system, all released materials must be removed within twenty-four hours or in as timely a manner as is possible to prevent harm to human health and the environment.

(c) Containment of visible releases to the environment. The owner/operator must immediately conduct a visual inspection of the release and, based upon that inspection:

(i) Prevent further migration of the leak or spill to soils or surface water; and

(ii) Remove, and properly dispose of, any visible contamination of the soil or surface water.

(d) Notifications, reports.

(i) Any release to the environment, except as provided in (d)(ii) of this subsection, must be reported to the department within twenty-four hours of its detection. Any release above the "reportable quantity" must also be reported to the National Response Center pursuant to 40 CFR Part 302.

(ii) A leak or spill of dangerous waste is exempted from the requirements of (d) of this subsection if it is:

(A) Less than or equal to a quantity of one pound, or the "Reportable Quantity" (RQ) established in 40 CFR Part 302, whichever is less; and

(B) Immediately contained and cleaned-up.

(iii) Within thirty days of detection of a release to the environment, a report containing the following information must be submitted to the department:

(A) Likely route of migration of the release;

(B) Characteristics of the surrounding soil (soil composition, geology, hydrogeology, climate);

(C) Results of any monitoring or sampling conducted in connection with the release (if available). If sampling or monitoring data relating to the release are not available within thirty days, these data must be submitted to the department as soon as they become available;

(D) Proximity to downgradient drinking water, surface water, and populated areas; and

(E) Description of response actions taken or planned.

(e) Provision of secondary containment, repair, or closure.

(i) Unless the owner/operator satisfies the requirements of (e)(ii) through (iv) of this subsection, the tank system

must be closed in accordance with subsection (8) of this section.

(ii) If the cause of the release was a spill that has not damaged the integrity of the system, the owner/operator may return the system to service as soon as the released waste is removed and repairs, if necessary, are made.

(iii) If the cause of the release was a leak from the primary tank system into the secondary containment system, the system must be repaired prior to returning the tank system to service.

(iv) If the source of the release was a leak to the environment from a component of a tank system without secondary containment, the owner/operator must provide the component of the system from which the leak occurred with secondary containment that satisfies the requirements of subsection (4) of this section before it can be returned to service, unless the source of the leak is an aboveground portion of a tank system that can be inspected visually. If the source is an aboveground component that can be inspected visually, the component must be repaired and may be returned to service without secondary containment as long as the requirements of (f) of this subsection are satisfied. If a component is replaced to comply with the requirements of this subitem, that component must satisfy the requirements for new tank systems or components in subsections (3) and (4) of this section. Additionally, if a leak has occurred in any portion of a tank system component that is not readily accessible for visual inspection (e.g., the bottom of an inground or onground tank), the entire component must be provided with secondary containment in accordance with subsection (4) of this section prior to being returned to use.

(f) Certification of major repairs. If the owner/operator has repaired a tank system in accordance with (e) of this subsection, and the repair has been extensive (e.g., installation of an internal liner; repair of a ruptured primary containment or secondary containment vessel), the tank system must not be returned to service unless the owner/operator has obtained a certification by an independent, qualified, registered, professional engineer in accordance with WAC 173-303-810 (13)(a) that the repaired system is capable of handling dangerous wastes without release for the intended life of the system. This certification must be submitted to the department within seven days after returning the tank system to use.

Note: See WAC 173-303-320 for the requirements necessary to remedy a failure. Also, 40 CFR Part 302 may require the owner or operator to notify the National Response Center of certain releases.

(8) Closure and post-closure care.

(a) At closure of a tank system, the owner or operator must remove or decontaminate all waste residues, contaminated containment system components (liners, etc.), contaminated soils, and structures and equipment contaminated with waste, and manage them as dangerous waste, unless WAC 173-303-070 (2)(a) applies. The closure plan, closure activities, cost estimates for closure, and financial responsibility for tank systems must meet all of the requirements specified in WAC 173-303-610 and 173-303-620.

(b) If the owner or operator demonstrates that not all contaminated soils can be practicably removed or decontaminated as required in (a) of this subsection, then the owner or

operator must close the tank system and perform post-closure care in accordance with the closure and post-closure care requirements that apply to landfills (see WAC 173-303-665(6)). In addition, for the purposes of closure, post-closure, and financial responsibility, such a tank system is then considered to be a landfill, and the owner or operator must meet all of the requirements for landfills specified in WAC 173-303-610 and 173-303-620.

(c) If an owner or operator has a tank system that does not have secondary containment that meets the requirements of subsection (4)(b) through (f) of this section and is not exempt from the secondary containment requirements in accordance with subsection (4)(g) of this section, then:

(i) The closure plan for the tank system must include both a plan for complying with (a) of this subsection and a contingent plan for complying with (b) of this subsection.

(ii) A contingent post-closure plan for complying with (b) of this subsection must be prepared and submitted as part of the permit application.

(iii) The cost estimates calculated for closure and post-closure care must reflect the costs of complying with the contingent closure plan and the contingent post-closure plan, if those costs are greater than the costs of complying with the closure plan prepared for the expected closure under (a) of this subsection.

(iv) Financial assurance must be based on the cost estimates in (c)(iii) of this subsection.

(v) For the purposes of the contingent closure and post-closure plans, such a tank system is considered to be a landfill, and the contingent plans must meet all of the closure, post-closure, and financial responsibility requirements for landfills under this chapter (WAC 173-303-610 and 173-303-620).

(9) Special requirements for ignitable or reactive wastes.

(a) Ignitable or reactive waste must not be placed in tank systems unless:

(i) The waste is treated, rendered, or mixed before or immediately after placement in the tank system so that the resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under WAC 173-303-090, and 173-303-395 (1)(b) is complied with; or

(ii) The waste is stored or treated in such a way that it is protected from any material or conditions which may cause the waste to ignite or react; or

(iii) The tank system is used solely for emergencies.

(b) The owner or operator of a facility which treats or stores ignitable or reactive waste in tanks must locate the tanks in a manner equivalent to the National Fire Protection Association's buffer zone requirements for tanks, contained in Tables 2-1 through 2-6 of the NFPA-30 *Flammable and Combustible Liquids Code* - 1981, or as required by state and local fire codes when such codes are more stringent. The owner or operator (~~shall~~) must also comply with the requirements of WAC 173-303-395 (1)(d).

(10) Special requirements for incompatible wastes.

(a) Incompatible wastes, or incompatible wastes and materials, must not be placed in the same tank system, unless WAC 173-303-395 (1)(b) is complied with.

(b) Dangerous waste must not be placed in a tank system that has not been decontaminated and that previously

held an incompatible waste or material, unless WAC 173-303-395 (1)(b) is complied with.

AMENDATORY SECTION (Amending Order 92-33, filed 12/8/93, effective 1/8/94)

WAC 173-303-645 Releases from regulated units.

(1) Applicability.

(a)(i) Except as provided in (b) of this subsection, the regulations in this section apply to owners and operators of facilities that treat, store, or dispose of dangerous waste. The owner or operator must satisfy the requirements identified in (a)(ii) of this subsection for all wastes (or constituents thereof) contained in solid waste management units at the facility, regardless of the time at which waste was placed in such units.

(ii) All solid waste management units must comply with the requirements in WAC 173-303-646(2). Regulated units (as defined in WAC 173-303-040) must comply with the requirements of subsections (2) through (12) of this section, in lieu of WAC 173-303-646(2), for purposes of detecting, characterizing, and responding to releases to the uppermost aquifer. The corrective action financial responsibility requirements of WAC 173-303-646(2) apply to corrective action regulated units.

(b) The owner or operator's regulated unit or units are not subject to regulation for releases into the uppermost aquifer under this section if:

(i) The owner or operator is exempted under WAC 173-303-600; or

(ii) He operates a unit which the department finds:

(A) Is an engineered structure;

(B) Does not receive or contain liquid waste or waste containing free liquids;

(C) Is designed and operated to exclude liquid, precipitation, and other run-on and run-off;

(D) Has both inner and outer layers of containment enclosing the waste;

(E) Has a leak detection system built into each containment layer;

(F) The owner or operator will provide continuing operation and maintenance of these leak detection systems during the active life of the unit and the closure and post-closure care periods; and

(G) To a reasonable degree of certainty, will not allow dangerous constituents to migrate beyond the outer containment layer prior to the end of the post-closure care period.

(iii) The department finds, pursuant to WAC 173-303-655 (8)(d), that the treatment zone of a land treatment unit does not contain levels of dangerous constituents that are above background levels of those constituents by an amount that is statistically significant, and if an unsaturated zone monitoring program meeting the requirements of WAC 173-303-655(6) has not shown a statistically significant increase in dangerous constituents below the treatment zone during the operating life of the unit. An exemption under this subsection can only relieve an owner or operator of responsibility to meet the requirements of this section during the post-closure care period; or

(iv) The department finds that there is no potential for migration of liquid from a regulated unit to the uppermost aquifer during the active life of the regulated unit (including

the closure period) and the postclosure care period. This demonstration must be certified by a qualified geologist or geotechnical engineer. In order to provide an adequate margin of safety in the prediction of potential migration of liquid, the owner or operator must base any predictions made under this subsection on assumptions that maximize the rate of liquid migration.

(c) The regulations under this section apply during the active life of the regulated unit (including the closure period). After closure of the regulated unit, the regulations in this section:

(i) Do not apply if all waste, waste residues, contaminated containment system components, and contaminated subsoils are removed or decontaminated at closure in accordance with the removal or decontamination limits specified in WAC 173-303-610 (2)(b);

(ii) Apply during the postclosure care period if the owner or operator is conducting a detection monitoring program under subsection (9) of this section; and

(iii) Apply during the compliance period under subsection (7) of this section, if the owner or operator is conducting a compliance monitoring program under subsection (10) of this section, or a corrective action program under subsection (11) of this section.

(d) Regulations in this section may apply to miscellaneous units when necessary to comply with WAC 173-303-680 (2) through (4).

(2) Required programs.

(a) Owners and operators subject to this section must conduct a monitoring and response program as follows:

(i) Whenever dangerous constituents under subsection (4) of this section, from a regulated unit are detected at the compliance point under subsection (6) of this section, the owner or operator must institute a compliance monitoring program under subsection (10) of this section. Detected is defined as statistically significant evidence of contamination as described in subsection (9)(f) of this section;

(ii) Whenever the ground water protection standard under subsection (3) of this section, is exceeded, the owner or operator must institute a corrective action program under subsection (11) of this section. Exceeded is defined as statistically significant evidence of increased contamination as described in subsection (10)(h) of this section. Exceeded is defined as statistically significant evidence of contamination as described in WAC 173-303-645 (10)(d);

(iii) Whenever dangerous constituents under subsection (4) of this section, from a regulated unit exceed concentration limits under subsection (5) of this section, in ground water between the compliance point under subsection (6) of this section and the downgradient facility property boundary, the owner or operator must institute a corrective action program under subsection (11) of this section; and

(iv) In all other cases, the owner or operator must institute a detection monitoring program under subsection (9) of this section.

(b) The department will specify in the facility permit the specific elements of the monitoring and response program. The department may include one or more of the programs identified in (a) of this subsection, in the facility permit as may be necessary to protect human health and the environment and will specify the circumstances under which each of the programs will be required. In deciding whether to

require the owner or operator to be prepared to institute a particular program, the department will consider the potential adverse effects on human health and the environment that might occur before final administrative action on a permit modification application to incorporate such a program could be taken.

(3) Ground water protection standard. The owner or operator must comply with conditions specified in the facility permit that are designed to ensure that dangerous constituents under subsection (4) of this section, detected in the ground water from a regulated unit do not exceed the concentration limits under subsection (5) of this section, in the uppermost aquifer underlying the waste management area beyond the point of compliance under subsection (6) of this section, during the compliance period under subsection (7) of this section. To the extent practical, the department will establish this ground water protection standard in the facility permit at the time the permit is issued. If the department determines that an established standard is not protective enough, or if the department decides that it is not practical to establish standards at the time of permit issuance, the department will establish the groundwater protection standard in the facility permit when dangerous constituents have been detected in the groundwater from a regulated unit.

(4) Dangerous constituents.

(a) The department will specify in the facility permit the dangerous constituents to which the ground water protection standard of subsection (3) of this section, applies. Dangerous constituents are constituents identified in 40 CFR Part 264 Appendix IX, which is adopted by reference (this list is available from the department (~~upon request~~)), and any other constituents not listed there which have caused a waste to be regulated under this chapter, that may be or have been detected in ground water in the uppermost aquifer underlying a regulated unit and that are reasonably expected to be in or derived from waste contained in a regulated unit, unless the department has excluded them under (b) of this subsection.

The department may also specify in the permit indicator parameters (e.g., specific conductance, pH, total organic carbon (TOC), total organic halogen (TOX), or heavy metals), waste constituents or reaction products as identified in the detection monitoring program under subsection (9)(a) of this section, that provide a reliable indication of the presence of dangerous constituents in the ground water.

(b) The department will exclude a 40 CFR Part 264 Appendix IX, or other identified constituent from the list of dangerous constituents specified in the facility permit if it finds that the constituent is not capable of posing a substantial present or potential hazard to human health or the environment. In deciding whether to grant an exemption, the department will consider the following:

(i) Potential adverse effects on ground water quality, considering:

(A) The physical and chemical characteristics of the waste in the regulated unit, including its potential for migration;

(B) The hydrogeological characteristics of the facility and surrounding land;

(C) The quantity of ground water and the direction of ground water flow;

(D) The proximity and withdrawal rates of ground water users;

- (E) The current and future uses of ground water in the area;
- (F) The existing quality of ground water, including other sources of contamination and their cumulative impact on the ground water quality;
- (G) The potential for health risks caused by human exposure to waste constituents;
- (H) The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents; and
- (I) The persistence and permanence of the potential adverse effects;
 - (ii) Potential adverse effects on hydraulically-connected surface water quality, considering:
 - (A) The volume and physical and chemical characteristics of the waste in the regulated unit;
 - (B) The hydrogeological characteristics of the facility and surrounding land;
 - (C) The quantity and quality of ground water, and the direction of ground water flow;
 - (D) The patterns of rainfall in the region;
 - (E) The proximity of the regulated unit to surface waters;
 - (F) The current and future uses of surface waters in the area and any water quality standards established for those surface waters;
 - (G) The existing quality of surface water, including other sources of contamination and the cumulative impact on surface water quality;
 - (H) The potential for health risks caused by human exposure to waste constituents;
 - (I) The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents; and
 - (J) The persistence and permanence of the potential adverse effects; and
 - (iii) Any identification of underground sources of drinking water and exempted aquifers made pursuant to chapter 90.48 RCW, chapter 270, Laws of 1983, and other applicable state laws and regulations.
- (5) Concentration limits.
 - (a) The department will specify in the facility permit concentration limits in the ground water for dangerous constituents established under subsection (4) of this section. The concentration of a dangerous constituent:
 - (i) Must not exceed the background level of that constituent in the ground water at the time that limit is specified in the permit; or
 - (ii) For any of the constituents listed in Table 1 of this subsection, must not exceed the respective value given in that table if the background level of the constituent is below the value given in Table 1; or
 - (iii) Must not exceed an alternate limit established by the department under (b) of this subsection.

Table 1.
Maximum Concentration of Constituents
for Ground Water Protection

Constituent	Maximum Concentration ¹
Arsenic	0.05
Barium	1.0
Cadmium	0.01
Chromium	0.05
Lead	0.05
Mercury	0.002
Selenium	0.01
Silver	0.05
Endrin	0.0002
Lindane	0.004
Methoxychlor	0.1
Toxaphene	0.005
2,4-D	0.1m
2,4,5-TP Silvex	0.01

¹ Milligrams per liter.

(b) The department will establish an alternate concentration limit for a dangerous constituent if it finds that the constituent will not pose a substantial present or potential hazard to human health or the environment as long as the alternate concentration limit is not exceeded. In establishing alternate concentration limits, the department will consider the same factors listed in subsection (4)(b)(i) through (iii) of this section.

(6) Point of compliance.

(a) The department will specify in the facility permit the point of compliance at which the ground water protection standard of subsection (3) of this section, applies and at which monitoring must be conducted. The point of compliance is a vertical surface located at the hydraulically downgradient limit of the waste management area that extends down into the uppermost aquifer underlying the regulated units. Alternatively, the point of compliance may be any closer points identified by the department at the time the permit is issued, considering the risks of the facility, the wastes and constituents managed there, the potential for waste constituents to have already migrated past the alternate compliance point, and the potential threats to ground and surface waters.

(b) The waste management area is the limit projected in the horizontal plane of the area on which waste will be placed during the active life of a regulated unit. The waste management area includes horizontal space taken up by any liner, dike, or other barrier designed to contain waste in a regulated unit. If the facility contains more than one regulated unit, the waste management area is described by an imaginary line circumscribing the several regulated units.

(7) Compliance period.

(a) The department will specify in the facility permit the compliance period during which the ground water protection standard of subsection (3) of this section applies. The compliance period is the number of years equal to the active life of the waste management area (including any waste

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management activity prior to permitting, and the closure period).

(b) The compliance period begins when the owner or operator initiates a compliance monitoring program meeting the requirements of subsection (10) of this section.

(c) If the owner or operator is engaged in a corrective action program at the end of the compliance period specified in (a) of this subsection, the compliance period is extended until the owner or operator can demonstrate that the ground water protection standard of subsection (3) of this section, has not been exceeded for a period of three consecutive years.

(8) General ground water monitoring requirements.

The owner or operator must comply with the requirements of this subsection for any ground water monitoring program developed to satisfy subsections (9), (10), or (11) of this section.

(a) The ground water monitoring system must consist of a sufficient number of wells, installed at appropriate locations and depths to yield ground water samples from the uppermost aquifer that:

(i) Represent the quality of background water that has not been affected by leakage from a regulated unit;

(A) A determination of background quality may include sampling of wells that are not hydraulically upgradient of the waste management area where:

(I) Hydrogeologic conditions do not allow the owner or operator to determine what wells are hydraulically upgradient; and

(II) Sampling at other wells will provide an indication of background ground water quality that is representative or more representative than that provided by the upgradient wells; and

(ii) Represent the quality of ground water passing the point of compliance.

(iii) Allow for the detection of contamination when dangerous waste or dangerous constituents have migrated from the waste management area to the uppermost aquifer.

(b) If a facility contains more than one regulated unit, separate ground water monitoring systems are not required for each regulated unit, provided that provisions for sampling the ground water in the uppermost aquifer will enable detection and measurement at the compliance point of dangerous constituents from the regulated units that have entered the ground water in the uppermost aquifer.

(c) All monitoring wells must be cased in a manner that maintains the integrity of the monitoring well bore hole. This casing must allow collection of representative ground water samples. Wells must be constructed in such a manner as to prevent contamination of the samples, the sampled strata, and between aquifers and water bearing strata. Wells must meet the requirements set forth in Parts 1 and 3 of chapter 173-160 WAC, "Minimum standards for construction and maintenance of wells."

(d) The ground water monitoring program must include at a minimum, procedures and techniques for:

- (i) Decontamination of drilling and sampling equipment;
- (ii) Sample collection;
- (iii) Sample preservation and shipment;
- (iv) Analytical procedures and quality assurance; and
- (v) Chain of custody control.

(e) The ground water monitoring program must include consistent sampling and analytical methods that ensure reliable ground water sampling, accurately measure dangerous constituents and indicator parameters in ground water samples, and provide a reliable indication of groundwater quality below the waste management area.

(f) The ground water monitoring program must include a determination of the ground water surface elevation each time ground water is sampled.

(g) In detection monitoring or where appropriate in compliance monitoring, data on each dangerous constituent specified in the permit will be collected from background wells and wells at the compliance point(s). The number and kinds of samples collected to establish background ~~((shall))~~ must be appropriate for the form of statistical test employed, following generally accepted statistical principles. The sample size ~~((shall))~~ must be as large as necessary to ensure with reasonable confidence that a contaminant release to ground water from a facility will be detected. The owner or operator will determine an appropriate sampling procedure and interval for each hazardous constituent listed in the facility permit which ~~((shall))~~ will be specified in the unit permit upon approval by the department. This sampling procedure ~~((shall))~~ will be:

(i) A sequence of at least four samples, taken at an interval that assures, to the greatest extent technically feasible, that an independent sample is obtained, by reference to the uppermost aquifer's effective porosity, hydraulic conductivity and hydraulic gradient, and the fate and transport characteristics of the potential contaminants; or

(ii) An alternate sampling procedure proposed by the owner or operator and approved by the department.

(h) The owner or operator will specify one of the following statistical methods to be used in evaluating ground water monitoring data for each hazardous constituent which, upon approval by the department, will be specified in the unit permit. The statistical test chosen ~~((shall))~~ must be conducted separately for each dangerous constituent in each well. Where practical quantification limits (pql's) are used in any of the following statistical procedures to comply with (i)(v) of this subsection, the pql must be proposed by the owner or operator and approved by the department. Use of any of the following statistical methods must be protective of human health and the environment and must comply with the performance standards outlined in (i) of this subsection.

(i) A parametric analysis of variance (ANOVA) followed by multiple comparisons procedures to identify statistically significant evidence of contamination. The method must include estimation and testing of the contrasts between each compliance well's mean and the background mean levels for each constituent.

(ii) An analysis of variance (ANOVA) based on ranks followed by multiple comparisons procedures to identify statistically significant evidence of contamination. The method must include estimation and testing of the contrasts between each compliance well's median and the background median levels for each constituent.

(iii) A tolerance or prediction interval procedure in which an interval for each constituent is established from the distribution of the background data, and the level of each constituent in each compliance well is compared to the upper tolerance or prediction limit.

(iv) A control chart approach that gives control limits for each constituent.

(v) Another statistical test method submitted by the owner or operator and approved by the department.

(i) Any statistical method chosen under (h) of this subsection for specification in the unit permit ~~((shall))~~ must comply with the following performance standards, as appropriate:

(i) The statistical method used to evaluate ground water monitoring data ~~((shall))~~ must be appropriate for the distribution of chemical parameters or dangerous constituents. If the distribution of the chemical parameters or dangerous constituents is shown by the owner or operator to be inappropriate for a normal theory test, then the data should be transformed or a distribution-free theory test should be used. If the distributions for the constituents differ, more than one statistical method may be needed.

(ii) If an individual well comparison procedure is used to compare an individual compliance well constituent concentration with background constituent concentrations or a ground water protection standard, the test ~~((shall))~~ must be done at a Type I error level no less than 0.01 for each testing period. If a multiple comparisons procedure is used, the Type I experiment wise error rate for each testing period ~~((shall))~~ must be no less than 0.05; however, the Type I error of no less than 0.01 for individual well comparisons must be maintained. This performance standard does not apply to tolerance intervals, prediction intervals, or control charts.

(iii) If a control chart approach is used to evaluate ground water monitoring data, the specific type of control chart and its associated parameter values ~~((shall))~~ must be proposed by the owner or operator and approved by the department if it ~~((is))~~ finds it to be protective of human health and the environment.

(iv) If a tolerance interval or a prediction interval is used to evaluate ground water monitoring data, the levels of confidence and, for tolerance intervals, the percentage of the population that the interval must contain, ~~((shall))~~ must be proposed by the owner or operator and approved by the department if it finds these parameters to be protective of human health and the environment. These parameters will be determined after considering the number of samples in the background data base, the data distribution, and the range of the concentration values for each constituent of concern.

(v) The statistical method ~~((shall))~~ must account for data below the limit of detection with one or more statistical procedures that are protective of human health and the environment. Any practical quantification limit (pql) approved by the department under (h) of this subsection that is used in the statistical method ~~((shall))~~ must be the lowest concentration level that can be reliably achieved within specified limits of precision and accuracy during routine laboratory operating conditions that are available to the facility.

(vi) If necessary, the statistical method ~~((shall))~~ must include procedures to control or correct for seasonal and spatial variability as well as temporal correlation in the data.

(j) Ground water monitoring data collected in accordance with (g) of this subsection including actual levels of constituents must be maintained in the facility operating

record. The department will specify in the permit when the data must be submitted for review.

(9) Detection monitoring program. An owner or operator required to establish a detection monitoring program under this subsection must, at a minimum, discharge the responsibilities described in this subsection.

(a) The owner or operator must monitor for indicator parameters (e.g., pH, specific conductance, total organic carbon (TOC), total organic halogen (TOX), or heavy metals), waste constituents, or reaction products that provide a reliable indication of the presence of dangerous constituents in ground water. The department will specify the parameters or constituents to be monitored in the facility permit, after considering the following factors:

(i) The types, quantities, and concentrations of constituents in wastes managed at the regulated unit;

(ii) The mobility, stability, and persistence of waste constituents or their reaction products in the unsaturated zone beneath the waste management area;

(iii) The detectability of indicator parameters, waste constituents, and reaction products in ground water; and

(iv) The concentrations or values and coefficients of variation of proposed monitoring parameters or constituents in the ground water background.

(b) The owner or operator must install a ground water monitoring system at the compliance point, as specified under subsection (6) of this section. The ground water monitoring system must comply with subsection (8)(a)(ii), (b), and (c) of this section.

(c) The owner or operator must conduct a ground water monitoring program for each chemical parameter and dangerous constituent specified in the permit pursuant to (a) of this subsection in accordance with subsection (8)(g) of this section. The owner or operator must maintain a record of ground water analytical data as measured and in a form necessary for the determination of statistical significance under subsection (8)(h) of this section.

(d) The department will specify the frequencies for collecting samples and conducting statistical tests to determine whether there is statistically significant evidence of contamination for any parameter or dangerous constituent specified in the permit under (a) of this subsection in accordance with subsection (8)(g) of this section. A sequence of at least four samples from each well (background and compliance wells) must be collected at least semiannually during detection monitoring.

(e) The owner or operator must determine the ground water flow rate and direction in the uppermost aquifer at least annually.

(f) The owner or operator must determine whether there is statistically significant evidence of contamination for any chemical parameter or dangerous constituent specified in the permit pursuant to (a) of this subsection at a frequency specified under (d) of this subsection.

(i) In determining whether statistically significant evidence of contamination exists, the owner or operator must use the method(s) specified in the permit under subsection (8)(h) of this section. These method(s) must compare data collected at the compliance point(s) to the background ground water quality data.

(ii) The owner or operator must determine whether there is statistically significant evidence of contamination at each

monitoring well as the compliance point within a reasonable period of time after completion of sampling. The department will specify in the facility permit what period of time is reasonable after considering the complexity of the statistical test and the availability of laboratory facilities to perform the analysis of ground water samples.

(g) If the owner or operator determines pursuant to (f) of this subsection that there is statistically significant evidence of contamination for chemical parameters or dangerous constituents specified pursuant to (a) of this subsection at any monitoring well at the compliance point, he or she must:

(i) Notify the department of this finding in writing within seven days. The notification must indicate what chemical parameters or dangerous constituents have shown statistically significant evidence of contamination;

(ii) Immediately sample the ground water in all monitoring wells and determine whether constituents in the list of Appendix IX of 40 CFR Part 264 (which is adopted by reference) are present, and if so, in what concentration.

(iii) For any Appendix IX compounds found in the analysis pursuant to (g)(ii) of this subsection, the owner or operator may resample within one month and repeat the analysis for those compounds detected. If the results of the second analysis confirm the initial results, then these constituents will form the basis for compliance monitoring. If the owner or operator does not resample for the compounds found pursuant to (g)(ii) of this subsection, the dangerous constituents found during this initial Appendix IX analysis will form the basis for compliance monitoring.

(iv) Within ninety days, submit to the department an application for a permit modification to establish a compliance monitoring program meeting the requirements of subsection (10) of this section. The application must include the following information:

(A) An identification of the concentration or any Appendix IX constituent detected in the ground water at each monitoring well at the compliance point;

(B) Any proposed changes to the ground water monitoring system at the facility necessary to meet the requirements of subsection (10) of this section;

(C) Any proposed additions or changes to the monitoring frequency, sampling and analysis procedures or methods, or statistical methods used at the facility necessary to meet the requirements of subsection (10) of this section;

(D) For each dangerous constituent detected at the compliance point, a proposed concentration limit under subsection (5)(a)(i) or (ii) of this section, or a notice of intent to seek an alternate concentration limit under subsection (5)(b) of this section; and

(v) Within one hundred eighty days, submit to the department:

(A) All data necessary to justify an alternate concentration limit sought under subsection (5)(b) of this section; and

(B) An engineering feasibility plan for a corrective action program necessary to meet the requirement of subsection (11) of this section unless:

(I) All dangerous constituents identified under (g)(ii) of this subsection are listed in Table I of subsection (5) of this section and their concentrations do not exceed the respective values given in that Table; or

(II) The owner or operator has sought an alternate concentration limit under subsection (5)(b) of this section for every dangerous constituent identified under (g)(ii) of this subsection.

(vi) If the owner or operator determines, pursuant to (f) of this subsection, that there is a statistically significant difference for chemical parameters or dangerous constituents specified pursuant to (a) of this subsection at any monitoring well at the compliance point, he or she may demonstrate that a source other than a regulated unit caused the contamination or that the detection is an artifact caused by an error in sampling, analysis, or statistical evaluation or natural variation in the ground water. The owner operator may make a demonstration under this subsection in addition to, or in lieu of, submitting a permit modification application under (g)(iv) of this subsection; however, the owner or operator is not relieved of the requirement to submit a permit modification application within the time specified in (g)(iv) of this subsection unless the demonstration made under this subsection successfully shows that a source other than a regulated unit caused the increase, or that the increase resulted from error in sampling, analysis, or evaluation. In making a demonstration under this subsection, the owner or operator must:

(A) Notify the department in writing within seven days of determining statistically significant evidence of contamination at the compliance point that he intends to make a demonstration under this subsection;

(B) Within ninety days, submit a report to the department which demonstrates that a source other than a regulated unit caused the contamination or that the contamination resulted from error in sampling, analysis, or evaluation;

(C) Within ninety days, submit to the department an application for a permit modification to make any appropriate changes to the detection monitoring program facility; and

(D) Continue to monitor in accordance with the detection monitoring program established under this section.

(h) If the owner or operator determines that the detection monitoring program no longer satisfies the requirements of this section, he or she must, within ninety days, submit an application for a permit modification to make any appropriate changes to the program.

(10) Compliance monitoring program. An owner or operator required to establish a compliance monitoring program under this section must, at a minimum, discharge the responsibilities described in this subsection.

(a) The owner or operator must monitor the ground water to determine whether regulated units are in compliance with the ground water protection standard under subsection (3) of this section. The department will specify the ground water protection standard in the facility permit, including:

(i) A list of the dangerous constituents and parameters identified under subsection (4) of this section;

(ii) Concentration limits under subsection (5) of this section for each of those dangerous constituents and parameters;

(iii) The compliance point under subsection (6) of this section; and

(iv) The compliance period under subsection (7) of this section.

(b) The owner or operator must install a ground water monitoring system at the compliance point as specified under

subsection (6) of this section. The ground water monitoring system must comply with subsection (8)(a)(ii), (b), and (c) of this section.

(c) The department will specify the sampling procedures and statistical methods appropriate for the constituents and the facility, consistent with subsection (8)(g) and (h) of this section.

(i) The owner or operator must conduct a sampling program for each chemical parameter or dangerous constituent in accordance with subsection (8) (g) of this section.

(ii) The owner or operator must record ground water analytical data as measured and in form necessary for the determination of statistical significance under subsection (8)(h) of this section for the compliance period of the facility.

(d) The owner or operator must determine whether there is statistically significant evidence of increased contamination for any chemical parameter or dangerous constituent specified in the permit, pursuant to (a) of this subsection, at a frequency specified under (f) of this subsection.

(i) In determining whether statistically significant evidence of increased contamination exists, the owner or operator must use the method(s) specified in the permit under subsection (8)(h) of this section. The method(s) must compare data collected at the compliance point(s) to a concentration limit developed in accordance with subsection (5) of this section.

(ii) The owner or operator must determine whether there is statistically significant evidence of increased contamination at each monitoring well at the compliance point within a reasonable time period after completion of sampling. The department will specify that time period in the facility permit, after considering the complexity of the statistical test and the availability of laboratory facilities to perform the analysis of ground water samples.

(e) The owner or operator must determine the rate and direction of ground water flow in the uppermost aquifer at least annually.

(f) The department will specify the frequencies for collecting samples and conducting statistical tests to determine statistically significant evidence of increased contamination in accordance with subsection (8)(g) of this section. A sequence of at least four samples from each well (background and compliance wells) must be collected at least semiannually during the compliance period of the facility.

(g) The owner or operator must analyze samples from all monitoring wells at the compliance point for all constituents contained in Appendix IX of Part 264 at least annually to determine whether additional dangerous constituents are present in the uppermost aquifer and, if so, at what concentration, pursuant to procedures in (f) of this subsection. If the owner or operator finds Appendix IX constituents in the ground water that are not already identified in the permit as monitoring (~~constituents~~) constituents, the owner or operator may resample within one month and repeat the Appendix IX analysis. If the second analysis confirms the presence of new constituents, the owner or operator must report the concentration of these additional constituents to the department within seven days after the completion of the second analysis and add them to the monitoring list. If the owner or operator chooses not to resample, then he or she must report the concentrations of these additional constitu-

ents to the department within seven days after completion of the initial analysis and add them to the monitoring list. If the owner or operator determines, pursuant to (d) of this subsection, that any concentration limits under subsection (5) of this section are being exceeded at any monitoring well at the point of compliance, he must:

(i) Notify the department of this finding in writing within seven days. The notification must indicate what concentration limits have been exceeded;

(ii) Submit to the department an application for a permit modification to establish a corrective action program meeting the requirements of subsection (11) of this section, within ninety days, or within sixty days if an engineering feasibility study has been previously submitted to the department under subsection (9)(h)(v) of this section. For regulated units managing EHW, time frames of sixty days and forty-five days, respectively will apply. However, if the department finds that the full extent of the ninety/sixty-day or the sixty/forty-five-day time periods will increase the likelihood to cause a threat to public health, or the environment, it can at its discretion reduce their duration. In specifying shorter limits, the department will consider the following factors:

(A) The physical and chemical characteristics of the dangerous constituents and parameters in the ground water;

(B) The hydrogeological characteristics of the facility and of the surrounding land;

(C) The rate of movement and direction of flow of the affected ground water;

(D) The proximity to and withdrawal rates of ground water users downgradient; and

(E) The current and future uses of ground water in the concerned area; and

(iii) The application must at a minimum include the following information:

(A) A detailed description of corrective actions that will achieve compliance with the ground water protection standard specified in the permit; and

(B) A plan for a ground water monitoring program that will demonstrate the effectiveness of the corrective action.

(i) If the owner or operator determines, pursuant to (d) of this subsection, that the ground water concentration limits under this section are being exceeded at any monitoring well at the point of compliance, he may demonstrate that a source other than a regulated unit caused the contamination or that the detection is an artifact caused by an error in sampling, analysis, or statistical evaluation or natural variation in the ground water. In making a demonstration under this subsection, the owner or operator must:

(i) Notify the department in writing within seven days that he intends to make a demonstration under this subsection;

(ii) Within forty-five days, submit a report to the department which demonstrates that a source other than a regulated unit caused the standard to be exceeded or that the apparent noncompliance with the standards resulted from error in sampling, analysis, or evaluation;

(iii) Within forty-five days, submit to the department an application for a permit modification to make appropriate changes to the compliance monitoring program at the facility; and

(iv) Continue to monitor in accord with the compliance monitoring program established under this section.

(j) If the owner or operator determines that the compliance monitoring program no longer satisfies the requirements of this section, he must, within forty-five days, submit an application for a permit modification to make any appropriate changes to the program.

(11) Corrective action program. An owner or operator required to establish a corrective action program under this section must, at a minimum, discharge the responsibilities described in this subsection.

(a) The owner or operator must take corrective action to ensure that regulated units are in compliance with the ground water protection standard under subsection (3) of this section. The department will specify the ground water protection standard in the facility permit, including:

(i) A list of the dangerous constituents and parameters identified under subsection (4) of this section;

(ii) Concentration limits under subsection (5) of this section, for each of those dangerous constituents and parameters;

(iii) The compliance point under subsection (6) of this section; and

(iv) The compliance period under subsection (7) of this section.

(b) The owner or operator must implement a corrective action program that prevents dangerous constituents and parameters from exceeding their respective concentration limits at the compliance point by removing the dangerous waste constituents and parameters or treating them in place. The permit will specify the specific measures that will be taken.

(c) The owner or operator must begin corrective action within a reasonable time period after the ground water protection standard is exceeded. The department will specify that time period in the facility permit. If a facility permit includes a corrective action program in addition to a compliance monitoring program, the permit will specify when the corrective action will begin and such a requirement will operate in lieu of subsection (10)(i)(ii) of this section.

(d) In conjunction with a corrective action program, the owner or operator must establish and implement a ground water monitoring program to demonstrate the effectiveness of the corrective action program. Such a monitoring program may be based on the requirements for a compliance monitoring program under subsection (10) of this section, and must be as effective as that program in determining compliance with the ground water protection standard under subsection (3) of this section, and in determining the success of a corrective action program under (e) of this subsection, where appropriate.

(e) In addition to the other requirements of this section, the owner or operator must conduct a corrective action program to remove or treat in place any dangerous constituents or parameters under subsection (4) of this section, that exceed concentration limits under subsection (5) of this section, in ground water between the compliance point under subsection (6) of this section, and the downgradient facility property boundary; and beyond the facility boundary, where necessary to protect human health and the environment, unless the owner or operator demonstrates to the satisfaction of the department that, despite the owner's or operator's best efforts, the owner or operator was unable to obtain the necessary permission to undertake such action. The owner/

operator is not relieved of all responsibility to clean up a release that has migrated beyond the facility boundary where off-site access is denied. On-site measures to address such releases will be determined on a case-by-case basis. For a facility seeking or required to have a permit, the corrective action measures to be taken must be specified in the permit.

(i) Corrective action measures under this subsection must be initiated at the effective date of the modified permit and completed without time delays considering the extent of contamination.

(ii) Corrective action measures under this subsection may be terminated once the concentration of dangerous constituents and parameters under subsection (4) of this section, is reduced to levels below their respective concentration limits under subsection (5) of this section.

(f) The owner or operator must continue corrective action measures during the compliance period to the extent necessary to ensure that the ground water protection standard is not exceeded. If the owner or operator is conducting corrective action at the end of the compliance period, he must continue that corrective action for as long as necessary to achieve compliance with the ground water protection standard. The owner or operator may terminate corrective action measures taken beyond the period equal to the active life of the waste management area (including the closure period) if he can demonstrate, based on data from the ground water monitoring program under (d) of this subsection, that the ground water protection standard of subsection (3) of this section, has not been exceeded for a period of three consecutive years.

(g) The owner or operator must report in writing to the department on the effectiveness of the corrective action program. The owner or operator must submit these reports semiannually.

(h) If the owner or operator determines that the corrective action program no longer satisfies the requirements of this section, he must, within forty-five days, submit an application for a permit modification to make any appropriate changes to the program.

(12) Use of the Model Toxics Control Act.

(a) The department may require the owner/operator of a facility to fulfill his corrective action responsibilities under WAC 173-303-645 using an enforceable action issued pursuant to the Model Toxics Control Act, as amended, (chapter 70.105D RCW) and its implementing regulations.

(b) Corrective action requirements imposed by an action issued pursuant to the Model Toxics Control Act (~~shall~~) will be in compliance with the requirements of WAC 173-303-645 and the requirements of chapter 173-303 WAC to the extent required by RCW 70.105D.030 (2)(d) and WAC 173-340-710.

(c) In the case of facilities seeking or required to have a permit under the provisions of this chapter the department will incorporate corrective action requirements imposed pursuant to the Model Toxics Control Act into permits at the time of permit issuance. Such incorporation (~~shall~~) will in no way affect the timing or scope of review of the Model Toxics Control Act action.

AMENDATORY SECTION (Amending Order 92-33, filed 12/8/93, effective 1/8/94)

WAC 173-303-646 Corrective action. (1) Purpose and applicability.

(a) The provisions of this section establish requirements for corrective action for releases of dangerous wastes and dangerous constituents including releases from solid waste management units.

(b) The provisions of this section apply to facilities seeking or required to have a permit to treat, store, recycle or dispose of dangerous waste.

(c) For the purposes of this section, dangerous constituent ~~((shall))~~ means any constituent identified in WAC 173-303-9905 or 40 CFR Part 264 appendix IX, any constituent which caused a waste to be listed or designated as dangerous under the provisions of chapter 173-303 WAC, and any constituent defined as a hazardous substance at RCW 70.105D.020(5).

(2) Requirements.

(a) The owner or operator of a facility must institute corrective action as necessary to protect human health and the environment for all releases of dangerous wastes and dangerous constituents, including releases from all solid waste management units at the facility. Corrective action is required regardless of the time at which waste was managed at the facility or placed in such units and regardless of whether such facilities or units were intended for the management of solid or dangerous waste. Assurances of financial responsibility for such corrective action must be provided.

(b) The owner/operator must implement corrective actions beyond the facility property boundary, where necessary to protect human health and the environment. Additionally, as necessary to protect human health and the environment, the department may require the owner/operator to implement on site measures to address releases which have migrated beyond the facility boundary. Assurances of financial responsibility for such corrective action must be provided.

(c) In the case of a facility seeking or required to have a permit under the provisions of chapter 173-303 WAC, corrective action must be specified in the permit. The permit will contain schedules of compliance for such corrective action (where such corrective action cannot be completed prior to issuance of the permit) and assurances of financial responsibility for completion of such corrective action.

(3) Use of the Model Toxics Control Act.

(a) The department may require the owner/operator of a facility to fulfill his corrective action responsibilities under subsection (2) of this section using an enforceable action issued pursuant to the Model Toxics Control Act, as amended, (chapter 70.105D RCW) and its implementing regulations.

(b) Corrective action requirements imposed by the department in an action issued pursuant to the Model Toxics Control Act ~~((shall))~~ will be in compliance with the requirements of subsection (2) of this section and the requirements of chapter 173-303 WAC to the extent required by RCW 70.105D.030 (2)(d) and WAC 173-340-710.

(c) In the case of facilities seeking or required to have a permit under the provisions of this chapter the department will incorporate corrective action requirements imposed pursuant to the Model Toxics Control Act into permits at the time of permit issuance. Such incorporation ~~((shall))~~ will in no way affect the timing or scope of review of the Model Toxics Control Act action.

(4) Corrective action management unit (CAMU).

(a) For the purpose of implementing corrective actions required by subsection (2) of this section, the director may choose to designate an area at a facility as a corrective action management unit. Designation of a CAMU ~~((shall))~~ will be in accordance with the provisions of this subsection and subsections (5) and (6) of this section. The director may choose to designate one or more CAMUs at a facility.

(b) Placement of remediation wastes, as defined in WAC 173-303-040 into or within a CAMU does not constitute land disposal of dangerous waste, however, when necessary to protect human health and the environment, the department may require remediation waste meet land disposal standards before placement in a CAMU.

(c) Consolidation or placement of remediation wastes, as defined in WAC 173-303-040 into or within a CAMU does not constitute creation of a unit subject to the minimum technology requirements of WAC 173-303-140(2), however, when necessary to protect human health and the environment, the department may require a CAMU meet all or part of the minimum technology requirements.

(d) Designation of a CAMU ~~((shall))~~ will not in any way affect the department's existing authorities, including authority under chapter 70.105D RCW, to address clean-up levels, media-specific points of compliance, or other remedy selection decisions.

(e) Designation of a CAMU ~~((shall))~~ will not in any way affect the timing or scope of review of any actions taken under the Model Toxics Control Act pursuant to subsection (3) of this section to fulfill the corrective action requirements of subsection (2) of this section or the corrective action requirements of WAC 173-303-645.

(5) Designation of a corrective action management unit.

(a) When designating a CAMU, the director ~~((shall))~~ will do so in accordance with subsection (4) of this section, and the following:

(i) The CAMU ~~((shall))~~ will facilitate the implementation of reliable, effective, protective, and cost-effective remedies;

(ii) Waste management activities associated with the CAMU ~~((shall))~~ will not create unacceptable risks to humans or the environment resulting from exposure to dangerous wastes or dangerous constituents;

(iii) The CAMU ~~((shall))~~ will include uncontaminated areas of the facility only if including such areas for the purposes of managing remediation wastes is more protective than management of such wastes at contaminated areas of the facility;

(iv) Areas within the CAMU where wastes remain in place after closure of the CAMU, ~~((shall))~~ will be managed and contained so as to minimize future releases of dangerous wastes and dangerous constituents to the extent practicable;

(v) When appropriate and practicable, the CAMU ~~((shall))~~ will expedite the timing of remedial activity implementation;

(vi) The CAMU ((~~shall~~)) will enable the use, when appropriate, of treatment technologies (including innovative technologies) to enhance the long-term effectiveness of remedial actions by reducing the toxicity, mobility, or volume of wastes that will remain in place after closure of the CAMU; and

(vii) The CAMU ((~~shall~~)) will, to the extent practicable, minimize the land area of the facility upon which wastes will remain in place after closure of the CAMU.

(b) When designating a CAMU, the director ((~~shall~~)) will specify requirements for the CAMU including the following:

(i) The areal configuration of the CAMU;

(ii) Requirements for remediation waste management within the CAMU including specification of applicable design, operation, and closure requirements;

(iii) Requirements for ground water and/or vadose zone monitoring that are sufficient to:

(A) Continue to detect and to characterize the nature, extent, concentration, direction, and movement of existing releases of dangerous waste and dangerous constituents in ground water from sources located within the CAMU; and

(B) Detect and subsequently characterize releases of dangerous waste and dangerous constituents to ground water that may occur from areas of the CAMU in which wastes will remain in place after CAMU closure.

(iv) Requirements for closure that ((~~shall~~)) will minimize the need for further maintenance of the CAMU and ((~~shall~~)) will include, as appropriate and deemed necessary by the director, the following:

(A) Requirements for excavation, removal, treatment, and/or containment of wastes;

(B) For areas in which wastes will remain after closure of the CAMU, requirements for capping of such areas; and

(C) Requirements for removal and decontamination of equipment, devices, and structures used in remediation waste management activities within the CAMU.

(c) In establishing closure requirements for CAMUs under (b)(iv) of this subsection the director ((~~shall~~)) will consider the following factors:

(i) CAMU characteristics;

(ii) Volume of wastes which will remain in place after CAMU closure;

(iii) Potential for releases from the CAMU;

(iv) Physical and chemical characteristics of the waste;

(v) Hydrological and other relevant environmental conditions at the facility which may influence the migration of any potential or actual releases in and/or from the CAMU; and

(vi) Potential for exposure of humans and environmental receptors if releases were to occur at or from the CAMU.

(d) The director ((~~shall~~)) will, for areas of the CAMU in which wastes will remain in place after CAMU closure, specify post-closure requirements to control, minimize, or eliminate, to the extent necessary to protect human health and the environment, post-closure escape of dangerous waste, dangerous constituents, leachate, contaminated runoff, and dangerous waste decomposition products to the ground, to ground waters, to surface waters, and to the atmosphere. Such post-closure requirements ((~~shall~~)) will include, as necessary to protect human health and the environment, monitoring and maintenance activities and the frequency

with which such activities ((~~shall~~)) will be performed to ensure the integrity of any cap, final cover, or other containment system.

(e) The owner/operator of a facility ((~~shall~~)) must provide sufficient information to enable the director to designate a CAMU in accordance with the criteria in subsections (4), (5)(a) through (d), and (6) of this section.

(f) The director ((~~shall~~)) will document the rationale for designating CAMUs and ((~~shall~~)) will make such documentation available to the public.

(g) Incorporation of the designation of and requirements for a CAMU into a existing permit must be approved by the director according to the procedures for agency initiated permit modifications under WAC 173-303-830(3), or according to the permit modification procedures of WAC 173-303-830(4).

(6) Incorporation of a regulated unit within a CAMU.

(a) The director may designate a regulated unit (as defined in WAC 173-303-040) as a CAMU, or may incorporate a regulated unit into a CAMU, if:

(i) The regulated unit is closed or closing, meaning it has begun the closure process under WAC 173-303-610 or 173-303-400; and

(ii) Inclusion of the regulated unit will enhance implementation of effective, protective and reliable remedial actions at the facility.

(b) The requirements of WAC 173-303-610, 173-303-620, 173-303-645, and the unit specific requirements of WAC 173-303-650 through 173-303-680 that applied to the regulated unit will continue to apply to the portion of the CAMU into which the regulated unit was incorporated.

(7) Temporary units (TUs)

(a) For temporary tanks and container storage areas used for treatment or storage of remediation wastes during implementation of the corrective action requirements of subsection (2) of this section, the director may determine that a design, operating, or closure standard applicable to such units may be replaced by alternative requirements which are protective of human health and the environment.

(b) Any temporary unit to which alternative requirements are applied in accordance with (a) of this subsection ((~~shall~~)) will be:

(i) Located within the facility boundary; and

(ii) Used only for treatment or storage of remediation wastes managed pursuant to implementation of the corrective action requirements of subsection (2) of this section at the facility.

(c) In establishing standards to be applied to a temporary unit, the director ((~~shall~~)) will consider the following factors:

(i) Length of time unit will be in operation;

(ii) Type of unit;

(iii) Volumes of wastes to be managed;

(iv) Physical and chemical characteristics of the wastes to be managed in the unit;

(v) Potential for releases from the unit;

(vi) Hydrogeological and other relevant environmental conditions at the facility which may influence the migration of any potential releases; and

(vii) Potential for exposure of humans and environmental receptors if releases were to occur from the unit.

(d) The director (~~(shall)~~) will specify the length of time, not to exceed one year, a temporary unit will be allowed to operate. The director (~~(shall)~~) will also specify design, operating, and closure requirements for the temporary unit.

(e) The director may extend the operating period of a temporary unit for up to one additional year, provided the director determines that:

(i) Continued operation of the unit will not pose a threat to human health and the environment; and

(ii) Continued operation of the unit is necessary to ensure timely and efficient implementation of remedial actions at the facility.

(f) Incorporation of the designation of and requirements for a temporary unit or a time extension for a temporary unit into an existing permit (~~(shall)~~) will be:

(i) Approved in accordance with the procedures for agency-initiated permit modifications under WAC 173-303-830(3); or

(ii) Requested by the owner or operator as a Class II modification according to the procedures under WAC 173-303-830(4).

(g) The director (~~(shall)~~) will document the rationale for designating a temporary unit and for granting time extensions for temporary units and (~~(shall)~~) will make such documentation available to the public.

AMENDATORY SECTION (Amending Order 92-33, filed 12/8/93, effective 1/8/94)

WAC 173-303-650 Surface impoundments. (1) Applicability. The regulations in this section apply to owners and operators of facilities that use surface impoundments to treat, store, or dispose of dangerous waste.

(2) Design and operating requirements.

(a)(i) (~~(A)~~) Any surface impoundment that is not covered by (j) of this subsection must have a liner for all portions of the impoundment (except for an existing portion of a surface impoundment). The liner must (~~have a liner that is~~) be designed, constructed, and installed to prevent any migration of wastes out of the impoundment to the adjacent subsurface soil or ground water or surface water at any time during the active life (including the closure period) of the impoundment. The liner may be constructed of materials that may allow wastes to migrate into the liner (but not into the adjacent subsurface soil or ground water or surface water) during the active life of the facility, provided that the impoundment is closed in accordance with subsection (6)(a)(i) of this section. For impoundments that will be closed in accordance with subsection (6)(a)(ii) of this section, the liner must be constructed of materials that can prevent wastes from migrating into the liner during the active life of the facility. The liner must be:

(A) Constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrogeologic forces), physical contact with the waste or leachate to which they are exposed, climatic conditions, the stress of installation, and the stress of daily operation;

(B) Placed upon a foundation or base capable of providing support to the liner and resistance to pressure

gradients above and below the liner to prevent failure of the liner due to settlement, compression, or uplift;

(C) Installed to cover all surrounding earth likely to be in contact with the waste or leachate; and

(D) For EHW management, the owner or operator (~~(shall)~~) must submit an engineering report with (~~(his)~~) their permit application under WAC 173-303-806(4) stating the basis for selecting the liner(s). The report (~~(shall)~~) must be certified by an independent, qualified registered professional engineer.

(ii) The owner or operator of a new surface impoundment installed after October 31, 1984, and in which liquid EHW is managed must:

(A) Install a double lined system which incorporates the specifications of subsection (3)(a), (b), and (c) of this section; and

(B) Must comply with either the ground water monitoring requirements of WAC 173-303-645, or the unsaturated zone monitoring requirements of WAC 173-303-655(6).

(b) The owner or operator will be exempted from the requirements of (a) of this subsection, if the department finds, based on a demonstration by the owner or operator, that alternate design and operating practices, together with location characteristics, will prevent the migration of any dangerous constituents listed in WAC 173-303-9905, or which otherwise cause his wastes to be regulated under this chapter, into the ground water or surface water at any future time. In deciding whether to grant an exemption, the department will consider:

(i) The nature and quantity of the wastes;

(ii) The proposed alternate design and operation;

(iii) The hydrogeologic setting of the facility, including the attenuative capacity and thickness of the liners and soils present between the impoundment and ground water or surface water; and

(iv) All other factors which would influence the quality and mobility of the leachate produced and the potential for it to migrate to ground water or surface water.

(c) A surface impoundment must be designed, constructed, maintained, and operated to prevent overtopping resulting from normal or abnormal operations; overfilling; wind and wave action; rainfall; run-on; malfunctions of level controllers, alarms, and other equipment; and human error.

(d) A surface impoundment must be designed so that any flow of waste into the impoundment can be immediately shut off in the event of overtopping or liner failure.

(e) A surface impoundment must be designed to repel birds.

(f) A surface impoundment must have dikes that are designed, constructed, and maintained with sufficient structural integrity to prevent their failure. In ensuring structural integrity, it must not be presumed that the liner system will function without leakage during the active life of the unit.

(g) Earthen dikes must be kept free of:

(i) Perennial woody plants with root systems which could weaken its structural integrity; and

(ii) Burrowing mammals which could weaken its structural integrity or create leaks through burrows.

(h) Earthen dikes must have a protective cover, such as grass, shale or rock to minimize wind and water erosion and to preserve their structural integrity.

(i) The department will specify in the permit all design and operating practices that are necessary to ensure that the requirements of this subsection are satisfied.

(j) The owner or operator of each new surface impoundment unit on which construction commences after January 29, 1992, each lateral expansion of a surface impoundment unit on which construction commences after July 29, 1992, and each replacement of an existing surface impoundment unit that is to commence reuse after July 29, 1992, must install two or more liners and a leachate collection and removal system between such liners. "Construction commences" is as defined in WAC 173-303-040 under "existing TSD facility."

(i) The liner system must include:

(A) A top liner designed and constructed of materials (e.g., a geomembrane) to prevent the migration of dangerous constituents into such liner during the active life and post-closure care period; and

(B) A composite bottom liner, consisting of at least two components. The upper component must be designed and constructed of materials (e.g., a geomembrane) to prevent the migration of dangerous constituents into this component during the active life and post-closure care period. The lower component must be designed and constructed of materials to minimize the migration of dangerous constituents if a breach in the upper component were to occur. The lower component must be constructed of at least 3 feet (91 cm) of compacted soil material with a hydraulic conductivity of no more than 1×10^{-7} /cm/sec.

(ii) The liners must comply with (a)(i)(A), (B), and (C) of this subsection.

(iii) The leachate collection and removal system between the liners, and immediately above the bottom composite liner in the case of multiple leachate collection and removal systems, is also a leak detection system. This leak detection system must be capable of detecting, collecting, and removing leaks of dangerous constituents at the earliest practicable time through all areas of the top liner likely to be exposed to waste or leachate during the active life and post-closure care period. The requirements for a leak detection system in this paragraph are satisfied by installation of a system that is, at a minimum:

(A) Constructed with a bottom slope of one percent or more;

(B) Constructed of granular drainage materials with a hydraulic conductivity of 1×10^{-1} /cm/sec or more and a thickness of 12 inches (30.5 cm) or more; or constructed of synthetic or geonet drainage materials with a transmissivity of 3×10^{-4} /m²/sec or more;

(C) Constructed of materials that are chemically resistant to the waste managed in the surface impoundment and the leachate expected to be generated, and of sufficient strength and thickness to prevent collapse under the pressures exerted by overlying wastes and any waste cover materials or equipment used at the surface impoundment;

(D) Designed and operated to minimize clogging during the active life and post-closure care period; and

(E) Constructed with sumps and liquid removal methods (e.g., pumps) of sufficient size to collect and remove liquids from the sump and prevent liquids from backing up into the drainage layer. Each unit must have its own sump(s). The design of each sump and removal system must provide a

method for measuring and recording the volume of liquids present in the sump and of liquids removed.

(iv) The owner or operator will collect and remove pumpable liquids in the sumps to minimize the head on the bottom liner.

(v) The owner or operator of a leak detection system that is not located completely above the seasonal high water table must demonstrate that the operation of the leak detection system will not be adversely affected by the presence of ground water.

(k) The department may approve alternative design or operating practices to those specified in (j) of this subsection if the owner or operator demonstrates to the department that such design and operating practices, together with location characteristics:

(i) Will prevent the migration of any dangerous constituent into the ground water or surface water at least as effectively as the liners and leachate collection and removal system specified in (j) of this subsection; and

(ii) Will allow detection of leaks of dangerous constituents through the top liner at least as effectively.

(l) The double liner requirement set forth in (j) of this subsection may be waived by the department for any monofill, if:

(i) The monofill contains only dangerous wastes from foundry furnace emission controls or metal casting molding sand, and such wastes do not contain constituents which would render the wastes dangerous for reasons other than the toxicity characteristic in WAC 173-303-090(8) or the toxicity criteria at WAC 173-303-100(5); and

(ii)(A) The monofill has at least one liner for which there is no evidence that such liner is leaking. For the purposes of this paragraph, the term "liner" means a liner designed, constructed, installed, and operated to prevent dangerous waste from passing into the liner at any time during the active life of the facility, or a liner designed, constructed, installed, and operated to prevent dangerous waste from migrating beyond the liner to adjacent subsurface soil, ground water, or surface water at any time during the active life of the facility. In the case of any surface impoundment which has been exempted from the requirements of (j) of this subsection on the basis of a liner designed, constructed, installed, and operated to prevent dangerous waste from passing beyond the liner, at the closure of such impoundment, the owner or operator must remove or decontaminate all waste residues, all contaminated liner material, and contaminated soil to the extent practicable. If all contaminated soil is not removed or decontaminated, the owner or operator of such impoundment will comply with appropriate post-closure requirements, including but not limited to ground water monitoring and corrective action;

(B) The monofill is located more than one-quarter mile from an underground source of drinking water (as that term is defined in 40 CFR Section 144.3); and

(C) The monofill is in compliance with generally applicable ground water monitoring requirements for facilities with permits under RCRA section 3005(c); or

(iii) The owner or operator demonstrates that the monofill is located, designed and operated so as to assure that there will be no migration of any dangerous constituent into ground water or surface water at any future time.

(m) The owner or operator of any replacement surface impoundment unit is exempt from (i) of this subsection if:

(i) The existing unit was constructed in compliance with the design standards of sections 3004 (o)(1)(A)(i) and (o)(5) of the Resource Conservation and Recovery Act; and

(ii) There is no reason to believe that the liner is not functioning as designed.

~~(3) ((Double-lined surface impoundments; exemption from WAC 173-303-645, ground-water protection requirements:~~

~~(a) Except as provided in subsection (2)(a)(ii) of this section, the owner or operator of a double-lined surface impoundment is not subject to regulation under WAC 173-303-645 if the following conditions are met:~~

~~(i) The impoundment (including its underlying liners) must be located entirely above the seasonal high water table;~~

~~(ii) The impoundment must be underlain by two liners which are designed and constructed in a manner that prevents the migration of liquids into or out of the space between the liners. Both liners must meet all the specifications of subsection (2)(a)(i) of this section;~~

~~(iii) A leak detection system must be designed, constructed, maintained, and operated between the liners to detect any migration of liquids into the space between the liners; and~~

~~(iv) A leachate detection, collection and removal system must be designed and operated to remove accumulated liquids from the system as quickly as possible so as to avoid unnecessary buildup of hydrostatic pressure in the system.~~

~~(b) If liquid leaks into the leak detection system, the owner or operator must:~~

~~(i) Notify the department of the leak in writing within seven days after detecting the leak; and~~

~~(ii)(A) Within a period of time specified in the permit, remove accumulated liquid, repair or replace the liner which is leaking to prevent the migration of liquids through the liner, and obtain a certification from a qualified engineer that, to the best of his knowledge and opinion, the leak has been stopped; or~~

~~(B) If a detection monitoring program pursuant to WAC 173-303-645(9) has already been established in the permit (to be complied with only if a leak occurs), begin to comply with that program and any other applicable requirements of WAC 173-303-645 within the period of time specified in the permit.~~

~~(c) The department will specify in the permit all design and operating practices that are necessary to ensure that the requirements of this section are satisfied.)) Reserve.~~

(4) Monitoring and inspection.

(a) During construction and installation, liners (except in the case of existing portions of surface impoundments exempt from subsection (2)(a)(i) of this section) and cover systems (e.g., membranes, sheets, or coatings) must be inspected for uniformity, damage, and imperfections (e.g., holes, cracks, thin spots, or foreign materials). Immediately after construction or installation:

(i) Synthetic liners and covers must be inspected to ensure tight seams and joints and the absence of tears, punctures, or blisters; and

(ii) Soil-based and admixed liners and covers must be inspected for imperfections including lenses, cracks, chan-

nels, root holes, or other structural nonuniformities that may cause an increase in the permeability of the liner or cover.

(b) While a surface impoundment is in operation, it must be inspected weekly and after storms to detect evidence of any of the following:

(i) Deterioration, malfunctions, or improper operation of overtopping control systems;

(ii) Sudden drops in the level of the impoundment's contents; and

~~(iii) ((The presence of liquids in leak detection systems, where installed to comply with subsection (3) of this section; and~~

~~(iv))) Severe erosion or other signs of deterioration in dikes or other containment devices.~~

(c) Prior to the issuance of a permit, and after any extended period of time (at least six months) during which the impoundment was not in service, the owner or operator must obtain a certification from a qualified engineer that the impoundment's dike, including that portion of any dike which provides freeboard, has structural integrity. The certification must establish, in particular, that the dike:

(i) Will withstand the stress of the pressure exerted by the types and amounts of wastes to be placed in the impoundment; and

(ii) Will not fail due to scouring or piping, without dependence on any liner system included in the surface impoundment construction.

(d)(i) An owner or operator required to have a leak detection system under subsection (2)(j) or (k) of this section must record the amount of liquids removed from each leak detection system sump at least once each week during the active life and closure period.

(ii) After the final cover is installed, the amount of liquids removed from each leak detection system sump must be recorded at least monthly. If the liquid level in the sump stays below the pump operating level for two consecutive months, the amount of liquids in the sumps must be recorded at least quarterly. If the liquid level in the sump stays below the pump operating level for two consecutive quarters, the amount of liquids in the sumps must be recorded at least semi annually. If at any time during the post-closure care period the pump operating level is exceeded at units on quarterly or semiannual recording schedules, the owner or operator must return to monthly recording of amounts of liquids removed from each sump until the liquid level again stays below the pump operating level for two consecutive months.

(iii) "Pump operating level" is a liquid level proposed by the owner or operator and approved by the department based on pump activation level, sump dimensions, and level that avoids backup into the drainage layer and minimizes head in the sump.

(5) Emergency repairs; contingency plans.

(a) A surface impoundment must be removed from service in accordance with (b) of this subsection when:

(i) Unexpected changes of liquid levels occur; or

(ii) The dike leaks.

(b) When a surface impoundment must be removed from service as required by (a) of this subsection, the owner or operator must:

(i) Immediately shut off the flow or stop the addition of wastes into the impoundment;

(ii) Immediately contain any surface leakage which has occurred or is occurring;

(iii) Immediately stop the leak;

(iv) Take any other necessary steps to stop or prevent catastrophic failure;

(v) Empty the impoundment, if a leak cannot be stopped by any other means; and

(vi) Notify the department of the problem in writing within seven days after detecting the problem.

(c) As part of the contingency plan required in WAC 173-303-340 through 173-303-360, the owner or operator must specify:

(i) A procedure for complying with the requirements of (b) of this subsection; and

(ii) A containment system evaluation and repair plan describing: Testing and monitoring techniques; procedures to be followed to evaluate the integrity of the containment system in the event of a possible failure; description of a schedule of actions to be taken in the event of a possible failure; and the repair techniques and materials (and their availability) to be used in the event of leakage due to containment system failure or deterioration which does not require the impoundment to be removed from service.

(d) No surface impoundment that has been removed from service in accordance with the requirements of this section may be restored to service unless the portion of the impoundment which was failing is repaired and the following steps are taken:

(i) If the impoundment was removed from service as the result of actual or imminent dike failure, the dike's structural integrity must be recertified in accordance with subsection (4)(c) of this section;

(ii) If the impoundment was removed from service as the result of a sudden drop in the liquid level, then:

(A) For any existing portion of the impoundment, a liner must be installed in compliance with subsection (2)(a)(i) or (3) of this section; and

(B) For any other portion of the impoundment, the repaired liner system must be certified by a qualified engineer as meeting the design specifications approved in the permit.

(e) A surface impoundment that has been removed from service in accordance with the requirements of this section and that is not being repaired must be closed in accordance with the provisions of subsection (6) of this section.

(6) Closure and post-closure care.

(a) At closure, the owner or operator must:

(i) Remove or decontaminate all dangerous waste and dangerous waste residues, contaminated containment system components (liners, etc.), contaminated subsoils, and structures and equipment contaminated with dangerous waste and leachate, and manage them as dangerous waste; or

(ii) If the surface impoundment will be closed as a landfill, except that this option is prohibited if EHW would remain in the closed unit(s):

(A) Eliminate free liquids by removing liquid wastes or solidifying the remaining wastes and waste residues;

(B) Stabilize remaining wastes to a bearing capacity sufficient to support a final cover; and

(C) Cover the surface impoundment with a final cover designed and constructed to:

(I) Provide long-term minimization of the migration of liquids through the closed impoundment with a material that has a permeability less than or equal to the permeability of any bottom liner system or natural subsoils present;

(II) Function with minimum maintenance;

(III) Promote drainage and minimize erosion or abrasion of the final cover; and

(IV) Accommodate settling and subsidence so that the cover's integrity is maintained.

(b) If some waste residues or contaminated materials are left in place at final closure (except that no EHW may ever be left in place), the owner or operator must comply with all post-closure requirements contained in WAC 173-303-610 (7), (8), (9), and (10), including maintenance and monitoring throughout the post-closure care period (specified in the permit). The owner or operator must:

(i) Maintain the integrity and effectiveness of the final cover, including making repairs to the cap as necessary to correct the effects of settling, subsidence, erosion, or other events;

(ii) Maintain and monitor the leak detection system in accordance with ~~((subsection (3) of this section, where such a system is present between double liner systems))~~ subsections (2)(j)(ii)(D) and (E), and (4)(d) of this section, and comply with all other applicable leak detection system requirements of this chapter;

(iii) Maintain and monitor the ground water monitoring system and comply with all applicable requirements of WAC 173-303-645; and

(iv) Prevent run-on and run-off from eroding or otherwise damaging the final cover.

(c)(i) If an owner or operator plans to close a surface impoundment in accordance with (a)(i) of this subsection, and the impoundment does not comply with the liner requirements of subsection (2)(a)(i) of this section, and is not exempt from them in accordance with subsection (2)(b) of this section, then:

(A) The closure plan for the impoundment under WAC 173-303-610(3) must include both a plan for complying with (a)(i) of this subsection, and a contingent plan for complying with (a)(ii) of this subsection in case not all contaminated subsoils can be practicably removed at closure; and

(B) The owner or operator must prepare a contingent post-closure plan under WAC 173-303-610(8) for complying with (b) of this subsection in case not all contaminated subsoils can be practicably removed at closure.

(ii) The cost estimates calculated under WAC 173-303-620 (3) and (5) for closure and post-closure care of an impoundment subject to (c) of this subsection must include the cost of complying with the contingent closure plan and the contingent post-closure plan, but are not required to include the cost of expected closure under (a)(i) of this subsection.

~~((d) During the post-closure care period, if liquids leak into a leak detection system installed under subsection (3) of this section, the owner or operator must notify the department of the leak in writing within seven days after detecting the leak. The department will then modify the permit to require compliance with applicable requirements of WAC 173-303-645, or, if so requested by the owner or operator, to require removal of all materials in accordance with (a)(i) of this subsection.))~~ Reserve.

(7) Special requirements for ignitable or reactive waste. Ignitable or reactive waste must not be placed in a surface impoundment, unless the waste and impoundment satisfy all applicable requirements of WAC 173-303-140 (2)(a), and:

(a) The waste is treated, rendered, or mixed before or immediately after placement in the impoundment so that:

(i) The resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under WAC 173-303-090; and

(ii) WAC 173-303-395 (1)(b) is complied with; or

(b) The waste is managed in such a way that it is protected from any material or conditions which may cause it to ignite or react; or

(c) The surface impoundment is used solely for emergencies.

(8) Special requirements for incompatible wastes. Incompatible wastes and materials must not be placed in the same surface impoundment, unless WAC 173-303-395 (1)(b) is complied with.

(9) Special requirements for dangerous wastes F020, F021, F022, F023, F026, and F027.

(a) The wastes F020, F021, F022, F023, F026, or F027 must not be placed in a surface impoundment unless the owner or operator operates the surface impoundment in accordance with a management plan for these wastes that is approved by the department pursuant to the standards set out in this subsection, and in accord with all other applicable requirements of this section. The factors to be considered are:

(i) The volume, physical, and chemical characteristics of the wastes, including their potential to migrate through soil or to volatilize or escape into the atmosphere;

(ii) The attenuative properties of underlying and surrounding soils or other materials;

(iii) The mobilizing properties of other materials co-disposed with these wastes; and

(iv) The effectiveness of additional treatment, design, or monitoring techniques.

(b) The department may determine that additional design, operating, and monitoring requirements are necessary in order to reduce the possibility of migration of these wastes to ground water, surface water, or air so as to protect human health and the environment.

(10) Action leakage rate.

(a) The department must approve an action leakage rate for surface impoundment units subject to WAC 173-303-650 (2)(i) or (k). The action leakage rate is the maximum design flow rate that the leak detection system (LDS) can remove without the fluid head on the bottom liner exceeding 1 foot. The action leakage rate must include an adequate safety margin to allow for uncertainties in the design (e.g., slope, hydraulic conductivity, thickness of drainage material), construction, operation, and location of the LDS, waste and leachate characteristics, likelihood and amounts of other sources of liquids in the LDS, and proposed response actions (e.g., the action leakage rate must consider decreases in the flow capacity of the system over time resulting from siltation and clogging, rib layover and creep of synthetic components of the system, overburden pressures, etc.).

(b) To determine if the action leakage rate has been exceeded, the owner or operator must convert the weekly or monthly flow rate from the monitoring data obtained under

WAC 173-303-650 (4)(d) to an average daily flow rate (gallons per acre per day) for each sump. Unless the department approves a different calculation, the average daily flow rate for each sump must be calculated weekly during the active life and closure period, and if the unit is closed in accordance with WAC 173-303-650 (6)(b), monthly during the post-closure care period when monthly monitoring is required under WAC 173-303-650 (4)(d).

(11) Response actions.

(a) The owner or operator of surface impoundment units subject to subsection (2)(i) or (k) of this section must have an approved response action plan before receipt of waste. The response action plan must set forth the actions to be taken if the action leakage rate has been exceeded. At a minimum, the response action plan must describe the actions specified in (b) of this subsection.

(b) If the flow rate into the leak detection system exceeds the action leakage rate for any sump, the owner or operator must:

(i) Notify the department in writing of the exceedance within seven days of the determination;

(ii) Submit a preliminary written assessment to the department within fourteen days of the determination, as to the amount of liquids, likely sources of liquids, possible location, size, and cause of any leaks, and short-term actions taken and planned;

(iii) Determine to the extent practicable the location, size, and cause of any leak;

(iv) Determine whether waste receipt should cease or be curtailed, whether any waste should be removed from the unit for inspection, repairs, or controls, and whether or not the unit should be closed;

(v) Determine any other short-term and longer-term actions to be taken to mitigate or stop any leaks; and

(vi) Within thirty days after the notification that the action leakage rate has been exceeded, submit to the department the results of the analyses specified in (b) (iii), (iv), and (v) of this subsection, the results of actions taken, and actions planned. Monthly thereafter, as long as the flow rate in the leak detection system exceeds the action leakage rate, the owner or operator must submit to the department a report summarizing the results of any remedial actions taken and actions planned.

(c) To make the leak and/or remediation determinations in (b) (iii), (iv), and (v) of this subsection, the owner or operator must:

(i) Assess the source of liquids and amounts of liquids by source;

(ii) Conduct a fingerprint, dangerous constituent, or other analyses of the liquids in the leak detection system to identify the source of liquids and possible location of any leaks, and the hazard and mobility of the liquid; and

(iii) Assess the seriousness of any leaks in terms of potential for escaping into the environment; or

(iv) Document why such assessments are not needed.

AMENDATORY SECTION (Amending Order 92-33, filed 12/8/93, effective 1/8/94)

WAC 173-303-655 Land treatment. (1) Applicability. The regulations in this subpart apply to owners and operators of facilities that treat or dispose of dangerous waste in land

treatment units, except as WAC 173-303-600 provides otherwise.

(2) Treatment program.

(a) An owner or operator subject to this section must establish a land treatment program that is designed to ensure that dangerous (~~constituents~~) constituents placed in or on the treatment zone are degraded, transformed, or immobilized within the treatment zone. The department will specify in the facility permit the elements of the treatment program, including:

(i) The wastes that are capable of being treated at the unit based on a demonstration under subsection (3) of this section;

(ii) Design measures and operating practices necessary to maximize the success of degradation, transformation, and immobilization processes in the treatment zone in accordance with subsection (4)(a) of this section; and

(iii) Unsaturated zone monitoring provisions meeting the requirements of subsection (6) of this section.

(b) The department will specify in the facility permit the dangerous constituents that must be degraded, transformed, or immobilized under this section. Dangerous constituents are constituents identified in WAC 173-303-9905, and any other constituents which, although not listed in WAC 173-303-9905, cause a waste to be regulated under this chapter, that are reasonably expected to be in, or derived from, waste placed in or on the treatment zone.

(c) The department will specify the vertical and horizontal dimensions of the treatment zone in the facility permit. The treatment zone is the portion of the unsaturated zone below, and including, the land surface in which the owner or operator intends to maintain the conditions necessary for effective degradation, transformation, or immobilization of dangerous constituents. The maximum depth of the treatment zone must be:

(i) No more than 1.5 meters (5 feet) below the initial soil surface; and

(ii) More than 3 meters (10 feet) above the seasonal high water table; except that the owner or operator may demonstrate to the satisfaction of the department that a distance of less than 3 meters will be adequate. In no case (~~shall~~) will the distance be less than 1 meter.

(3) Treatment demonstration.

(a) For each waste that will be applied to the treatment zone, the owner or operator must demonstrate, prior to application of the waste, that dangerous (~~constituents~~) constituents in the waste can be completely degraded, transformed, or immobilized in the treatment zone.

(b) In making this demonstration, the owner or operator may use field tests, laboratory analyses, available data, or, in the case of existing units, operating data. If the owner or operator intends to conduct field tests or laboratory analyses in order to make the demonstration required under (a) of this subsection, he must obtain a land treatment demonstration permit under WAC 173-303-808. The department will specify in this permit the testing, analytical, design, and operating requirements (including the duration of the tests and analyses, and, in the case of field tests, the horizontal and vertical dimensions of the treatment zone, monitoring procedures, closure, and clean-up activities) necessary to meet the requirements in (c) of this subsection.

(c) Any field test or laboratory analysis conducted in order to make a demonstration under (a) of this subsection must:

(i) Accurately simulate the characteristics and operating conditions for the proposed land treatment unit including:

(A) The characteristics of the waste and of dangerous constituents present;

(B) The climate in the area;

(C) The topography of the surrounding area;

(D) The characteristics and depth of the soil in the treatment zone; and

(E) The operating practices to be used at the unit;

(ii) Be likely to show that dangerous constituents in the waste to be tested will be completely degraded, transformed, or immobilized in the treatment zone of the proposed land treatment unit; and

(iii) Be conducted in a manner that protects human health and the environment considering:

(A) The characteristics of the waste to be tested;

(B) The operating and monitoring measures taken during the course of the test;

(C) The duration of the test;

(D) The volume of waste used in the test; and

(E) In the case of field tests, the potential for migration of dangerous constituents to ground water or surface water.

(4) Design and operating requirements. The department will specify in the facility permit how the owner or operator will design, construct, operate, and maintain the land treatment unit in compliance with this subsection.

(a) The owner or operator must design, construct, operate, and maintain the unit to maximize the degradation, transformation, and immobilization of dangerous constituents in the treatment zone. The owner or operator must design, construct, operate, and maintain the unit in accordance with all design and operating conditions that were used in the treatment demonstration under subsection (3) of this section. At a minimum, the department will specify in the facility permit:

(i) The rate and method of waste application to the treatment zone;

(ii) Measures to control soil pH;

(iii) Measures to enhance microbial or chemical reactions (e.g., fertilization, tilling); and

(iv) Measures to control the moisture content of the treatment zone.

(b) The owner or operator must design, construct, operate, and maintain the treatment zone to minimize run-off of dangerous constituents during the active life of the land treatment unit.

(c) The owner or operator must design, construct, operate, and maintain a run-on control system capable of preventing flow onto the treatment zone during peak discharge from at least a twenty-five-year storm.

(d) The owner or operator must design, construct, operate, and maintain a run-off management system to collect and control at least the water volume resulting from a twenty-four-hour, twenty-five-year storm.

(e) Collection and holding facilities (e.g., tanks or basins) associated with run-on and run-off control systems must be emptied or otherwise managed expeditiously and in accordance with this chapter after storms to maintain the design capacity of the system.

(f) If the treatment zone contains particulate matter which may be subject to wind dispersal, the owner or operator must control wind dispersal.

(g) The owner or operator must inspect the unit weekly and after storms to detect evidence of:

(i) Deterioration, malfunctions, or improper operation of run-on and run-off control systems; and

(ii) Improper functioning of wind dispersal control measures.

(5) Food chain crops. The department may allow the growth of food chain crops in or on the treatment zone only if the owner or operator satisfies the conditions of this subsection. The department will specify in the facility permit the specific food chain crops which may be grown.

(a)(i) The owner or operator must demonstrate that there is no substantial risk to human health caused by the growth of such crops in or on the treatment zone by demonstrating, prior to the planting of such crops, that dangerous constituents other than cadmium:

(A) Will not be transferred to the food or feed portions of the crop by plant uptake or direct contact, and will not otherwise be ingested by food chain animals (e.g., by grazing); or

(B) Will not occur in greater concentrations in or on the food or feed portions of crops grown on the treatment zone than in or on identical portions of the same crops grown on untreated soils under similar conditions in the same region.

(ii) The owner or operator must make the demonstration required under (a)(i) of this subsection prior to the planting of crops at the facility for all dangerous constituents that are reasonably expected to be in, or derived from, waste placed in or on the treatment zone.

(iii) In making such a demonstration, the owner or operator may use field tests, greenhouse studies, available data, or, in the case of existing units, operating data, and must:

(A) Base the demonstration on conditions similar to those present in the treatment zone, including soil characteristics (e.g., pH, cation exchange capacity), specific wastes, application rates, application methods, and crops to be grown; and

(B) Describe the procedures used in conducting any tests, including the sample selection criteria, sample size, analytical methods, and statistical procedures.

(iv) If the owner or operator intends to conduct field tests or greenhouse studies in order to make the demonstration he must obtain a permit for conducting such activities.

(b) The owner or operator must comply with the following conditions if cadmium is contained in wastes applied to the treatment zone;

(i)(A) The pH of the waste and soil mixture must be 6.5 or greater at the time of each waste application, except for waste containing cadmium at concentrations of 2 mg/kg (dry weight) or less;

(B) The annual application of cadmium from waste must not exceed 0.5 kilograms per hectare (kg/ha) on land used for production of tobacco, leafy vegetables, or root crops grown for human consumption. For other food chain crops, the annual cadmium application rate must not exceed:

Time period	Annual Cd application rate (kilograms per hectare)
Present to June 30, 1984	2.0
July 1, 1984 to Dec. 31, 1986	1.25
Beginning Jan. 1, 1987	0.5

(C) The cumulative application of cadmium from waste must not exceed 5kg/ha if the waste and soil mixture has a pH of less than 6.5; and

(D) If the waste and soil mixture has a pH of 6.5 or greater or is maintained at a pH of 6.5 or greater during crop growth, the cumulative application of cadmium from waste must not exceed: 5 kg/ha if soil cation exchange capacity (CEC) is less than 5 meq/100g; 10 kg/ha if soil CEC is 5-15 meq/100g; and 20 kg/ha if soil CEC is greater than 15 meq/100g; or

(ii)(A) Animal feed must be the only food chain crop produced;

(B) The pH of the waste and soil mixture must be 6.5 or greater at the time of waste application or at the time the crop is planted, whichever occurs later, and this pH level must be maintained whenever food chain crops are grown;

(C) There must be an operating plan which demonstrates how the animal feed will be distributed to preclude ingestion by humans. The operating plan must describe the measures to be taken to safeguard against possible health hazards from cadmium entering the food chain, which may result from alternative land uses; and

(D) Future property owners must be notified by a stipulation in the land record or property deed which states that the property has received waste at high cadmium application rates and that food chain crops must not be grown except in compliance with (b)(ii) of this subsection.

(6) Unsaturated zone monitoring. An owner or operator subject to this section must establish an unsaturated zone monitoring program to discharge the responsibilities described in this subsection.

(a) The owner or operator must monitor the soil and soil-pore liquid to determine whether dangerous constituents migrate out of the treatment zone.

(i) The department will specify the dangerous constituents to be monitored in the facility permit. The dangerous constituents to be monitored are those specified under subsection (2)(b) of this section.

(ii) The department may require monitoring for principal dangerous constituents (PDCs) in lieu of the constituents specified under subsection (2)(b) of this section. PDCs are dangerous constituents contained in the wastes to be applied at the unit that are the most difficult to treat, considering the combined effects of degradation, transformation, and immobilization. The department will establish PDCs if it finds, based on waste analyses, treatment demonstrations, or other data, that effective degradation, transformation, or immobilization of the PDCs will assure treatment at least equivalent levels for the other dangerous constituents in the wastes.

(b) The owner or operator must install an unsaturated zone monitoring system that includes soil monitoring using

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soil cores and soil-pore liquid monitoring using devices such as lysimeters. The unsaturated zone monitoring system must consist of a sufficient number of sampling points at appropriate locations and depths to yield samples that:

(i) Represent the quality of background soil-pore liquid quality and the chemical make-up of soil that has not been affected by leakage from the treatment zone; and

(ii) Indicate the quality of soil-pore liquid and the chemical make-up of the soil below the treatment zone.

(c) The owner or operator must establish a background value for each dangerous constituent to be monitored under (a) of this subsection. The permit will specify the background values for each constituent or specify the procedures to be used to calculate the background values.

(i) Background soil values may be based on a one-time sampling at a background plot having characteristics similar to those of the treatment zone.

(ii) Background soil-pore liquid values must be based on at least quarterly sampling for one year at a background plot having characteristics similar to those of the treatment zone.

(iii) The owner or operator must express all background values in a form necessary for the determination of statistically significant increases under (f) of this subsection.

(iv) In taking samples used in the determination of all background values, the owner or operator must use an unsaturated zone monitoring system that complies with (b)(i) of this subsection.

(d) The owner or operator must conduct soil monitoring and soil-pore liquid monitoring immediately below the treatment zone. The department will specify the frequency and timing of soil and soil-pore liquid monitoring in the facility permit after considering the frequency, timing, and rate of waste application, and the soil permeability. The owner or operator must express the results of soil and soil-pore liquid monitoring in a form necessary for the determination of statistically significant increases under (f) of this subsection.

(e) The owner or operator must use consistent sampling and analysis procedures that are designed to ensure sampling results that provide a reliable indication of soil-pore liquid quality and the chemical make-up of the soil below the treatment zone. At a minimum, the owner or operator must implement procedures and techniques for:

- (i) Sample collection;
- (ii) Sample preservation and shipment;
- (iii) Analytical procedures; and
- (iv) Chain of custody control.

(f) The owner or operator must determine whether there is a statistically significant change over background values for any dangerous constituent to be monitored under (a) of this subsection, below the treatment zone each time he conducts soil monitoring and soil-pore liquid monitoring under (d) of this subsection.

(i) In determining whether a statistically significant increase has occurred, the owner or operator must compare the value of each constituent, as determined under (d) of this subsection, to the background value for that constituent according to the statistical procedure specified in the facility permit under this subsection.

(ii) The owner or operator must determine whether there has been a statistically significant increase below the treatment zone within a reasonable time period after comple-

tion of sampling. The department will specify that time period in the facility permit after considering the complexity of the statistical test and the availability of laboratory facilities to perform the analysis of soil and soil-pore liquid samples.

(iii) The owner or operator must determine whether there is a statistically significant increase below the treatment zone using a statistical procedure that provides reasonable confidence that migration from the treatment zone will be identified. The department will specify a statistical procedure in the facility permit that it finds:

(A) Is appropriate for the distribution of the data used to establish background values; and

(B) Provides a reasonable balance between the probability of falsely identifying migration from the treatment zone and the probability of failing to identify real migration from the treatment zone.

(g) If the owner or operator determines, pursuant to (f) of this subsection, that there is a statistically significant increase of dangerous constituents below the treatment zone, he must:

(i) Notify the department of his finding in writing within seven days. The notification must indicate what constituents have shown statistically significant increases;

(ii) Within forty-five days, submit to the department an application for a permit modification to amend the operating practices at the facility in order to maximize the success of degradation, transformation, or immobilization processes in the treatment zone; and

(iii) Continue to monitor in accordance with the unsaturated zone monitoring program established under this subsection.

(h) If the owner or operator determines, pursuant to (f) of this subsection, that there is a statistically significant increase of dangerous constituents below the treatment zone, he may demonstrate that a source other than regulated units caused the increase or that the increase resulted from an error in sampling, analysis, or evaluation. While the owner or operator may make a demonstration under this subsection, he is not relieved of the requirement to submit concurrently a permit modification application within the forty-five-day period, unless the demonstration made under this subsection successfully shows that a source other than regulated units caused the increase or that the increase resulted from an error in sampling, analysis, or evaluation. In making a demonstration under this subsection, the owner or operator must:

(i) Notify the department in writing within seven days of determining a statistically significant increase below the treatment zone that he intends to make a demonstration under this subsection;

(ii) Within forty-five days, submit a report to the department demonstrating that a source other than the regulated units caused the increase or that the increase resulted from error in sampling, analysis, or evaluation;

(iii) Within forty-five days, submit to the department an application for a permit modification to make any appropriate changes to the unsaturated zone monitoring program at the facility; and

(iv) Continue to monitor in accordance with the unsaturated zone monitoring program established under this subsection.

(7) Recordkeeping. The owner or operator must include dangerous waste application dates and rates in the operating record required under WAC 173-303-380.

(8) Closure and postclosure care.

(a) During the closure period the owner or operator must:

(i) Continue all operations (including pH control) necessary to maximize degradation, transformation, or immobilization of dangerous constituents within the treatment zone as required under subsection (4)(a) of this section, except to the extent such measures are inconsistent with (a)(viii) of this subsection;

(ii) Continue all operations in the treatment zone to minimize run-off of dangerous constituents as required under subsection (4)(b) of this section;

(iii) Maintain the run-on control system required under subsection (4)(c) of this section;

(iv) Maintain the run-off management system required under subsection (4)(d) of this section;

(v) Control wind dispersal of dangerous waste if required under subsection (4)(f) of this section;

(vi) Continue to comply with any prohibitions or conditions concerning growth of food chain crops under subsection (5) of this section;

(vii) Continue unsaturated zone monitoring in compliance with subsection (6) of this section, except that soil-pore liquid monitoring may be terminated ninety days after the last application of waste to the treatment zone; and

(viii) Establish a vegetative cover on the portion of the facility being closed at such time that the cover will not substantially impede degradation, transformation, or immobilization of dangerous constituents in the treatment zone. The vegetative cover must be capable of maintaining growth without extensive maintenance.

(b) For the purpose of complying with WAC 173-303-610(6) when closure is completed, the owner or operator may submit to the department a certification by an independent qualified soil scientist, in lieu of an independent, qualified registered professional engineer, that the facility has been closed in accordance with the specifications in the approved closure plan.

(c) During the postclosure care period the owner or operator must:

(i) Continue all operations (including pH control) necessary to enhance degradation and transformation and sustain immobilization of dangerous constituents in the treatment zone to the extent that such measures are consistent with other postclosure care activities;

(ii) Maintain a vegetative cover over closed portions of the facility;

(iii) Maintain the run-on control system required under subsection (4)(c) of this section;

(iv) Maintain the run-off management system required under subsection (4)(d) of this section;

(v) Control wind dispersal of dangerous waste, if required under subsection (4)(f) of this section;

(vi) Continue to comply with any prohibitions or conditions concerning growth of food chain crops under subsection (5) of this section; and

(vii) Continue unsaturated zone monitoring in compliance with subsection (6) of this section, except that soil-pore liquid monitoring may be terminated one hundred eighty days after the last application of waste to the treatment zone.

(d) The owner or operator is not subject to regulation under (a)(viii) and (c) of this subsection, if the department finds that the level of dangerous constituents in the treatment zone soil does not exceed the background value of those constituents by an amount that is statistically significant when using the test specified in (d)(iii) of this subsection. The owner or operator may submit such a demonstration to the department at any time during the closure or postclosure care periods. For the purposes of this subsection:

(i) The owner or operator must establish background soil values and determine whether there is a statistically significant increase over those values for all dangerous constituents specified in the facility permit under subsection (2)(b) of this section;

(A) Background soil values may be based on a one-time sampling of a background plot having characteristics similar to those of the treatment zone;

(B) The owner or operator must express background values and values for dangerous constituents in the treatment zone in a form necessary for the determination of statistically significant increases under (d)(iii) of this subsection;

(ii) In taking samples used in the determination of background and treatment zone values, the owner or operator must take samples at a sufficient number of sampling points and at appropriate locations and depths to yield samples that represent the chemical make-up of soil that has not been affected by leakage from the treatment zone and the soil within the treatment zone, respectively;

(iii) In determining whether a statistically significant increase has occurred, the owner or operator must compare the value of each constituent in the treatment zone to the background value for that constituent using a statistical procedure that provides reasonable confidence that constituent presence in the treatment zone will be identified. The owner or operator must use a statistical procedure that:

(A) Is appropriate for the distribution of the data used to establish background values; and

(B) Provides a reasonable balance between the probability of falsely identifying dangerous constituent presence in the treatment zone and the probability of failing to identify real presence in the treatment zone.

(e) The owner or operator is not subject to regulation under WAC 173-303-645 if the department finds that the owner or operator satisfies (d) of this subsection, and if unsaturated zone monitoring under subsection (6) of this section, indicates that dangerous constituents have not migrated beyond the treatment zone during the active life of the land treatment unit.

(9) Special requirements for ignitable or reactive waste. The owner or operator must not apply ignitable or reactive waste to the treatment zone unless the waste and the treatment zone meet all applicable requirements of WAC 173-303-140 (2)(a), and:

(a) The waste is immediately incorporated into the soil so that:

(i) The resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under WAC 173-303-090 (5) and (7); and

(ii) WAC 173-303-395 is complied with; or

(b) The waste is managed in such a way that it is protected from any material or conditions which may cause it to ignite or react.

(10) Special requirements for incompatible wastes. The owner or operator must not place incompatible wastes, or incompatible wastes and materials, in or on the same treatment zone, unless WAC 173-303-395 (1)(b) is complied with.

(11) Special requirements for extremely hazardous waste. Under no circumstances will EHW be allowed to remain in a closed land treatment unit after concluding the postclosure care period. If EHW remains at the end of the scheduled postclosure care period specified in the permit, then the department will either extend the postclosure care period, or require that all EHW be disposed of off-site or that it be treated. In deciding whether to extend postclosure care or require disposal or treatment, the department will take into account the likelihood that the waste will or will not continue to degrade in the land treatment unit to the extent that it is no longer EHW. For the purposes of this subsection, EHW will be considered to remain in a land treatment unit if representative samples of the treatment zone are designated as EHW. Procedures for representative sampling and testing will be specified in the permit.

(12) Special requirements for dangerous wastes F020, F021, F022, F023, F026, and F027.

(a) Dangerous wastes F020, F021, F022, F023, F026, or F027 must not be placed in a land treatment unit unless the owner or operator operates the facility in accordance with a management plan for these wastes that is approved by the department pursuant to the standards set out in this subsection and in accord with all other applicable requirements of this chapter. The factors to be considered are:

(i) The volume, physical, and chemical characteristics of the wastes including their potential to migrate through soil or to volatilize or escape into the atmosphere;

(ii) The attenuative properties of underlying and surrounding soils or other materials;

(iii) The mobilizing properties of other materials co-disposed with these wastes; and

(iv) The effectiveness of additional treatment, design, or monitoring techniques.

(b) The department may determine that additional design, operating, and monitoring requirements are necessary for land treatment facilities managing dangerous wastes F020, F021, F022, F023, F026, or F027 in order to reduce the possibility of migration of these wastes to ground water, surface water, or air so as to protect human health and the environment.

AMENDATORY SECTION (Amending Order 92-33, filed 12/8/93, effective 1/8/94)

WAC 173-303-660 Waste piles. (1) Applicability.

(a) The regulations in this section apply to owners and operators of facilities that store or treat dangerous waste in piles.

(b) The regulations in this section do not apply to owners or operators of waste piles that will be closed with wastes left in place. Such waste piles are subject to regulation under WAC 173-303-665 (Landfills).

(c) The owner or operator of any waste pile that is inside or under a structure that provides protection from precipitation so that neither run-off nor leachate is generated is not subject to regulation under subsection (2) of this section, or under WAC 173-303-645, provided that:

(i) Liquids or materials containing free liquids are not placed in the pile;

(ii) The pile is protected from surface water run-on by the structure or in some other manner;

(iii) The pile is designed and operated to control dispersal of the waste by wind, by means other than wetting; and

(iv) The pile will not generate leachate through decomposition or other reactions.

(d) ~~((All EHW and respiratory carcinogens stored in waste piles must be protected from dispersal by precipitation or wind (e.g., covered, stored inside a building, etc.-))~~)
Reserve.

(2) Design and operating requirements.

(a) A waste pile (except for an existing portion of a waste pile) must have:

(i) A liner that is designed, constructed, installed and maintained to prevent any migration of wastes out of the pile into the adjacent subsurface soil or ground water or surface water at any time during the active life (including the closure period) of the waste pile. The liner may be constructed of materials that may allow waste to migrate into the liner itself (but not into the adjacent subsurface soil or ground water or surface water) during the active life of the facility. The liner must be:

(A) Constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrogeologic forces), physical contact with the waste or leachate to which they are exposed, climatic conditions, the stress of installation, and the stress of daily operation;

(B) Placed upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression, or uplift; and

(C) Installed to cover all surrounding earth likely to be in contact with the waste or leachate; and

(ii) A leachate collection and removal system immediately above the liner that is designed, constructed, maintained, and operated to collect and remove leachate from the pile. The department will specify design and operating conditions in the permit to ensure that the leachate depth over the liner does not exceed 30 cm (one foot). The leachate collection and removal system must be:

(A) Constructed of materials that are:

(I) Chemically resistant to the waste managed in the pile and to the leachate expected to be generated; and

(II) Of sufficient strength and thickness to prevent collapse under the pressures exerted by overlaying wastes, waste cover materials, and by any equipment used at the pile; and

(B) Designed and operated to function without clogging through the scheduled closure of the waste pile.

(b) A liner and leachate collection and removal system must be protected from plant growth which could adversely affect any component of the system.

(c) ~~((For EHW management,))~~ ~~((shall))~~ must submit an engineering report with his permit application stating the basis for selecting the liner required in subsection (2)(a)(i) of this section. The statement ~~((shall))~~ must be certified by an independent, qualified registered professional engineer.

(d) The owner or operator will be exempted from the requirements of (a), (b), and (c) of this subsection, if the department finds, based on a demonstration by the owner or operator, that alternate design and operating practices, together with location characteristics, will prevent the migration of any dangerous constituents identified under WAC 173-303-645(4) into the ground water or surface water at any future time. In deciding whether to grant an exemption, the department will consider:

(i) The nature and quantity of the wastes;
 (ii) The proposed alternate design and operation;
 (iii) The hydrogeologic setting of the facility, including attenuative capacity and thickness of the liners and soils present between the pile and ground water or surface water; and

(iv) All other factors which would influence the quality and mobility of the leachate produced and the potential for it to migrate to ground water or surface water.

(e) The owner or operator must design, construct, operate, and maintain a run-on control system capable of preventing flow onto any portion of the pile during peak discharge from at least a twenty-five-year storm.

(f) The owner or operator must design, construct, operate, and maintain a run-off management system to collect and control at least the water volume resulting from a twenty-four-hour, twenty-five-year storm.

(g) Collection and holding facilities (e.g., tanks or basins) associated with run-on and run-off control systems must be emptied or otherwise managed expeditiously and in accordance with this chapter after storms to maintain design capacity of the system.

(h) If the pile contains any particulate matter which may be subject to wind dispersal, the owner or operator must cover or otherwise manage the pile to control wind dispersal.

(i) The department will specify in the permit all design and operating practices that are necessary to ensure that the requirements of this subsection are satisfied.

(j) The owner or operator of each new waste pile unit on which construction commences after January 29, 1992, each lateral expansion of a waste pile unit on which construction commences after July 29, 1992, and each replacement of an existing waste pile unit that commences reuse after July 29, 1992, must install two or more liners and a leachate collection and removal system above and between such liners. "Construction commences" is as defined in WAC 173-303-040 under "existing facility."

(i) The liner system must include:

(A) A top liner designed and constructed of materials (e.g., a geomembrane) to prevent the migration of dangerous constituents into such liner during the active life and post-closure care period; and

(B) A composite bottom liner, consisting of at least two components. The upper component must be designed and constructed of materials (e.g., a geomembrane) to prevent the migration of dangerous constituents into this component during the active life and post-closure care period. The

lower component must be designed and constructed of materials to minimize the migration of dangerous constituents if a breach in the upper component were to occur. The lower component must be constructed of at least 3 feet (91 cm) of compacted soil material with a hydraulic conductivity of no more than 1×10^{-7} cm/sec.

(C) The liners must comply with (a)(i), (A), (B), and (C) of this subsection.

(ii) The leachate collection and removal system immediately above the top liner must be designed, constructed, operated, and maintained to collect and remove leachate from the waste pile during the active life and post-closure care period. The department will specify design and operating conditions in the permit to ensure that the leachate depth over the liner does not exceed twelve inches (30.5 cm). The leachate collection and removal system must comply with (j)(iii) (D) and (E) of this subsection.

(iii) The leachate collection and removal system between the liners, and immediately above the bottom composite liner in the case of multiple leachate collection and removal systems, is also a leak detection system. This leak detection system must be capable of detecting, collecting, and removing leaks of dangerous constituents at the earliest practicable time through all areas of the top liner likely to be exposed to waste or leachate during the active life and post-closure care period. The requirements for a leak detection system in this paragraph are satisfied by installation of a system that is, at a minimum:

(A) Constructed with a bottom slope of one percent or more;

(B) Constructed of granular drainage materials with a hydraulic conductivity of 1×10^{-2} cm/sec or more and a thickness of 12 inches (30.5 cm) or more; or constructed of synthetic or geonet drainage materials with a transmissivity of 3×10^{-5} m²/sec or more;

(C) Constructed of materials that are chemically resistant to the waste managed in the waste pile and the leachate expected to be generated, and of sufficient strength and thickness to prevent collapse under the pressures exerted by overlying wastes, waste cover materials, and equipment used at the waste pile;

(D) Designed and operated to minimize clogging during the active life and post-closure care period; and

(E) Constructed with sumps and liquid removal methods (e.g., pumps) of sufficient size to collect and remove liquids from the sump and prevent liquids from backing up into the drainage layer. Each unit must have its own sump(s). The design of each sump and removal system must provide a method for measuring and recording the volume of liquids present in the sump and of liquids removed.

(iv) The owner or operator will collect and remove pumpable liquids in the leak detection system sumps to minimize the head on the bottom liner.

(v) The owner or operator of a leak detection system that is not located completely above the seasonal high water table must demonstrate that the operation of the leak detection system will not be adversely affected by the presence of ground water.

(k) The department may approve alternative design or operating practices to those specified in (j) of this subsection if the owner or operator demonstrates to the department that

such design and operating practices, together with location characteristics:

(i) Will prevent the migration of any dangerous constituent into the ground water or surface water at least as effectively as the liners and leachate collection and removal systems specified in (c) of this subsection; and

(ii) Will allow detection of leaks of dangerous constituents through the top liner at least as effectively.

(l) Subitem (i) of this subsection does not apply to monofills that are granted a waiver by the department in accordance with WAC 173-303-650 (2)(l).

(m) The owner or operator of any replacement waste pile unit is exempt from (i) of this subsection if:

(i) The existing unit was constructed in compliance with the design standards of section 3004 (o)(1)(A)(i) and (o)(5) of the Resource Conservation and Recovery Act; and

(ii) There is no reason to believe that the liner is not functioning as designed.

(3) (~~Double-lined piles; exemption from WAC 173-303-645, ground-water protection requirements.~~

(a) The owner or operator of a double-lined waste pile is not subject to regulation under WAC 173-303-645 if the following conditions are met:

(i) The pile (including its underlying liners) must be located entirely above the seasonal high water table;

(ii) The pile must be underlain by two liners which are designed and constructed in a manner that prevents the migration of liquids into or out of the space between the liners. Both liners must meet all the specifications of subsection (2)(a)(i) and (c) of this section;

(iii) A leak detection system must be designed, constructed, maintained, and operated between the liners to detect any migration of liquids into the space between the liners; and

(iv) The pile must have a leachate collection and removal system above the top liner that is designed, constructed, maintained, and operated in accordance with subsection (2)(a)(ii) of this section.

(b) If liquid leaks into the leak detection system, the owner or operator must:

(i) Notify the department of the leak in writing within seven days after detecting the leak; and

(ii)(A) Within the period of time specified in the permit, remove accumulated liquid, repair or replace the liner which is leaking to prevent the migration of liquids through the liner, and obtain a certification from a qualified engineer that, to the best of his knowledge and opinion, the leak has been stopped; or

(B) If a detection monitoring program pursuant to WAC 173-303-645(9) has already been defined in the permit (to be complied with only if a leak occurs), begin to comply with that program and any other applicable requirements of WAC 173-303-645 within the period of time specified in the permit.

(c) The department will specify in the permit all design and operating practices that are necessary to ensure that the requirements of this subsection are satisfied.) Action leakage rate.

(a) The department must approve an action leakage rate for waste piles subject to subsection (2)(i) or (k) of this section. The action leakage rate is the maximum design flow rate that the leak detection system (LDS) can remove

without the fluid head on the bottom liner exceeding 1 foot. The action leakage rate must include an adequate safety margin to allow for uncertainties in the design (e.g., slope, hydraulic conductivity, thickness of drainage material), construction, operation, and location of the LDS, waste and leachate characteristics, likelihood and amounts of other sources of liquids in the LDS, and proposed response actions (e.g., the action leakage rate must consider decreases in the flow capacity of the system over time resulting from siltation and clogging, rib layover and creep of synthetic components of the system, overburden pressures, etc.).

(b) To determine if the action leakage rate has been exceeded, the owner or operator must convert the weekly flow rate from the monitoring data obtained under subsection (5)(c) of this section to an average daily flow rate (gallons per acre per day) for each sump. Unless the department approves a different calculation, the average daily flow rate for each sump must be calculated weekly during the active life and closure period.

(4) (~~Inspection of liners; exemption from WAC 173-303-645, ground-water protection requirements.~~

(a) The owner or operator of a pile is not subject to regulation under WAC 173-303-645 if the following conditions are met:

(i) The pile (including its underlying liner) must be located entirely above the seasonal high water table;

(ii) The pile must be underlain by a liner (base) that meets all the specifications of subsection (2)(a)(i) of this section;

(iii) The wastes in the pile must be removed periodically, and the liner must be inspected for deterioration, cracks, or other conditions that may result in leaks. The frequency of inspection will be specified in the inspection plan required in WAC 173-303-320 and must be based on the potential for the liner (base) to crack or otherwise deteriorate under the conditions of operation;

(iv) The liner must be of sufficient strength and thickness to prevent failure due to puncture, cracking, tearing, or other physical damage from equipment used to place waste in or on the pile or to clean and expose the liner surface for inspection; and

(v) The pile must have a leachate collection and removal system above the liner that is designed, constructed, maintained, and operated in accordance with subsection (2)(a)(ii) of this section.

(b) If deterioration, cracking, or other condition is identified that is causing or could cause a leak, the owner or operator must:

(i) Notify the department of the condition in writing within seven days after detecting the condition; and

(ii)(A) Repair or replace the liner (base) and obtain a certification from a qualified engineer that, to the best of his knowledge and opinion, the liner (base) has been repaired and leakage will not occur; or

(B) If a detection monitoring program pursuant to WAC 173-303-645(9) has already been defined in the permit (to be complied with only if a leak occurs), begin to comply with that program and any other applicable requirements of WAC 173-303-645 within the period of time specified in the permit.

(c) The department will specify in the permit all design and operating practices that are necessary to ensure that the

~~requirements of this subsection are satisfied.))~~ Response actions.

(a) The owner or operator of waste pile units subject to subsection (2)(i) or (k) of this section must have an approved response action plan before receipt of waste. The response action plan must set forth the actions to be taken if the action leakage rate has been exceeded. At a minimum, the response action plan must describe the actions specified in (b) of this subsection.

(b) If the flow rate into the leak detection system exceeds the action leakage rate for any sump, the owner or operator must:

(i) Notify the department in writing of the exceedance within seven days of the determination;

(ii) Submit a preliminary written assessment to the department within fourteen days of the determination, as to the amount of liquids, likely sources of liquids, possible location, size, and cause of any leaks, and short-term actions taken and planned;

(iii) Determine to the extent practicable the location, size, and cause of any leak;

(iv) Determine whether waste receipt should cease or be curtailed, whether any waste should be removed from the unit for inspection, repairs, or controls, and whether or not the unit should be closed;

(v) Determine any other short-term and long-term actions to be taken to mitigate or stop any leaks; and

(vi) Within thirty days after the notification that the action leakage rate has been exceeded, submit to the department the results of the analyses specified in (b) of this subsection and in subsections (3), (4), and (5) of this section, the results of actions taken, and actions planned. Monthly thereafter, as long as the flow rate in the leak detection system exceeds the action leakage rate, the owner or operator must submit to the department a report summarizing the results of any remedial actions taken and actions planned.

(c) To make the leak and/or remediation determinations in (b) (C), (D), and (E) of this subsection, the owner or operator must:

(i)(A) Assess the source of liquids and amounts of liquids by source;

(B) Conduct a fingerprint, dangerous constituent, or other analyses of the liquids in the leak detection system to identify the source of liquids and possible location of any leaks, and the hazard and mobility of the liquid; and

(C) Assess the seriousness of any leaks in terms of potential for escaping into the environment; or

(ii) Document why such assessments are not needed.

(5) Monitoring and inspection.

(a) During construction or installation, liners (except in the case of existing portions of piles exempt from subsection (2)(a) of this section), and cover systems (e.g., membranes, sheets, coatings) must be inspected for uniformity, damage, and imperfections (e.g., holes, cracks, thin spots, foreign materials). Immediately after construction or installation:

(i) Synthetic liners and covers must be inspected to ensure tight seams and joints and the absence of tears, punctures, or blisters; and

(ii) Soil-based and admixed liners and covers must be inspected for imperfections including lenses, cracks, channels, root holes, or other structural nonuniformities that may cause an increase in the permeability of the liner or cover.

(b) While a waste pile is in operation, it must be inspected weekly and after storms to detect evidence of any of the following:

(i) Deterioration, malfunctions, or improper operation of run-on and run-off control systems;

~~(ii) ((The presence of liquids in leak detection systems, where installed to comply with subsection (3) of this section;~~

~~(iii))~~ Proper functioning of wind dispersal control systems; and

~~((iv))~~ (iii) The presence of leachate in and proper functioning of leachate collection and removal systems, where present.

(c) An owner or operator required to have a leak detection system under subsection (2)(i) of this section must record the amount of liquids removed from each leak detection system sump at least once each week during the active life and closure period.

(6) Containment system repairs—Contingency plans.

(a) Whenever there is any indication of a possible failure of the containment system, that system must be inspected in accordance with the provisions of the containment system evaluation and repair plan required by (d) of this subsection. Indications of possible failure of the containment system include liquid detected in the leachate detection system, evidence of leakage or the potential for leakage in the base, erosion of the base, or apparent or potential deterioration of the liner(s) based on observation or test samples of the liner materials.

(b) Whenever there is a positive indication of a failure of the containment system, the waste pile must be removed from service. Indications of positive failure of the containment system include waste detected in the leachate detection system, or a breach (e.g., a hole, tear, crack, or separation) in the base.

(c) If the waste pile must be removed from service as required by (b) of this subsection, the owner or operator must:

(i) Immediately stop adding wastes to the pile;

(ii) Immediately contain any leakage which has occurred or is occurring;

(iii) Immediately cause the leak to be stopped; and

(iv) If the leak cannot be stopped by any other means, remove the waste from the base.

(d) As part of the contingency plan required in WAC 173-303-350, the owner or operator must specify:

(i) A procedure for complying with the requirements of (c) of this subsection; and

(ii) A containment system evaluation and repair plan describing: Testing and monitoring techniques; procedures to be followed to evaluate the integrity of the containment system in the event of a possible failure; a schedule of actions to be taken in the event of a possible failure; and a description of the repair techniques and materials (and their availability) to be used in the event of leakage due to containment system failure or deterioration which does not require the waste pile to be removed from service. For EHW piles, the owner or operator must submit with his permit application a statement signed by an independent, qualified registered professional engineer of the basis on which the evaluation and repair plan has been established.

(e) No waste pile that has been removed from service pursuant to (b) of this subsection, may be restored to service unless:

- (i) The containment system has been repaired; and
- (ii) The containment system has been certified by a qualified engineer as meeting the design specifications approved in the permit.

(f) A waste pile that has been removed from service pursuant to (b) of this subsection, and will not be repaired, must be closed in accordance with subsection (9) of this section.

(7) Special requirements for ignitable or reactive waste. Ignitable or reactive waste must not be placed in a waste pile, unless the waste and waste pile satisfy all applicable requirements of WAC 173-303-140 (2)(a), and:

(a) Addition of the waste to an existing pile results in the waste or mixture no longer meeting the definition of ignitable or reactive waste under WAC 173-303-090, and complies with WAC 173-303-395 (1)(b); or

(b)(i) The waste is managed in such a way that it is protected from any material or conditions which may cause it to ignite or react; and

(ii) The generator complies with WAC 173-303-395 (1)(d).

(8) Special requirements for incompatible wastes.

(a) Incompatible wastes, or incompatible wastes and materials must not be placed in the same pile, unless WAC 173-303-395 (1)(b) is complied with.

(b) A pile of dangerous waste that is incompatible with any waste or other material stored nearby in other containers, piles, open tanks, or surface impoundments must be separated from the other materials, or protected from them by means of a dike, berm, wall, or other device. Piles of incompatible wastes must not be served by the same containment system.

(c) Dangerous waste must not be piled on the same base where incompatible wastes or materials were previously piled, unless the base has been decontaminated sufficiently to ensure compliance with WAC 173-303-395 (1)(b).

(9) Closure and postclosure care.

(a) At closure, the owner or operator must remove or decontaminate all dangerous waste, waste residues, contaminated containment system components (liners, etc.), contaminated subsoils, and structures and equipment contaminated with waste and leachate, and manage them in accordance with this chapter.

(b) If, after removing or decontaminating all residues and making all reasonable efforts regarding removal or decontamination of contaminated components, subsoils, structures, and equipment as required in (a) of this subsection, the owner or operator finds that not all contaminated subsoils can be practicably removed or decontaminated (except that no EHW may ever be left in place), he must close the facility and perform postclosure care in accordance with the closure and postclosure care requirements that apply to landfills, WAC 173-303-665(6).

(c)(i) The owner or operator of a waste pile that does not comply with the liner requirements of subsection (2)(a)(i) of this section, and is not exempt from them in accordance with subsection (1)(c) or (2)(d) of this section, must:

(A) Include in the closure plan for the pile under WAC 173-303-610(3) both a plan for complying with (a) of this

subsection, and a contingent plan for complying with (b) of this subsection, in case not all contaminated subsoils can be practicably removed at closure; and

(B) Prepare a contingent postclosure plan under WAC 173-303-610(8) for complying with (b) of this subsection, in case not all contaminated subsoils can be practicably removed at closure.

(ii) The cost estimates calculated under WAC 173-303-620 (3) and (5) for closure and postclosure care of a pile must include the cost of complying with the contingent closure plan and the contingent postclosure plan but are not required to include the cost of expected closure under (a) of this subsection.

(10) Special requirements for dangerous wastes F020, F021, F022, F023, F026, and F027.

(a) Dangerous wastes F020, F021, F022, F023, F026, and F027 must not be placed in waste piles that are not enclosed (as defined in subsection (1)(c) of this section) unless the owner or operator operates the waste pile in accordance with a management plan for these wastes that is approved by the department pursuant to the standards set out in this subsection, and in accord with all other applicable requirements of this chapter. The factors to be considered are:

(i) The volume, physical, and chemical characteristics of the wastes, including their potential to migrate through soil or to volatilize or escape into the atmosphere;

(ii) The attenuative properties of underlying and surrounding soils or other materials;

(iii) The mobilizing properties of other materials co-disposed with these wastes; and

(iv) The effectiveness of additional treatment, design, or monitoring techniques.

(b) The department may determine that additional design, operating, and monitoring requirements are necessary in order to reduce the possibility of migration of these wastes to ground water, to surface water, or air so as to protect human health and the environment.

AMENDATORY SECTION (Amending Order DE 83-36, filed 1/5/88, effective 2/5/88)

WAC 173-303-665 Landfills. (1) Applicability. The regulations in this section apply to owners and operators of facilities that dispose of dangerous waste in landfills, except as WAC 173-303-600 provides otherwise. No landfill ((~~shall~~)) will be permitted to dispose of EHW, except for the Hanford facility under WAC 173-303-700.

(2) Design and operating requirements.

(a) ((~~*)~~) Any landfill that is not covered by (h) of this subsection must have a liner system for all portions of the landfill (except for an existing portion of a landfill). The liner system must have:

(i) A liner that is designed, constructed, and installed to prevent any migration of wastes out of the landfill to the adjacent subsurface soil or ground water or surface water at anytime during the active life (including the closure period) of the landfill. The liner must be constructed of materials that prevent wastes from passing into the liner during the active life of the facility. The owner or operator must submit an engineering report with his permit application under WAC 173-303-806(4) stating the basis for selecting

the liner(s). The report must be certified by a licensed professional engineer. The liner must be:

(A) Constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrogeologic forces), physical contact with the waste or leachate to which they are exposed, climatic conditions, the stress of installation, and the stress of daily operation;

(B) Placed upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression, or uplift; and

(C) Installed to cover all surrounding earth likely to be in contact with the waste or leachate; and

(i) A leachate collection and removal system immediately above the liner that is designed, constructed, maintained, and operated to collect and remove leachate from the landfill. The department will specify design and operating conditions in the permit to ensure that the leachate depth over the liner does not exceed 30 cm (one foot). The leachate collection and removal system must be:

(A) Constructed of materials that are:

(I) Chemically resistant to the waste managed in the landfill and the leachate expected to be generated; and

(II) Of sufficient strength and thickness to prevent failure under the pressures exerted by overlying wastes, waste cover materials, and by any equipment used at the landfill; and

(B) Designed and operated to function without clogging through the scheduled closure of the landfill.

(b) The owner or operator will be exempted from the requirements of (a) of this subsection, if the department finds, based on a demonstration by the owner or operator, that alternative design and operating practices, together with location characteristics, will prevent the migration of any dangerous constituents into the ground water or surface water at any future time. In deciding whether to grant an exemption, the department will consider:

(i) The nature and quantity of the wastes;

(ii) The proposed alternate design and operation;

(iii) The hydrogeologic setting of the facility, including the attenuative capacity and thickness of the liners and soils present between the landfill and ground water or surface water; and

(iv) All other factors which would influence the quality and mobility of the leachate produced and the potential for it to migrate to ground water or surface water.

(c) The owner or operator must design, construct, operate, and maintain a run-on control system capable of preventing flow onto the active portion of the landfill during peak discharge from at least a twenty-five-year storm.

(d) The owner or operator must design, construct, operate, and maintain a run-off management system to collect and control at least the water volume resulting from a twenty-four-hour, twenty-five-year storm.

(e) Collection and holding facilities (e.g., tanks or basins) associated with run-on and run-off control systems must be emptied or otherwise managed expeditiously and in accordance with this chapter after storms to maintain design capacity of the system.

(f) If the landfill contains any particulate matter which may be subject to wind dispersal, the owner or operator must cover or otherwise manage the landfill to control wind dispersal.

(g) The department will specify in the permit all design and operating practices that are necessary to ensure that the requirements of this subsection are satisfied.

(h) The owner or operator of each new landfill unit on which construction commences after January 29, 1992, each lateral expansion of a landfill unit on which construction commences after July 29, 1992, and each replacement of an existing landfill unit that commences reuse after July 29, 1992, must install two or more liners and a leachate collection and removal system above and between such liners. "Construction commences" is as defined in WAC 173-303-040 under "existing facility."

(i) The liner system must:

(A) Include a top liner designed and constructed of materials (e.g., a geomembrane) to prevent the migration of dangerous constituents into such liner during the active life and post-closure care period; and

(B) Include a composite bottom liner, consisting of at least two components. The upper component must be designed and constructed of materials (e.g., a geomembrane) to prevent the migration of dangerous constituents into this component during the active life and post-closure care period. The lower component must be designed and constructed of materials to minimize the migration of dangerous constituents if a breach in the upper component were to occur. The lower component must be constructed of at least 3 feet (91 cm) of compacted soil material with a hydraulic conductivity of no more than 1×10^{-7} cm/sec.

(C) The liners must comply with (a)(i)(A), (B), and (C) of this subsection.

(ii) The leachate collection and removal system immediately above the top liner must be designed, constructed, operated, and maintained to collect and remove leachate from the landfill during the active life and post-closure care period. The department will specify design and operating conditions in the permit to ensure that the leachate depth over the liner does not exceed twelve inches (30.5 cm). The leachate collection and removal system must comply with (h)(iii) and (iv) of this subsection.

(iii) The leachate collection and removal system between the liners, and immediately above the bottom composite liner in the case of multiple leachate collection and removal systems, is also a leak detection system. This leak detection system must be capable of detecting, collecting, and removing leaks of dangerous constituents at the earliest practicable time through all areas of the top liner likely to be exposed to waste or leachate during the active life and post-closure care period. The requirements for a leak detection system in this subsection are satisfied by installation of a system that is, at a minimum:

(A) Constructed with a bottom slope of one percent or more;

(B) Constructed of granular drainage materials with a hydraulic conductivity of 1×10^{-2} cm/sec or more and a thickness of 12 inches (30.5 cm) or more; or constructed of synthetic or geonet drainage materials with a transmissivity of 3×10^{-5} m²/sec or more;

(C) Constructed of materials that are chemically resistant to the waste managed in the landfill and the leachate expected to be generated, and of sufficient strength and thickness to prevent collapse under the pressures exerted by overlying wastes, waste cover materials, and equipment used at the landfill;

(D) Designed and operated to minimize clogging during the active life and post-closure care period; and

(E) Constructed with sumps and liquid removal methods (e.g., pumps) of sufficient size to collect and remove liquids from the sump and prevent liquids from backing up into the drainage layer. Each unit must have its own sump(s). The design of each sump and removal system must provide a method for measuring and recording the volume of liquids present in the sump and of liquids removed.

(iv) The owner or operator will collect and remove pumpable liquids in the leak detection system sumps to minimize the head on the bottom liner.

(v) The owner or operator of a leak detection system that is not located completely above the seasonal high water table must demonstrate that the operation of the leak detection system will not be adversely affected by the presence of ground water.

(i) The department may approve alternative design or operating practices to those specified in (h) of this subsection if the owner or operator demonstrates to the department that such design and operating practices, together with location characteristics:

(i) Will prevent the migration of any dangerous constituent into the ground water or surface water at least as effectively as the liners and leachate collection and removal systems specified in (c) of this subsection; and

(ii) Will allow detection of leaks of dangerous constituents through the top liner at least as effectively.

(k) The double liner requirement set forth in (h) of this subsection may be waived by the department for any monofill, if:

(i) The monofill contains only dangerous wastes from foundry furnace emission controls or metal casting molding sand, and such wastes do not contain constituents which would render the wastes dangerous for reasons other than the Toxicity Characteristic in WAC 173-303-090(8), with dangerous waste numbers D004 through D017 or the toxicity criteria at WAC 173-303-100(5); and

(ii)(A) The monofill has at least one liner for which there is no evidence that such liner is leaking;

(B) The monofill is located more than one-quarter mile from an underground source of drinking water (as that term is defined in 40 CFR section 144.3); and

(C) The monofill is in compliance with generally applicable ground water monitoring requirements for facilities with permits under RCRA 3005(c); or

(D) The owner or operator demonstrates that the monofill is located, designed and operated so as to assure that there will be no migration of any dangerous constituent into ground water or surface water at any future time.

(l) The owner or operator of any replacement landfill unit is exempt from (h) of this subsection if:

(i) The existing unit was constructed in compliance with the design standards of section 3004(o)(1)(A)(i) and (o)(5) of the Resource Conservation and Recovery Act; and

(ii) There is no reason to believe that the liner is not functioning as designed.

~~(3) ((Double lined landfills; exemption from WAC 173-303-645, ground water protection requirements.~~

~~(a) The owner or operator of a double lined landfill is not subject to regulation under WAC 173-303-645 if the following conditions are met:~~

~~(i) The landfill (including its underlying liners) must be located entirely above the seasonal high water table;~~

~~(ii) The landfill must be underlain by two liners which are designed and constructed in a manner to prevent the migration of liquids into or out of the space between the liners. Both liners must meet the specifications of subsection (2)(a)(i) of this section;~~

~~(iii) A leak detection system must be designed, constructed, maintained, and operated between the liners to detect any migration of liquid into the space between the liners; and~~

~~(iv) The landfill must have a leachate collection and removal system above the top liner that is designed, constructed, maintained, and operated in accordance with subsection (2)(a)(ii) of this section.~~

~~(b) If liquid leaks into the leak detection system, the owner or operator must:~~

~~(i) Notify the department of the leak in writing within seven days after detecting the leak; and~~

~~(ii)(A) Within the time period specified in the permit, remove accumulated liquid, repair or replace the liner which is leaking to prevent the migration of liquids through the liner, and obtain a certification from a qualified engineer that, to the best of his knowledge and opinion, the leak has been stopped; or~~

~~(B) If a detection monitoring program pursuant to WAC 173-303-645(9) has already been established in the permit (to be complied with only if a leak occurs), begin to comply with that program and any other applicable requirements of WAC 173-303-645 within the time period specified in the permit.~~

~~(c) The department will specify in the permit all design and operating practices that are necessary to ensure that the requirements of this subsection are satisfied.)) Reserve.~~

(4) Monitoring and inspection.

(a) During construction or installation, liners (except in the case of existing portions of landfills exempt from subsection (2)(a) of this section), and cover systems (e.g., membranes, sheets, or coatings) must be inspected for uniformity, damage, and imperfections (e.g., holes, cracks, thin spots, or foreign materials). Immediately after construction or installation:

(i) Synthetic liners and covers must be inspected to ensure tight seams and joints and the absence of tears, punctures, or blisters; and

(ii) Soil-based and admixed liners and covers must be inspected for imperfections including lenses, cracks, channels, root holes, or other structural nonuniformities that may cause an increase in the permeability of the liner or cover.

(b) While a landfill is in operation, it must be inspected weekly and after storms to detect evidence of any of the following:

(i) Deterioration, malfunctions, or improper operation of run-on and run-off control systems;

(ii) ~~(The presence of liquids in leak detection systems, where installed to comply with subsection (3) of this section;~~
 (iii) Proper functioning of wind dispersal control systems; and

~~((+))~~ (iii) The presence of leachate in and proper functioning of leachate collection and removal systems.

(c)(i) An owner or operator required to have a leak detection system under subsection (2)(h) or (j) of this section must record the amount of liquids removed from each leak detection system sump at least once each week during the active life and closure period.

(ii) After the final cover is installed, the amount of liquids removed from each leak detection system sump must be recorded at least monthly. If the liquid level in the sump stays below the pump operating level for two consecutive months, the amount of liquids in the sumps must be recorded at least quarterly. If the liquid level in the sump stays below the pump operating level for two consecutive quarters, the amount of liquids in the sumps must be recorded at least semiannually. If at any time during the post-closure care period the pump operating level is exceeded at units on quarterly or semiannual recording schedules, the owner or operator must return to monthly recording of amounts of liquids removed from each sump until the liquid level again stays below the pump operating level for two consecutive months.

(iii) "Pump operating level" is a liquid level proposed by the owner or operator and approved by the department based on pump activation level, sump dimensions, and level that avoids backup into the drainage layer and minimizes head in the sump.

(5) Surveying and recordkeeping. The owner or operator of a landfill must maintain the following items in the operating record required under WAC 173-303-380:

(a) On a map, the exact location and dimensions, including depth, of each cell with respect to permanently surveyed benchmarks; and

(b) The contents of each cell and the approximate location of each dangerous waste type within each cell.

(6) Closure and postclosure care.

(a) At final closure of the landfill or upon closure of any cell, the owner or operator must cover the landfill or cell with a final cover designed and constructed to:

(i) Provide long-term minimization of migration of liquids through the closed landfill;

(ii) Function with minimum maintenance;

(iii) Promote drainage and minimize erosion or abrasion of the cover;

(iv) Accommodate settling and subsidence so that the cover's integrity is maintained; and

(v) Have a permeability less than or equal to the permeability of any bottom liner system or natural subsoils present.

(b) After final closure, the owner or operator must comply with all postclosure requirements contained in WAC 173-303-610 (7), (8), (9), and (10) including maintenance and monitoring throughout the postclosure care period. The owner or operator must:

(i) Maintain the integrity and effectiveness of the final cover, including making repairs to the cap as necessary to correct the effects of settling, subsidence, erosion, or other events;

(ii) Maintain and monitor the leak detection system in accordance with subsections ~~((3))~~ (2)(h) and (4)(c) of this section, where such a system is present between double liner systems;

(iii) Continue to operate the leachate collection and removal system until leachate is no longer detected;

(iv) Maintain and monitor the ground water monitoring system and comply with all other applicable requirements of WAC 173-303-645;

(v) Prevent run-on and run-off from eroding or otherwise damaging the final cover; and

(vi) Protect and maintain surveyed benchmarks used in complying with subsection (5) of this section.

(c) ~~(During the postclosure care period, if liquid leaks into a leak detection system installed under subsection (3) of this section, the owner or operator must notify the department of the leak in writing within seven days after detecting the leak. The department will modify the permit to require compliance with the requirements of WAC 173-303-645.)~~ Reserve.

(7) Special requirements for incompatible wastes. Incompatible wastes, or incompatible wastes and materials must not be placed in the same landfill cell, unless WAC 173-303-395 (1)(b) is complied with.

(8) Action leakage rate.

(a) The department must approve an action leakage rate for surface impoundment units subject to subsection (2)(h) or (j) of this section. The action leakage rate is the maximum design flow rate that the leak detection system (LDS) can remove without the fluid head on the bottom liner exceeding 1 foot. The action leakage rate must include an adequate safety margin to allow for uncertainties in the design (e.g., slope, hydraulic conductivity, thickness of drainage material), construction, operation, and location of the LDS, waste and leachate characteristics, likelihood and amounts of other sources of liquids in the LDS, and proposed response actions (e.g., the action leakage rate must consider decreases in the flow capacity of the system over time resulting from siltation and clogging, rib layover and creep of synthetic components of the system, overburden pressures, etc.).

(b) To determine if the action leakage rate has been exceeded, the owner or operator must convert the weekly or monthly flow rate from the monitoring data obtained under subsection (2)(h) of this section, to an average daily flow rate (gallons per acre per day) for each sump. Unless the department approves a different calculation, the average daily flow rate for each sump must be calculated weekly during the active life and closure period, and monthly during the post-closure care period when monthly monitoring is required under subsection (9) of this section.

(9) Response actions.

(a) The owner or operator of landfill units subject to subsection (2)(h) or (j) of this section must have an approved response action plan before receipt of waste. The response action plan must set forth the actions to be taken if the action leakage rate has been exceeded. At a minimum, the response action plan must describe the actions specified in (b) of this subsection.

(b) If the flow rate into the leak detection system exceeds the action leakage rate for any sump, the owner or operator must:

(i) Notify the department in writing of the exceedance within seven days of the determination;

(ii) Submit a preliminary written assessment to the department within fourteen days of the determination, as to the amount of liquids, likely sources of liquids, possible location, size, and cause of any leaks, and short-term actions taken and planned;

(iii) Determine to the extent practicable the location, size, and cause of any leak;

(iv) Determine whether waste receipt should cease or be curtailed, whether any waste should be removed from the unit for inspection, repairs, or controls, and whether or not the unit should be closed;

(v) Determine any other short-term and long-term actions to be taken to mitigate or stop any leaks; and

(vi) Within thirty days after the notification that the action leakage rate has been exceeded, submit to the department the results of the analyses specified in (b)(iii), (iv), and (v) of this subsection, the results of actions taken, and actions planned. Monthly thereafter, as long as the flow rate in the leak detection system exceeds the action leakage rate, the owner or operator must submit to the department a report summarizing the results of any remedial actions taken and actions planned.

(c) To make the leak and/or remediation determinations in (b)(iii), (iv), and (v) of this subsection, the owner or operator must:

(i) Assess the source of liquids and amounts of liquids by source;

(ii) Conduct a fingerprint, dangerous constituent, or other analyses of the liquids in the leak detection system to identify the source of liquids and possible location of any leaks, and the hazard and mobility of the liquid; and

(iii) Assess the seriousness of any leaks in terms of potential for escaping into the environment; or

(iv) Document why such assessments are not needed.

(10) Special requirements for ignitable or reactive waste.

(a) Except as provided in subsection (8)(b) of this section, and in WAC 173-303-161, ignitable or reactive waste must not be placed in a landfill, unless the waste and landfill meet all applicable requirements for owners and operators of dangerous waste treatment, storage and disposal facilities contained in this chapter, and:

(i) The resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under WAC 173-303-090 (5) or (7); and

(ii) WAC 173-303-395(1) is complied with.

(b) Except for prohibited wastes which remain subject to treatment standards in WAC 173-303-140 (2)(a), ignitable wastes in containers may be landfilled without meeting the requirements of (a) of this subsection, provided that the wastes are disposed of in such a way that they are protected from any material or conditions which may cause them to ignite. At a minimum, ignitable wastes must be disposed of in nonleaking containers which are carefully handled and placed so as to avoid heat, sparks, rupture, or any other condition that might cause ignition of the wastes; must be covered daily with soil or other noncombustible material to minimize the potential for ignition of the wastes; and must not be disposed of in cells that contain or will contain other wastes which may generate heat sufficient to cause ignition of the waste.

(11) Special requirements for hazardous wastes F020, F021, F022, F023, F026, and F027.

(a) Hazardous wastes F020, F021, F022, F023, F026, and F027 must not be placed in landfills unless the owner or operator operates the landfill in accord with a management plan for these wastes that is approved by the department pursuant to the standards set out in this subsection, and in accord with all other applicable requirements of this section. The factors to be considered are:

(i) The volume, physical, and chemical characteristics of the wastes, including their potential to migrate through the soil or to volatilize or escape into the atmosphere;

(ii) The attenuative properties of underlying and surrounding soils or other materials;

(iii) The mobilizing properties of other materials co-disposed with these wastes; and

(iv) The effectiveness of additional treatment, design, or monitoring requirements.

(b) The department may determine that additional design, operating, and monitoring requirements are necessary for landfills managing hazardous wastes F020, F021, F022, F023, F026, and F027 in order to reduce the possibility of migration of these wastes to ground water, surface water, or air so as to protect human health and the environment.

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 92-33, filed 12/8/93, effective 1/8/94)

WAC 173-303-670 Incinerators. (1) Applicability.

(a) Except as WAC 173-303-600 provides otherwise, the regulations in this section apply to owners and operators of facilities that incinerate dangerous waste and to owners and operators who burn dangerous waste in boilers or industrial furnaces in order to destroy them, or who burn dangerous waste in boilers or in industrial furnaces for any recycling purpose and elect to be regulated under this section.

(b) The department may, in establishing permit conditions, exempt the facility from all requirements of this section except subsection (2) of this section, waste analysis, and subsection (8) of this section, closure, if the department finds, after an examination of the waste analysis included with Part B of the owner/operator's permit application, that the waste to be burned:

(i)(A) Is either listed as a dangerous waste in WAC 173-303-080 only because it is ignitable or, that the waste is designated only as an ignitable dangerous waste under WAC 173-303-090; or

(B) Is either listed in WAC 173-303-080 or is designated under WAC 173-303-090 solely because it is reactive for the characteristics described in WAC 173-303-090 (7)(a)(i), (ii), (iii), (vi), (vii) and (viii), and will not be burned when other dangerous wastes are present in the combustion zone; and

(ii) Contains none of the dangerous constituents listed in WAC 173-303-9905 above significant concentration limits; and

(iii) Is not designated by the dangerous waste criteria of WAC 173-303-100.

(c) The owner or operator of an incinerator may conduct trial burns, subject only to the requirements of WAC 173-303-807, trial burn permits.

(2) Waste analysis.

(a) As a portion of a trial burn plan required by WAC 173-303-807, or with Part B of his permit application, the owner or operator must have included an analysis of his waste feed sufficient to provide all information required by WAC 173-303-807 or 173-303-806 (3) and (4).

(b) Throughout normal operation the owner or operator must conduct sufficient waste analysis to verify that waste feed to the incinerator is within the physical and chemical composition limits specified in his permit (under subsection (6)(b) of this section).

(3) Designation of principal organic dangerous constituents and dangerous combustion byproducts. Principal organic dangerous constituents (PODCs) and dangerous combustion byproducts must be treated to the extent required by the performance standards specified in subsection (4) of this section. For each waste feed to be burned, one or more PODCs and dangerous combustion byproducts will be specified in the facility's permit from among those constituents listed in WAC 173-303-9905 and, to the extent practical, from among those constituents which contribute to the toxicity, persistence, or carcinogenicity of wastes designated under WAC 173-303-100. This specification will be based on the degree of difficulty of incineration of the organic constituents of the waste feed and its combustion byproducts and their concentration or mass, considering the results of waste analyses and trial burns or alternative data submitted with Part B of the facility's permit application. Organic constituents or byproducts which represent the greatest degree of difficulty of incineration will be those most likely to be designated as PODCs and dangerous combustion byproducts. Constituents are more likely to be designated as PODCs or dangerous combustion byproducts if they are present in large quantities or concentrations. Trial PODCs will be designated for performance of trial burns in accordance with the procedure specified in WAC 173-303-807 for obtaining trial burn permits. Trial dangerous combustion byproducts may be designated under the same procedures.

(4) Performance standards. An incinerator burning dangerous waste must be designed, constructed, and maintained so that, when operated in accordance with operating requirements specified under subsection (6) of this section, it will meet the following performance standards:

(a)(i) Except as provided in (a)(ii) of this subsection, an incinerator burning dangerous waste must achieve a destruction and removal efficiency (DRE) of 99.99 percent for each PODC designated (under subsection (3) of this section) in its permit for each waste feed. DRE is determined for each PODC from the following equation:

$$DRE = \frac{(w_{in} - w_{out}) \times 100\%}{w_{in}}$$

Where:

w_{in} = Mass feed rate of one PODC in the waste stream feeding the incinerator, and

w_{out} = Mass emission rate of the same PODC present in exhaust emissions prior to release to the atmosphere.

(ii) An incinerator burning dangerous wastes F020, F021, F022, F023, F026, or F027 must achieve a destruction and removal efficiency (DRE) of 99.9999% for each principal organic dangerous constituent (PODCs) designated (under subsection (3) of this section) in its permit. This performance must be demonstrated on PODCs that are more difficult to incinerate than tetra-, penta-, and hexachloro-dibenzo-p-dioxins and dibenzofurans. DRE is determined for each PODCs from the equation in subsection (4)(a)(i) of this section. In addition, the owner or operator of the incinerator must notify the department of his intent to incinerate dangerous wastes F020, F021, F022, F023, F026, or F027.

(b) Incinerators burning dangerous waste must destroy dangerous combustion byproducts designated under subsection (3) of this section so that the total mass emission rate of these byproducts emitted from the stack is no more than .01 percent of the total mass feed rate of PODCs fed into the incinerator.

(c)(i) An incinerator burning dangerous waste and producing stack emissions of more than 1.8 kilograms per hour (4 pounds per hour) of hydrogen chloride (HCl) must control HCl emissions such that the rate of emission is no greater than the larger of either 1.8 kilograms per hour or one percent of the HCl in the stack gas prior to entering any pollution control equipment.

(ii) An incinerator burning dangerous waste must not emit particulate matter in excess of 180 milligrams per dry standard cubic meter (0.08 grains per dry standard cubic foot) when corrected for the amount of oxygen in the stack gas according to the formula:

$$P_c = \frac{P_m \times 14}{21 - Y}$$

Where P_c is the corrected concentration of particulate matter, P_m is the measured concentration of particulate matter, and Y is the measured concentration of oxygen in the stack gas, using the Orsat method for oxygen analysis of dry flue gas, presented in 40 CFR Part 60, Appendix A (Method 3). This correction procedure is to be used by all dangerous waste incinerators except those operating under conditions of oxygen enrichment. For these facilities, the department will select an appropriate correction procedure to be specified in the facility permit.

(d) The emission standards specified in (c) of this subsection (~~shall~~) must be met when no other more stringent standards exist. Where a state or local air pollution control authority has jurisdiction and has more stringent emission standards, an incinerator burning dangerous wastes (~~shall~~) must comply with the applicable air pollution control authority's emission standards (including limits based on best available control technology).

(e) For purposes of permit enforcement, compliance with the operating requirements specified in the permit (under subsection (6) of this section), will be regarded as compliance with subsection (4) of this section. However, evidence that compliance with those permit conditions is insufficient to ensure compliance with the performance requirements of subsection (4) of this section, may be evidence justifying modification, revocation, or reissuance of a permit under WAC 173-303-830.

(5) Trial burns and permit modifications.

PERMANENT

(a) The owner or operator of a dangerous waste incinerator may burn only wastes specified in his permit and only under operating conditions specified for those wastes under subsection (6) of this section, except:

- (i) In approved trial burns under WAC 173-303-807; or
- (ii) Under exemptions created by WAC 173-303-670(1).

(b) New dangerous wastes may be burned only after operating conditions have been specified in a trial burn permit or a permit modification has been issued, as applicable. Operating requirements for new wastes may be based on either trial burn results or alternative data included with Part B of a permit application under WAC 173-303-806(4).

(c) The permit for a new dangerous waste incinerator must establish appropriate conditions for each of the applicable requirements of this section, including but not limited to allowable waste feeds and operating conditions necessary to meet the requirements of subsection (6) of this section, sufficient to comply with the following standards:

(i) For the period beginning with initial introduction of dangerous waste to the incinerator and ending with initiation of the trial burn, and only for the minimum time required to establish operating conditions required in (c)(ii) of this subsection, not to exceed a duration of seven hundred twenty hours operating time for treatment of dangerous waste. The operating requirements must be those most likely to ensure compliance with the performance standards of subsection (4) of this section, based on the department's engineering judgment. The department may extend the duration of this period once for up to seven hundred twenty additional hours when good cause for the extension is demonstrated by the applicant;

(ii) For the duration of the trial burn, the operating requirements must be sufficient to demonstrate compliance with the performance standards of subsection (4) of this section, and must be in accordance with the approved trial burn plan;

(iii) For the period immediately following completion of the trial burn, and only for the minimum period sufficient to allow sample analysis, data computation, and submission of the trial burn results by the applicant, and review of the trial burn results and modification of the facility permit by the department, the operating requirements must be those most likely to ensure compliance with the performance standards of subsection (4) of this section, based on the department's engineering judgment;

(iv) For the remaining duration of the permit, the operating requirements must be those demonstrated, in a trial burn or by alternative data specified in WAC 173-303-806(4)(f)(iii)(G), as sufficient to ensure compliance with the performance standards of subsection (4) of this section.

(6) Operating requirements.

(a) An incinerator must be operated in accordance with operating requirements specified in the permit. These will be specified on a case-by-case basis as those demonstrated (in a trial burn or in alternative data as specified in subsection (5)(b) of this section and included with Part B of a facility's permit application) to be sufficient to comply with the performance standards of subsection (4) of this section.

(b) Each set of operating requirements will specify the composition of the waste feed (including acceptable variations in the physical or chemical properties of the waste feed which will not affect compliance with the performance

requirement of subsection (4) of this section) to which the operating requirements apply. For each such waste feed, the permit will specify acceptable operating limits including the following conditions:

(i) Carbon monoxide (CO) level in the stack exhaust gas;

(ii) Waste feed rate;

(iii) Combustion temperature;

(iv) An appropriate indicator of combustion gas velocity;

(v) Allowable variations in incinerator system design or operating procedures; and

(vi) Such other operating requirements as are necessary to ensure that the performance standards of subsection (4) of this section are met.

(c) During startup and shutdown of an incinerator, dangerous waste (except waste exempted in accordance with subsection (1)(b) of this section) must not be fed into the incinerator unless the incinerator is operating within the conditions of operation (temperature, air feed rate, etc.) specified in the permit.

(d) Fugitive emissions from the combustion zone must be controlled by:

(i) Keeping the combustion zone totally sealed against fugitive emissions;

(ii) Maintaining a combustion zone pressure lower than atmospheric pressure; or

(iii) An alternate means of control demonstrated (with Part B of the permit application) to provide fugitive emissions control equivalent to maintenance of combustion zone pressure lower than atmospheric pressure.

(e) An incinerator must be operated with a functioning system to automatically cut off waste feed to the incinerator when operating conditions deviate from limits established under (a) of this subsection.

(f) An incinerator must cease operation when changes in waste feed, incinerator design, or operating conditions exceed limits designated in its permit.

(7) Monitoring and inspections.

(a) The owner or operator must conduct, as a minimum, the following monitoring while incinerating dangerous waste:

(i) Combustion temperature, waste feed rate, and the indicator of combustion gas velocity specified in the facility permit must be monitored on a continuous basis;

(ii) Carbon monoxide (CO) must be monitored on a continuous basis at a point in the incinerator downstream of the combustion zone and prior to release to the atmosphere; and

(iii) As required by the department, sampling and analysis of the waste and exhaust emissions must be conducted to verify that the operating requirements established in the permit achieve the performance standards of subsection (4) of this section.

(b) The incinerator and associated equipment (pumps, valves, conveyors, pipes, etc.) must be completely inspected at least daily for leaks, spills, fugitive emissions, and signs of tampering. All emergency waste feed cutoff controls and system alarms must be tested at least weekly to verify proper operation, unless the owner or operator demonstrates to the department that weekly inspections will unduly restrict or upset operations and that less frequent inspection will be

adequate. At a minimum, emergency cutoff and alarm systems must be tested at least monthly.

(c) This monitoring and inspection data must be recorded and the records must be placed in the operating log required by WAC 173-303-380(1).

(8) Closure. At closure the owner or operator must remove all dangerous waste and dangerous waste residues (including, but not limited to, ash, scrubber waters, and scrubber sludges) from the incinerator site. Remaining equipment, bases, liners, soil, and debris containing or contaminated with dangerous waste or waste residues must be decontaminated or removed.

NEW SECTION

WAC 173-303-675 Drip pads. (1) Applicability.

(a) The requirements of this section apply to owners and operators of facilities that use new or existing drip pads to convey treated wood drippage, precipitation, and/or surface water run-off to an associated collection system. Existing drip pads are those constructed before December 6, 1990, and those for which the owner or operator has a design and has entered into binding financial or other agreements for construction prior to December 6, 1990. All other drip pads are new drip pads. The requirement in subsection (4)(b)(iii) of this section to install a leak collection system applies only to those drip pads that are constructed after December 24, 1992, except for those constructed after December 24, 1992, for which the owner or operator has a design and has entered into binding financial or other agreements for construction prior to December 24, 1992.

(b) The owner or operator of any drip pad that is inside or under a structure that provides protection from precipitation so that neither run-off nor run-on is generated is not subject to regulation under subsection (3)(e) or (f) of this section, as appropriate.

(c) The requirements of this section are not applicable to the management of infrequent and incidental drippage in storage yards provided that: The owner or operator maintains and complies with a written contingency plan that describes how the owner or operator will respond immediately to the discharge of such infrequent and incidental drippage. At a minimum, the contingency plan must describe how the owner or operator will do the following:

- (i) Clean up the drippage;
- (ii) Document the cleanup of the drippage;
- (iii) Retain documents regarding cleanup for three years;

and

(iv) Manage the contaminated media in a manner consistent with federal regulations.

(2) Assessment of existing drip pad integrity.

(a) For each existing drip pad as defined in subsection (1) of this section, the owner or operator must evaluate the drip pad and determine that it meets all of the requirements of this section, except the requirements for liners and leak detection systems of subsection (4)(b) of this section. No later than the effective date of this rule, the owner or operator must obtain and keep on file at the facility a written assessment of the drip pad, reviewed and certified by an independent, qualified registered professional engineer that attests to the results of the evaluation. The assessment must be reviewed, updated and recertified annually until all

upgrades, repairs, or modifications necessary to achieve compliance with all of the standards of subsection (4) of this section are complete. The evaluation must document the extent to which the drip pad meets each of the design and operating standards of subsection (4) of this section, except the standards for liners and leak detection systems, specified in subsection (4)(b) of this section.

(b) The owner or operator must develop a written plan for upgrading, repairing, and modifying the drip pad to meet the requirements of subsection (4)(b) of this section, and submit the plan to the department no later than two years before the date that all repairs, upgrades, and modifications are complete. This written plan must describe all changes to be made to the drip pad in sufficient detail to document compliance with all the requirements of subsection (4) of this section. The plan must be reviewed and certified by an independent qualified registered professional engineer.

(c) Upon completion of all upgrades, repairs, and modifications, the owner or operator must submit to the department, the as-built drawings for the drip pad together with a certification by an independent qualified registered professional engineer attesting that the drip pad conforms to the drawings.

(d) If the drip pad is found to be leaking or unfit for use, the owner or operator must comply with the provisions of subsection (4)(m) of this section or close the drip pad in accordance with subsection (6) of this section.

(3) Design and installation of new drip pads.

Owners and operators of new drip pads must ensure that the pads are designed, installed, and operated in accordance with one of the following:

(a) All of the requirements of subsections (4) of this section (except subsection (4)(a)(iv)), (5) and (6) of this section; or

(b) All of the requirements of subsections (4) of this section (except subsection (4)(b)), (5) and (6) of this section.

(4) Design and operating requirements.

(a) Drip pads must:

(i) Be constructed of nonearthen materials, excluding wood and nonstructurally supported asphalt:

(ii) Be sloped to free-drain treated wood drippage, rain and other waters, or solutions of drippage and water or other wastes to the associated collection system;

(iii) Have a curb or berm around the perimeter;

(iv)(A) Have a hydraulic conductivity of less than or equal to 1×10^{-7} centimeters per second, e.g., existing concrete drip pads must be sealed, coated, or covered with a surface material with a hydraulic conductivity of less than or equal to 1×10^{-7} centimeters per second such that the entire surface where drippage occurs or may run across is capable of containing such drippage and mixtures of drippage and precipitation, materials, or other wastes while being routed to an associated collection system. This surface material must be maintained free of cracks and gaps that could adversely affect its hydraulic conductivity, and the material must be chemically compatible with the preservatives that contact the drip pad. The requirements of this provision apply only to existing drip pads and those drip pads for which the owner or operator elects to comply with subsection (3)(a) of this section instead of subsection (3)(b) of this section.

(B) The owner or operator must obtain and keep on file at the facility a written assessment of the drip pad, reviewed and certified by an independent, qualified registered professional engineer that attests to the results of the evaluation. The assessment must be reviewed, updated and recertified annually. The evaluation must document the extent to which the drip pad meets the design and operating standards of this subsection, except for (b) of this subsection.

(v) Be of sufficient structural strength and thickness to prevent failure due to physical contact, climatic conditions, the stress of daily operations, e.g., variable and moving loads such as vehicle traffic, movement of wood, etc.

Note: The department will generally consider applicable standards established by professional organizations generally recognized by the industry such as the American Concrete Institute (ACI) or the American Society of Testing and Materials (ASTM) in judging the structural integrity requirement of this subsection.

(b) If an owner/operator elects to comply with subsection (3)(b) of this section instead of subsection (3)(a) of this section, the drip pad must have:

(i) A synthetic liner installed below the drip pad that is designed, constructed, and installed to prevent leakage from the drip pad into the adjacent subsurface soil or ground water or surface water at any time during the active life (including the closure period) of the drip pad. The liner must be constructed of materials that will prevent waste from being absorbed into the liner and to prevent releases into the adjacent subsurface soil or ground water or surface water during the active life of the facility. The liner must be:

(A) Constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrogeologic forces), physical contact with the waste or drip pad leakage to which they are exposed, climatic conditions, the stress of installation, and the stress of daily operation (including stresses from vehicular traffic on the drip pad);

(B) Placed upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression or uplift; and

(C) Installed to cover all surrounding earth that could come in contact with the waste or leakage; and

(ii) A leakage detection system immediately above the liner that is designed, constructed, maintained and operated to detect leakage from the drip pad. The leakage detection system must be:

(A) Constructed of materials that are:

(I) Chemically resistant to the waste managed in the drip pad and the leakage that might be generated; and

(II) Of sufficient strength and thickness to prevent collapse under the pressures exerted by overlaying materials and by any equipment used at the drip pad;

(B) Designed and operated to function without clogging through the scheduled closure of the drip pad; and

(C) Designed so that it will detect the failure of the drip pad or the presence of a release of hazardous waste or accumulated liquid at the earliest practicable time.

(iii) A leakage collection system immediately above the liner that is designed, constructed, maintained and operated to collect leakage from the drip pad such that it can be removed from below the drip pad. The date, time, and

quantity of any leakage collected in this system and removed must be documented in the operating log.

(c) Drip pads must be maintained such that they remain free of cracks, gaps, corrosion, or other deterioration that could cause hazardous waste to be released from the drip pad.

Note: See subsection (4)(m) of this section for remedial action required if deterioration or leakage is detected.

(d) The drip pad and associated collection system must be designed and operated to convey, drain, and collect liquid resulting from drippage or precipitation in order to prevent run-off.

(e) Unless protected by a structure, as described in subsection (1)(b) of this section, the owner or operator must design, construct, operate and maintain a run-on control system capable of preventing flow onto the drip pad during peak discharge from at least a twenty-four-hour, twenty-five-year storm, unless the system has sufficient excess capacity to contain any run-off that might enter the system.

(f) Unless protected by a structure or cover as described in subsection (1)(b) of this section, the owner or operator must design, construct, operate and maintain a run-off management system to collect and control at least the water volume resulting from a twenty-four-hour, twenty-five-year storm.

(g) The drip pad must be evaluated to determine that it meets the requirements of (a) through (f) of this subsection and the owner or operator must obtain a statement from an independent, qualified registered professional engineer certifying that the drip pad design meets the requirements of this section.

(h) Drippage and accumulated precipitation must be removed from the associated collection system as necessary to prevent overflow onto the drip pad.

(i) The drip pad surface must be cleaned thoroughly in a manner and frequency such that accumulated residues of hazardous waste or other materials are removed, with residues being properly managed as hazardous waste, so as to allow weekly inspections of the entire drip pad surface without interference or hindrance from accumulated residues of hazardous waste or other materials on the drip pad. The owner or operator must document the date and time of each cleaning and the cleaning procedure used in the facility's operating log. The owner/operator must determine if the residues are dangerous under WAC 173-303-070 and, if so, must manage them under this chapter.

(j) Drip pads must be operated and maintained in a manner to minimize tracking of hazardous waste or hazardous waste constituents off the drip pad as a result of activities by personnel or equipment.

(k) After being removed from the treatment vessel, treated wood from pressure and nonpressure processes must be held on the drip pad until drippage has ceased. The owner or operator must maintain records sufficient to document that all treated wood is held on the drip pad following treatment in accordance with this requirement.

(l) Collection and holding units associated with run-on and run-off control systems must be emptied or otherwise managed as soon as possible after storms to maintain design capacity of the system.

(m) Throughout the active life of the drip pad and as specified in the permit, if the owner or operator detects a condition that may have caused or has caused a release of hazardous waste, the condition must be repaired within a reasonably prompt period of time following discovery, in accordance with the following procedures:

(i) Upon detection of a condition that may have caused or has caused a release of hazardous waste (e.g., upon detection of leakage in the leak detection system), the owner or operator must:

(A) Enter a record of the discovery in the facility operating log;

(B) Immediately remove the portion of the drip pad affected by the condition from service;

(C) Determine what steps must be taken to repair the drip pad and clean up any leakage from below the drip pad, and establish a schedule for accomplishing the repairs;

(D) Within twenty-four hours after discovery of the condition, notify the department of the condition and, within ten working days, provide written notice to the department with a description of the steps that will be taken to repair the drip pad and clean up any leakage, and the schedule for accomplishing this work.

(ii) The department will review the information submitted, make a determination regarding whether the pad must be removed from service completely or partially until repairs and clean up are complete and notify the owner or operator of the determination and the underlying rationale in writing.

(iii) Upon completing all repairs and clean up, the owner or operator must notify the department in writing and provide a certification signed by an independent, qualified registered professional engineer, that the repairs and clean up have been completed according to the written plan submitted in accordance with (m)(i)(D) of this subsection.

(n) Should a permit be necessary, the department will specify in the permit all design and operating practices that are necessary to ensure that the requirements of this section are satisfied.

(o) The owner or operator must maintain, as part of the facility operating log, documentation of past operating and waste handling practices. This must include identification of preservative formulations used in the past, a description of drippage management practices, and a description of treated wood storage and handling practices.

(5) Inspections.

(a) During construction or installation, liners and cover systems (e.g., membranes, sheets, or coatings) must be inspected for uniformity, damage and imperfections (e.g., holes, cracks, thin spots, or foreign materials). Immediately after construction or installation, liners must be inspected and certified as meeting the requirements of subsection (4) of this section by an independent qualified, registered professional engineer. This certification must be maintained at the facility as part of the facility operating record. After installation, liners and covers must be inspected to ensure tight seams and joints and the absence of tears, punctures, or blisters.

(b) While a drip pad is in operation, it must be inspected weekly and after storms to detect evidence of any of the following:

(i) Deterioration, malfunctions or improper operation of run-on and run-off control systems;

(ii) The presence of leakage in and proper functioning of leak detection system;

(iii) Deterioration or cracking of the drip pad surface.

Note: See subsection (4)(m) of this section for remedial action required if deterioration or leakage is detected.

(6) Closure.

(a) At closure, the owner or operator must remove or decontaminate all waste residues, contaminated containment system components (pad, liners, etc.), contaminated subsoils, and structures and equipment contaminated with waste and leakage, and manage them as hazardous waste.

(b) If, after removing or decontaminating all residues and making all reasonable efforts to effect removal or decontamination of contaminated components, subsoils, structures, and equipment as required in (a) of this subsection, the owner or operator finds that not all contaminated subsoils can be practicably removed or decontaminated, he must close the facility and perform post-closure care in accordance with closure and post-closure care requirements that apply to landfills (WAC 173-303-665(6)). For permitted units, the requirement to have a permit continues throughout the post-closure period. In addition, for the purpose of closure, post-closure, and financial responsibility, such a drip pad is then considered to be landfill, and the owner or operator must meet all of the requirements for landfills specified in WAC 173-303-610 and 173-303-620.

(c)(i) The owner or operator of an existing drip pad, as defined in subsection (1) of this section, that does not comply with the liner requirements of subsection (4)(b)(i) of this section must:

(A) Include in the closure plan for the drip pad under WAC 173-303-610(3), both a plan for complying with (a) of this subsection and a contingent plan for complying with (b) of this subsection in case not all contaminated subsoils can be practicably removed at closure; and

(B) Prepare a contingent post-closure plan under WAC 173-303-610(8) for complying with (b) of this subsection in case not all contaminated subsoils can be practicably removed at closure.

(ii) The cost estimates calculated under WAC 173-303-610 and 173-303-620 for closure and post-closure care of a drip pad subject to this subsection must include the cost of complying with the contingent closure plan and the contingent post-closure plan, but are not required to include the cost of expected closure under (a) of this subsection.

AMENDATORY SECTION (Amending Order 92-33, filed 12/8/93, effective 1/8/94)

WAC 173-303-680 Miscellaneous units. (1) Applicability. The requirements of this section apply to owners and operators of facilities that treat, store, or dispose of dangerous waste in miscellaneous units, except as WAC 173-303-600 provides otherwise.

(2) Environmental performance standards. A miscellaneous unit must be located, designed, constructed, operated, maintained, and closed in a manner that will ensure protection of human health and the environment. Permits for miscellaneous units are to contain such terms and provisions as necessary to protect human health and the environment, including, but not limited to, as appropriate, design and operating requirements, detection and monitoring require-

ments, and requirements for responses to releases of dangerous waste or dangerous constituents from the unit. Permit terms and provisions (~~shall~~) will include those requirements in WAC 173-303-630 through 173-303-670, WAC 173-303-800 through 173-303-806, and 40 CFR Part 146 that are appropriate for the miscellaneous units being permitted. Protection of human health and the environment includes, but is not limited to:

(a) Prevention of any releases that may have adverse effects on human health or the environment due to migration of wastes (~~(constituents))~~ constituents in the ground water or subsurface environment, considering:

(i) The volume and physical and chemical characteristics of the waste in the unit, including its potential for migration through soil, liners, or other containing structures;

(ii) The hydrologic and geologic characteristics of the unit and the surrounding area;

(iii) The existing quality of ground water, including other sources of contamination and their cumulative impact on the ground water;

(iv) The quantity and direction of ground water flow;

(v) The proximity to and withdrawal rates of current and potential ground water users;

(vi) The patterns of land use in the region;

(vii) The potential for deposition or migration of waste constituents into subsurface physical structures, and into the root zone of food-chain crops and other vegetation;

(viii) The potential for health risks caused by human exposure to waste constituents; and

(ix) The potential for damage to domestic animals, wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents.

(b) Prevention of any release that may have adverse effects on human health or the environment due to migration of waste constituents in surface water, or wetlands or on the soil surface considering:

(i) The volume and physical and chemical characteristics of the waste in the unit;

(ii) The effectiveness and reliability of containing, confining, and collecting systems and structures in preventing migration;

(iii) The hydrologic characteristics of the unit and the surrounding area, including the topography of the land around the unit;

(iv) The patterns of precipitation in the region;

(v) The quantity, quality, and direction of ground water flow;

(vi) The proximity of the unit to surface waters;

(vii) The current and potential uses of nearby surface waters and any water quality standards established for those surface waters;

(viii) The existing quality of surface waters and surface soils, including other sources of contamination and their cumulative impact on surface waters and surface soils;

(ix) The patterns of land use in the region;

(x) The potential for health risks caused by human exposure to waste (~~(constituents))~~ constituents; and

(xi) The potential for damage to domestic animals, wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents.

(c) Prevention of any release that may have adverse effects on human health or the environment due to migration of waste constituents in the air, considering:

(i) The volume and physical and chemical characteristics of the waste in the unit, including its potential for the emission and dispersal of gases, aerosols and particulates;

(ii) The effectiveness and reliability of systems and structures to reduce or prevent emissions of dangerous constituents to the air;

(iii) The operating characteristics of the unit;

(iv) The atmospheric, meteorologic, and topographic characteristics of the unit and the surrounding area;

(v) The existing quality of the air, including other sources of contamination and their cumulative impact on the air;

(vi) The potential for health risks caused by human exposure to waste constituents; and

(vii) The potential for damage to domestic animals, wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents.

(3) Monitoring, analysis, inspection, response, reporting, and corrective action. Monitoring, testing, analytical data, inspections, response, and reporting procedures and frequencies must ensure compliance with subsection (2) of this section, WAC 173-303-320, 173-303-340(1), (~~(173-303-380(3))~~) 173-303-390 (~~((1) and (3))~~), and 173-303-646(2) as well as meet any additional requirements needed to protect human health and the environment as specified in the permit.

(4) Postclosure care. A miscellaneous unit that is a disposal unit must be maintained in a manner that complied with subsection (2) of this section during the postclosure care period. In addition, if a treatment or storage unit has contaminated soils or ground water that cannot be completely removed or decontaminated during closure, then that unit must also meet the requirements of subsection (2) of this section during postclosure care. The postclosure plan under WAC 173-303-610(8) must specify the procedures that will be used to satisfy this requirement.

NEW SECTION

WAC 173-303-690 Air emission standards for process vents. (1) Applicability.

(a) The regulations in this section apply to owners and operators of facilities that treat, store, or dispose of hazardous wastes.

(b) Except for 40 CFR 264.1034(d) and (e), this section applies to process vents associated with distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations that manage hazardous wastes with organic concentrations of at least 10-ppmw, if these operations are conducted in:

(i) Units that are subject to the permitting requirements of WAC 173-303-800 through 173-303-840; or

(ii) Hazardous waste recycling units that are located on hazardous waste management facilities otherwise subject to the permitting requirements of WAC 173-303-800 through 173-303-840.

(c) If the owner or operator of process vents subject to the requirements of 40 CFR 264.1032 through 264.1036 has received a permit under section 3005 of RCRA prior to December 21, 1990, the requirements of 264.1032 through

264.1036 must be incorporated when the permit is reissued under WAC 173-303-840(8) or reviewed under WAC 173-303-806(11).

(2) 40 CFR 264.1031 through 1036 (Subpart AA) is incorporated by reference.

Note: Where the incorporated language refers to 264.1030, refer to subsection (1) of this section. Where the incorporated language refers to Part 270, refer to WAC 173-303-800 through 173-303-840.

NEW SECTION

WAC 173-303-691 Air emission standards for equipment leaks. (1) Applicability.

(a) The regulations in this section apply to owners and operators of facilities that treat, store, or dispose of hazardous wastes.

(b) Except as provided in 40 CFR 1064(k), this section applies to equipment that contains or contacts hazardous wastes with organic concentrations of at least 10 percent by weight that are managed in:

(i) Units that are subject to the permitting requirements of WAC 173-303-800 through 173-303-840; or

(ii) Hazardous waste recycling units that are located on hazardous waste management facilities otherwise subject to the permitting requirements of WAC 173-303-800 through 173-303-840.

(c) If the owner or operator of equipment subject to the requirements of 40 CFR 264.1052 through 264.1065 has received a permit under section 3005 of RCRA prior to December 21, 1990, the requirements of 40 CFR 264.1052 through 264.1065 must be incorporated when the permit is reissued under WAC 173-303-840(8) or reviewed under WAC 173-303-806(11).

(d) Each piece of equipment to which this section applies must be marked in such a manner that it can be distinguished readily from other pieces of equipment.

(e) Equipment that is in vacuum service is excluded from the requirements of 40 CFR 264.1052 to 264.1060 if it is identified as required in 40 CFR 264.1064(g)(5).

(2) 40 CFR 264.1051 through 1065 (Subpart BB) is incorporated by reference.

Note: Where the incorporated language refers to 264.1050, refer to WAC 173-303-691. Where the incorporated language refers to Part 270, refer to WAC 173-303-800 through 173-303-840.

NEW SECTION

WAC 173-303-695 Containment buildings. The requirements for containment buildings at 40 CFR Part 264 Subpart DD are incorporated by reference. The words "regional administrator" will mean "department."

AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)

WAC 173-303-700 Requirements for the Washington state extremely hazardous waste management facility at Hanford. (1) Purpose and applicability. The purpose of this section is to set forth the requirements for the Washington EHW management (EHWM) facility located at Hanford, Washington. It is the only facility within the state that is allowed under law to dispose of EHW (RCW 70.105.050).

(2) Waste acceptance at Hanford.

(a) The state operator (~~shall~~) will accept EHW for treatment, storage, or disposal when:

(i) The waste has been specified in the state operator's permit as not requiring prior approval from the department and the state operator sends a copy of each written request for disposal of waste at the EHWM facility to the department, not later than one week after receiving the request; or

(ii) If the waste has not been specified in the state operator's permit, then the department provides written approval that the waste may be accepted at the EHWM facility. Notices of approval or disapproval (~~shall~~) will be provided as soon as possible, but not later than 15 days, after the state operator has notified the department. Written approval from the department is not required in emergencies, as specified; and

(iii) The generator has obtained prior written approval for waste acceptance from the state operator;

(iv) The waste is accompanied by a manifest specified in the generator requirements of WAC 173-303-180, Manifest; and

(v) Waste containers meet the labeling and container condition requirements of WAC 173-303-190.

(b) The state operator may accept DW, as defined in this regulation, for storage, treatment, or disposal when:

(i) All the conditions of EHW acceptance, (a) of this subsection, are met;

(ii) The generator and/or operator shows that no other permitted TSD facility in the state will handle such DW. The generator and/or operator (~~shall~~) must refer to:

(A) County or municipal ordinances or solid waste permits forbidding DW disposal at nearby sites;

(B) The EHWM site being the shortest economical haul distance where other remotely located, DW sites may be available; and

(C) Specific rejection or disapproval, in writing, by nearby DW site operators, public or private; and

(iii) The EHWM facility is designed to handle such a request or can be modified to the extent necessary to adequately dispose of the waste.

(c) The state operator, after consulting with the department, may refuse to accept any waste that does not meet the requirements of the acceptance procedures of this subsection until the facts are ascertained, including but not limited to:

(i) The requirement that samples of waste be taken and analyzed; or

(ii) The condition of the containers by physical inspection of the delivery load.

(d) The state operator may accept dangerous waste under emergency conditions if:

(i) An emergency and potential threat to the public health and safety exists;

(ii) The state operator notifies the department as soon as possible;

(iii) The state operator stores the waste upon delivery until the full manifest has been received and approved by the department; and

(iv) The generator is fully apprised that the waste remains his liability until approved under (d)(iii) of this subsection.

(3) Other applicable requirements. The EHWM facility at Hanford (~~shall~~) must meet all other requirements of

chapter 173-303 WAC, including specific requirements for storage, treatment, transfer and disposal of EHW, and siting, performance, and operation of facilities. The EHW facility ((~~shall~~)) must also meet the following requirements:

(a) The state operator ((~~shall~~)) must not remove any dangerous waste from the facility without the department's approval;

(b) The state operator ((~~shall~~)) must maintain facilities for telephone and radio contact with the Hanford Reservation security patrol, and include this information with the contingency plan required in WAC 173-303-350;

(c) As a minimum, the state operator ((~~shall~~)) must provide personnel having knowledge and background in the following areas:

(i) Inspecting and checking manifests for completeness and accuracy;

(ii) Applied chemistry as it relates to reactivity, explosiveness, and flammability; and

(iii) Industrial hygiene and/or toxicology of industrial, commercial, and agricultural chemicals, and emergency procedures;

(d) The state operator ((~~shall~~)) must ensure that new personnel have a complete physical examination and annual checkups thereafter. The physician should be alerted to the kinds of materials the employee has been handling, so that more specific analyses can be made. The medical records ((~~shall~~)) must be made a part of the state operator's records as required in WAC 173-303-380(1); and

(e) The state operator ((~~shall~~)) must submit copies of all fee schedules to the department for yearly review and approval. The state operator ((~~shall~~)) must supply, and the department ((~~shall~~)) will use, the following criteria to review such disposal fees:

(i) Their relationship to other fees charged for similar services;

(ii) Reasonable return on investment and profit for the operator; and

(iii) The cost of administration, development, operation, maintenance, and perpetual management of the EHW facility, including administrative costs and perpetual management costs of the department.

(4) Department surveillance.

(a) In addition to the reports required under WAC 173-303-390, facility reports, the EHW facility operator ((~~shall~~)) must report the following to the department:

(i) Copies of all environmental sampling results during the previous quarter;

(ii) Telephone and written accounts of any accidents or emergencies requiring action under WAC 173-303-360; and

(iii) Complete financial reports during the previous year.

(b) The state operator ((~~shall~~)) must admit the department's duly authorized representative to inspect the site at any reasonable hour of the day. Inspection may cover any of the following:

(i) The site and facilities;

(ii) The waste being delivered, stored, processed, or buried, including the taking of samples, a portion of each sample being given to the operator upon his request;

(iii) The environment, by the drilling of test wells and obtaining of samples; and

(iv) Any records, reports, information, or test results relating to the purpose of this regulation.

The inspection results will be written, filed with the department, and a copy made available to the state operator.

AMENDATORY SECTION (Amending Order 92-33, filed 12/8/93, effective 1/8/94)

WAC 173-303-800 Permit requirements for dangerous waste management facilities. (1) The purpose of WAC 173-303-800 through 173-303-840 is to establish the requirements for permits which will allow a dangerous waste facility to operate without endangering the public health and the environment.

(2) The owner/operator of a dangerous waste facility that transfers, treats, stores, or disposes (TSD) or recycles dangerous waste ((~~shall~~)) must, when required by this chapter, obtain a permit in accordance with WAC 173-303-800 through 173-303-840 covering the active life, closure period, ground water protection compliance period, and for any regulated unit (as defined in WAC 173-303-040) or for any facility which at closure does not meet the removal or decontamination limits of WAC 173-303-610 (2)(b), post-closure care period, unless they demonstrate closure by removal or decontamination as provided under WAC 173-303-800 (9) and (10). The denial of a permit for the active life of a dangerous waste management facility or unit does not affect the requirement to obtain a post-closure permit under this section.

(3) TSD facility permits will be granted only if the objectives of the siting and performance standards set forth in WAC 173-303-282 and 173-303-283 are met.

(4) Permits ((~~shall~~)) will be issued according to the requirements of all applicable TSD facility standards.

(5) The owner/operator of a TSD facility is responsible for obtaining all other applicable federal, state, and local permits authorizing the development and operation of the TSD facility.

(6) The terms used in regard to permits which are not defined in WAC 173-303-040 ((~~shall~~)) have the same meanings as set forth in 40 CFR 270.2.

(7) Exemptions.

(a) A permit for an on-site cleanup action may be exempted as provided in a consent decree or order signed by the department and issued pursuant to chapter 70.105D RCW.

(b) A permit is not required for an on-site cleanup action performed by the department pursuant to chapter 70.105D RCW.

(c) Further exemptions.

(i) A person is not required to obtain a dangerous waste permit for treatment or containment activities taken during immediate response to any of the following situations:

(A) A discharge of a dangerous waste;

(B) An imminent and substantial threat of a discharge of dangerous waste;

(ii) Any person who continues or initiates dangerous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this chapter for those activities.

(8) Each permit issued under this chapter ((~~shall~~)) will contain terms and conditions as the department determines necessary to protect human health and the environment.

(9) Closure by removal. Owners/operators of surface impoundments, land treatment units, and waste piles closing by removal or decontamination under 40 CFR Part 265 standards as referenced by WAC 173-303-400 must obtain a post-closure permit unless they can demonstrate to the department that the closure met the standards for closure by removal or decontamination in WAC 173-303-650(6), 173-303-655(8), or 173-303-660(9), as appropriate, and such removal or decontamination must assure that the levels of dangerous waste or dangerous waste constituents or residues do not exceed standards for closure at 40 CFR Part 264.111, as appropriate. The demonstration may be made in the following ways:

(a) If the owner/operator has submitted a Part B application for a post-closure permit, the owner/operator may request a determination, based on information contained in the application, that 40 CFR Part 264.111 standards for closure by removal were met. If the department believes that 40 CFR Part 264.111 standards were met, the department will notify the public of this proposed decision, allow for public comment, and reach a final determination according to the procedures in subsection (10) of this section.

(b) If the owner/operator has not submitted a Part B application for a post-closure permit, the owner/operator may petition the department for a determination that a post-closure permit is not required because the closure met the applicable 40 CFR Part 264.111 closure standards.

(i) The petition must include data demonstrating that standards for closure by removal or decontamination were met, or it must demonstrate that the unit closed under chapter 173-303 WAC requirements that met or exceeded the applicable 40 CFR Part 264.111 closure-by-removal standard.

(ii) The department ~~((shall))~~ will approve or deny the petition according to the procedures outline in subsection (10) of this section.

(10) Procedures for closure equivalency determination.

(a) If a facility owner/operator seeks an equivalency demonstration under subsection (9) of this section, the department will provide the public, through a newspaper notice, the opportunity to submit written comments on the information submitted by the owner/operator within thirty days from the date of the notice. The department will also, in response to a request or at the discretion of the department, hold a public hearing whenever such a hearing might clarify one or more issues concerning the equivalence of the 40 CFR Part 265 closure, as referenced by WAC 173-303-400, to a 40 CFR Part 264.111 closure. The department will give public notice of the hearing at least thirty days before it occurs. (Public notice of the hearing may be given at the same time as notice of the opportunity for the public to submit written comments, and the two notices may be combined.)

(b) The department will determine whether the 40 CFR Part 265 closure met 40 CFR Part 264.111 closure by removal or decontamination requirements within ninety days of its receipt. If the department finds that the closure did not meet the applicable 40 CFR Part 264.111 standards, the department will provide the owner/operator with a written statement of the reasons why the closure failed to meet 40 CFR Part 264.111 standards. The owner/operator may submit additional information in support of an equivalency

demonstration within thirty days after receiving such written statement. The department will review any additional information submitted and make a final determination within sixty days.

(c) If the department determines that the facility did not close in accordance with 40 CFR Part 264.111 standards for closure by removal, the facility is subject to post-closure permitting requirements.

(11) The department may require a permittee or an applicant to submit information in order to establish permit conditions under subsection (8) of this section and WAC 173-303-806 (11)(d).

AMENDATORY SECTION (Amending Order DE-87-4, filed 6/26/87)

WAC 173-303-801 Types of dangerous waste management facility permits. The following types of permits may be issued by the department to carry out the purpose of this regulation.

(1) Permits by rule:

(a) Ocean disposal - See WAC 173-303-802(2);

(b) Underground injection wells - See WAC 173-303-802(3);

(c) Publicly owned treatment works - See WAC 173-303-802(4); and

(d) Totally enclosed treatment facilities and elementary neutralization and wastewater treatment units - See WAC 173-303-802(5).

(2) Emergency permits - See WAC 173-303-804.

(3) Interim status permits - See WAC 173-303-805.

(4) Final facility permits:

(a) Final status TSD permits - See WAC 173-303-806;

and

(b) ~~((Special waste permits - See WAC 173-303-806; and~~

~~(e)))~~ Recycling permits - See WAC 173-303-806.

(5) Trial burns for dangerous waste incinerator final facility permits - See WAC 173-303-807.

(6) Demonstrations for dangerous waste land treatment final facility permits - See WAC 173-303-808.

(7) Research, development, and demonstration permits - See WAC 173-303-809.

AMENDATORY SECTION (Amending Order 92-33, filed 12/8/93, effective 1/8/94)

WAC 173-303-802 Permits by rule. (1) Purpose and applicability. This section provides for permit by rule for particular facilities and activities managing dangerous wastes, provided that certain conditions are met. These facilities, activities, and conditions are listed in this section. Owners and operators of facilities with permits by rule are not required to submit an application for a dangerous waste facility permit.

(2) Ocean disposal barges or vessels. The owner or operator of a barge or other vessel which accepts dangerous waste for ocean disposal, ~~((shall))~~ will have a permit by rule if the owner or operator:

(a) Has a permit for ocean dumping issued under 40 CFR Part 220 (Ocean Dumping, authorized by the Marine Protection, Research, and Sanctuaries Act, as amended, 33 U.S.C. § 1420 et seq.);

(b) Complies with the conditions of that permit; and
 (c) Complies with the following dangerous waste regulations:

(i) WAC 173-303-060, notification and identification numbers;

(ii) WAC 173-303-170 through 173-303-230 when initiating shipments of dangerous waste;

(iii) WAC 173-303-370, manifest system;

(iv) WAC 173-303-380 (1)(a), operating record;

(v) WAC 173-303-390(2), annual report; and

(vi) WAC 173-303-390(1), unmanifested waste report.

(3) Underground injection wells. Underground injection wells with an underground injection control (UIC) permit for underground injection ((shall)) will have a permit by rule if the owner or operator has a UIC permit issued by the department under a federally approved program for underground injection control, and complies with the conditions of the permit and requirements of 40 CFR 144.14 and applicable state waste discharge rules. For UIC permits issued after November 8, 1984, the owner or operator must comply with WAC 173-303-646(2), corrective action for solid waste management units; and where the UIC well is the only unit at a facility which requires a RCRA permit, complies with WAC 173-303-806 (4)(a)(xxiii). All underground injection wells must comply with WAC 173-303-060, notification and identification numbers. However, underground injection wells disposing of EHW are prohibited.

(4) Publicly owned treatment works (POTW). The owner or operator of a POTW which accepts dangerous waste for treatment, ((shall)) will have a permit by rule if the owner or operator:

(a) Has a National Pollutant Discharge Elimination System (NPDES) permit;

(b) Complies with the conditions of that permit;

(c) Complies with the following regulations:

(i) WAC 173-303-060, notification and identification numbers;

(ii) WAC 173-303-170 through 173-303-230 when initiating shipments of dangerous waste;

(iii) WAC 173-303-283, performance standards;

(iv) WAC 173-303-370, manifest system;

(v) WAC 173-303-380 (1)(a), operating record;

(vi) WAC 173-303-390(2), annual report;

(vii) WAC 173-303-390(1), unmanifested waste reports;

and

(viii) For NPDES permits issued after November 8, 1984, WAC 173-303-646(2), corrective action for solid waste management units;

(d) Accepts the waste only if it meets all federal, state, and local pretreatment requirements which would be applicable to the waste if it were being discharged into the POTW through a sewer, pipe, or similar conveyance; and

(e) Accepts no EHW for disposal at the POTW.

(5) Totally enclosed treatment facilities or elementary neutralization or wastewater treatment units.

(a) The owner or operator of a totally enclosed treatment facility or an elementary neutralization or wastewater treatment unit that treats dangerous wastes ((shall)) will have a permit by rule, except as provided in (b) of this subsection, if he:

(i) Has an NPDES permit, state waste discharge permit, pretreatment permit (or written discharge authorization from

the local sewerage authority) issued by the department, or pretreatment permit (or written discharge authorization) from a local sewerage utility delegated pretreatment program responsibilities pursuant to RCW 90.48.165, and the permit or authorization covers the waste stream and constituents being discharged;

(ii) Complies with the conditions of that permit;

(iii) Complies with the following regulations:

(A) WAC 173-303-060, notification and identification numbers;

(B) WAC 173-303-070, designation of dangerous waste;

(C) WAC 173-303-283, performance standards;

(D) WAC 173-303-300, general waste analysis;

(E) WAC 173-303-310, security;

(F) WAC 173-303-350, contingency plan and emergency procedures;

(G) WAC 173-303-360, emergencies;

(H) WAC 173-303-370, manifest system;

(I) WAC 173-303-380 (1)(d), operating record;

(J) WAC 173-303-390, facility reporting.

(b) The department may require the owner or operator of a totally enclosed treatment facility or an elementary neutralization or wastewater treatment unit subject to (a) of this subsection to apply for and obtain a final facility permit in accordance with WAC 173-303-800 through 173-303-840, if:

(i) The owner or operator violates the general facility or performance requirements specified in (a) of this subsection;

(ii) The owner or operator is conducting other activities which require him to obtain a final facility permit;

(iii) The department determines that the general facility or performance requirements specified in (a) of this subsection, are not sufficient to protect public health or the environment and that additional requirements under this chapter are necessary to provide such protection; or

(iv) The owner or operator does not comply with applicable local, state or federal requirements established pursuant to sections 402 or 307(b) of the Federal Clean Water Act, or chapter 90.48 RCW.

AMENDATORY SECTION (Amending Order DE-85-10, filed 6/3/86)

WAC 173-303-804 Emergency permits. Requirements for an emergency permit. In the event the department finds that an imminent and substantial endangerment to human health or the environment exists, the department may issue a temporary emergency permit to a facility to allow treatment, storage, or disposal (TSD) of dangerous waste at a nonpermitted facility, or at a facility covered by an effective permit that does not otherwise allow treatment, storage, or disposal of such dangerous waste. Notice of the issuance of an emergency permit ((shall)) will be given to the fire marshal, police department, and other local emergency service agencies with jurisdiction near the location of the facility. The emergency permit:

(1) May be oral or written. If oral, it ((shall)) will be followed within five days by a written emergency permit;

(2) ((Shall)) Will not exceed ninety days in duration for dangerous wastes;

(3) ((Shall)) Will not exceed one hundred eighty days in duration for moderate risk wastes;

(4) ~~((shall))~~ Will clearly specify the dangerous wastes to be received, and the manner and location of their treatment, storage, or disposal;

(5) May be terminated by the department at any time without following the decisionmaking procedures of WAC 173-303-840 if the department determines that termination is appropriate to protect public health and the environment;

(6)(a) ~~((shall))~~ Will be accompanied by a public notice that includes:

(i) The name and address of the department;

(ii) The name and location of the permitted TSD facility;

(iii) A brief description of the wastes involved;

(iv) A brief description of the action authorized and reasons for authorizing it; and

(v) The duration of the emergency permit; and

(b) ~~((shall))~~ Will be given public notice by:

(i) Publication in a daily newspaper within the area affected;

(ii) By radio broadcast within the area affected;

(iii) By mailing a copy of the public notice to the persons described in WAC 173-303-840 (3)(e)(i); and

(iv) Any other method reasonably determined to give actual notice of the emergency permit to persons potentially affected by it; and

(7) ~~((shall))~~ Will incorporate, to the extent possible and not inconsistent with the emergency situation, all applicable requirements of this chapter.

AMENDATORY SECTION (Amending Order 92-33, filed 12/8/93, effective 1/8/94)

WAC 173-303-805 Interim status permits. (1) Applicability. This section applies to all facilities eligible for an interim status permit. When a facility is owned by one person but is operated by another person, it is the operator's duty to qualify for interim status, except that the owner must also sign an interim status application. Prior to submittal of an interim status permit application the requirements of WAC 173-303-281 must be met.

(2) Failure to qualify for interim status. If the department has reason to believe upon examination of a Part A application that it fails to provide the required information, it ~~((shall))~~ will notify the owner or operator in writing of the apparent deficiency. Such notice ~~((shall))~~ will specify the grounds for the department's belief that the application is deficient. The owner or operator ~~((shall))~~ will have thirty days from receipt to respond to such a notification and to explain or cure the alleged deficiency in his Part A application. If, after such notification and opportunity for response, the department determines that the application is deficient it may take appropriate enforcement action.

(3) Interim status for facilities under RCRA interim status. Any existing facility operating under interim status gained under section 3005 of RCRA ~~((shall))~~ will be deemed to have an interim status permit under this chapter provided that the owner/operator complies with the applicable requirements of WAC 173-303-400 and this section.

(4) Interim status for facilities managing state-designated (non-RCRA) dangerous wastes. Any existing facility which does not satisfy subsection (3) of this section, but which is only managing dangerous wastes that are not hazardous

wastes under 40 CFR Part 261, ~~((shall))~~ will be deemed to have an interim status permit provided that the owner/operator of the facility has complied with the notification requirements of WAC 173-303-060 by May 11, 1982 and has submitted Part A of his permit application by August 9, 1982. If an existing facility becomes subject to this chapter due to amendments to this chapter and the facility was not previously subject to this chapter, then the owner/operator of an existing facility may qualify for an interim status permit by complying with the notification requirements of WAC 173-303-060 within three months, and submitting Part A of his permit application within six months, after the adoption date of the amendments which cause the facility to be subject to the requirements of this chapter. Facilities qualifying for interim status under this subsection ~~((shall))~~ will not be deemed to have interim status under section 3005 of RCRA, and may only manage non-RCRA wastes until they either qualify separately for interim status under section 3005 of RCRA or receive a final status facility permit allowing them to manage RCRA wastes.

(5) Maintaining the interim status permit.

(a) Timely notification and submission of a Part A application qualifies the owner/operator of the existing TSD facility for the interim status permit, until the department terminates interim status pursuant to subsection (8) of this section.

(b) Interim status for the existing TSD facility ~~((shall))~~ will be maintained while the department makes final administrative disposition of a final facility permit pursuant to WAC 173-303-806 if:

(i) The owner/operator has submitted his final facility permit application (as described in WAC 173-303-806) within six months of the written request by the department to submit such application; and

(ii) Grounds for terminating interim status (as described in subsection (8) of this section) do not exist.

(c) The owner/operator of an interim status facility must update his Part A whenever he is managing wastes that are newly regulated under this chapter, and as necessary to comply with subsection (7) of this section. Failure to comply with this updating requirement is a violation of interim status.

(6) Prohibitions for interim status permits. Facilities with an interim status permit ~~((shall))~~ must not:

(a) Treat, store, or dispose of dangerous waste not specified in Part A of the permit application;

(b) Employ processes not specified in Part A of the permit application; or

(c) Exceed the design capacities specified in Part A of the permit application.

(7) Changes during interim status.

(a) Except as provided in (b) of this subsection, the owner or operator of an interim status facility may make the following changes at the facility:

(i) Treatment, storage, or disposal of new dangerous wastes not previously identified in Part A of the permit application (and, in the case of newly listed or identified wastes, addition of the units being used to treat, store, or dispose of the dangerous wastes on the effective date of the listing or identification) if the owner or operator submits a revised Part A permit application prior to such treatment, storage, or disposal (along with a justification detailing the

equipment and process or processes that the owner or operator will use to treat, store, or dispose of the new dangerous wastes) and if the department does not explicitly deny the changes within sixty days of receipt of the revised application;

(ii) Increases in the design capacity of processes used at the facility if the owner or operator submits a revised Part A permit application prior to such a change (along with a justification explaining the need for the change), the requirements of WAC 173-303-281 are met, and the department approves the changes because:

(A) There is a lack of available treatment, storage, or disposal capacity at other dangerous waste management facilities; or

(B) The change is necessary to comply with a federal, state, or local requirement.

(iii) Changes in the processes for the treatment, storage, or disposal of dangerous waste or addition of processes if the owner or operator submits a revised Part A permit application prior to such change (along with a justification explaining the need for the change) and the department approves the change because:

(A) The change is necessary to prevent a threat to human health and the environment because of an emergency situation; or

(B) The change is necessary to comply with a federal, state, or local requirement.

(iv) Changes in the ownership or operational control of a facility if the new owner or operator submits a revised Part A permit application no later than ninety days prior to the scheduled change. When a transfer of operational control of a facility occurs, the old owner or operator ~~((shall))~~ **must** comply with the interim status financial requirements of 40 CFR Part 265, Subpart H (as referenced in WAC 173-303-400), until the new owner or operator has demonstrated to the department that he is complying with the financial requirements. Upon demonstration to the department by the new owner or operator of compliance with the interim status financial requirements, the department ~~((shall))~~ **will** notify the old owner or operator in writing that he no longer needs to comply with the interim status financial requirements as of the date of demonstration. The new owner or operator must demonstrate compliance with the financial requirements within six months of the date of the change in ownership or operational control of the facility. All other interim status duties are transferred effective immediately upon the date of the change in ownership or operational control of the facility.

(v) Changes made in accordance with an interim status corrective action order issued by EPA under section 3008(h) of RCRA or other federal authority, including an order or consent decree issued pursuant to WAC 173-303-646 (2) or (3), by the department under chapter 70.105 RCW or other state authority, or by a court in a judicial action brought by EPA or by the department. Changes under this subsection (7)(a)(v) are limited to the treatment, storage, or disposal of solid waste from releases that originate within the boundary of the facility.

(vi) Addition of newly regulated units for the treatment, storage, or disposal of dangerous waste if the owner or operator submits a revised Part A permit application on or before the date on which the unit becomes subject to the new requirements.

(b) Except as specifically allowed under this subsection (7)(b), changes listed under (a) of this subsection may not be made if they amount to reconstruction of the dangerous waste management facility. Reconstruction occurs when the capital investment in the changes to the facility exceeds fifty percent of the capital cost of a comparable entirely new dangerous waste management facility. If all other requirements are met, the following changes may be made even if they amount to a reconstruction:

(i) Changes made solely for the purposes of complying with the requirements of WAC 173-303-640(4) for tanks and ancillary equipment.

(ii) If necessary to comply with federal, state, or local requirements, changes to an existing unit, changes solely involving tanks or containers, or addition of replacement surface impoundments that satisfy the standards of section 3004(o) of RCRA.

(iii) Changes that are necessary to allow owners or operators to continue handling newly listed or identified dangerous wastes that have been treated, stored, or disposed of at the facility prior to the effective date of the rule establishing the new listing or identification.

(iv) Changes during closure of a facility or of a unit within a facility made in accordance with an approved closure plan.

(v) Changes necessary to comply with an interim status corrective action order issued by EPA under section 3008(h) or other federal authority, by ~~((an authorized state under comparable))~~ the department under chapter 70.105 RCW or other state authority, or by a court in a judicial proceeding brought by EPA or an authorized state, provided that such changes are limited to the treatment, storage, or disposal of solid waste from releases that originate within the boundary of the facility.

(vi) Changes to treat or store, in tanks ~~((or))~~, containers, or containment buildings hazardous wastes subject to land disposal restrictions imposed by 40 CFR Part 268 or RCRA section 3004, provided that such changes are made solely for the purpose of complying with 40 CFR Part 268 or RCRA section 3004.

(vii) Addition of newly regulated units under (a)(vi) of this subsection.

(8) Termination of interim status permit. The following are causes for terminating an interim status permit, or for denying a revised permit application:

(a) Final administrative disposition of a final facility permit application is made pursuant to WAC 173-303-806;

(b) When the department on examination or reexamination of a Part A application determines that it fails to meet the applicable standards of this chapter, it may notify the owner or operator that the application is deficient and that the interim status permit has been revoked. The owner or operator will then be subject to enforcement for operating without a permit;

(c) Failure to submit a requested Part B application on time, or to provide in full the information required in the Part B application;

(d) Violation of applicable interim status standards; ~~((or))~~

(e) A determination that the permit applicant has failed to satisfy the performance standards of WAC 173-303-283;

(f) For owners or operators of each land disposal facility which has been granted interim status prior to November 8, 1984, interim status terminated on November 8, 1985, unless:

(i) The owner or operator submits a Part B application for a permit for such facility prior to that date; and

(ii) The owner or operator certifies that such facility is in compliance with all applicable ground water monitoring and financial responsibility requirements.

(g) For owners or operators of each land disposal facility which is in existence on the effective date of statutory or regulatory amendments under the Hazardous Waste Management Act that render the facility subject to the requirement to have a final facility permit and which is granted interim status, interim status terminates twelve months after the date on which the facility first becomes subject to such permit requirement unless the owner or operator of such facility:

(i) Submits a Part B application for a final facility permit for such facility before the date twelve months after the date on which the facility first becomes subject to such permit requirement; and

(ii) Certifies that such facility is in compliance with all applicable ground water monitoring and financial responsibility requirements.

(h) For owners or operators of any land disposal unit that is granted authority to operate under subsection (7)(a)(i), (ii) or (iii) of this section, interim status terminates on the date twelve months after the effective date of such requirement, unless the owner or operator certifies that such unit is in compliance with all applicable ground water monitoring and financial responsibility requirements;

(i) For owners and operators of each incinerator facility which achieved interim status prior to November 8, 1984, interim status terminated on November 8, 1989, unless the owner or operator of the facility submitted a Part B application for a final facility permit for an incinerator facility by November 8, 1986; or

(j) For owners or operators of any facility (other than a land disposal or an incinerator facility) which has achieved interim status prior to November 8, 1984, interim status terminated on November 8, 1992, unless the owner or operator of the facility submitted a Part B application for a final facility permit for the facility by November 8, 1988.

~~(9) ((Special waste facilities. If the department determines, pursuant to WAC 173-303-550 through 173-303-560, that interim status standards can be reduced, the department will issue a notice of interim status modification stating what standards will be applied. Failure to comply with the conditions and standards as stated in the notice of modification or with the requirements of this section shall form a basis for revoking the notice. Upon revocation of the notice of interim status modification by the department, the owner or operator shall be subject to all of the requirements applicable to interim status dangerous waste management facilities. Before issuing the notice of modification, the department shall provide public notice of its intent, shall allow thirty days for public comment, and shall hold a public hearing if there is a significant degree of public interest or there is written notice of opposition and the department receives a request for a hearing during the comment period. Notice of a public hearing shall be provided at least fifteen~~

~~days in advance, and the public comment period shall be extended to include the date of the hearing if it will occur after the initial thirty day comment period. Within fifteen days of the end of the public comment period the department shall, based on comments received, issue, modify and issue, or deny the notice of interim status modification.))~~

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 92-33, filed 12/8/93, effective 1/8/94)

WAC 173-303-806 Final facility permits. (1) Applicability. This section applies to all dangerous waste facilities required to have a final facility permit. The final facility permit requirements are applicable to:

(a) Final status TSD facilities; and

(b) ~~((Special waste management facilities; and~~

~~(c)))~~ Certain recycling facilities that are not exempt from the permit requirements.

(2) Application. Any person subject to the permit requirements of this section who intends to operate a new TSD facility must comply with WAC 173-303-281 and apply for a final facility permit. The department may, at any time, require the owner or operator of an existing TSD facility to apply for a final facility permit. Such owner or operator will be allowed one hundred eighty days to submit his application; the department may extend the length of the application period if it finds that there are good reasons to do so. The owner or operator of an existing TSD facility may voluntarily apply for a final facility permit at any time. Any person seeking a final facility permit ~~((shall))~~ must complete, sign, and submit an application to the department. An application ~~((shall))~~ must consist of a Part A permit form (which can be obtained from the department), and the contents of Part B as specified in subsection (4) of this section.

(3) Effective regulations. A final facility permit will include all applicable requirements of this chapter which are in effect on the date that the permit is issued by the department. WAC 173-303-840(7) provides a means for reopening permit proceedings at the discretion of the department where new requirements become effective during the permitting process and are of sufficient magnitude to make additional proceedings desirable. Any other changes to the final facility permit will be in accordance with the permit modification requirements of WAC 173-303-830.

(4) Contents of Part B. Part B of a permit application ~~((shall))~~ must consist of the information required in (a) through (i) of this subsection.

(a) General requirements. Part B of the permit application consists of the general information requirements of this subsection, and the specific information requirements in (b) through (h) of this subsection as applicable to the facility. The Part B information requirements presented in (a) through (h) of this subsection, reflect the standards promulgated in WAC 173-303-600. These information requirements are necessary in order for the department to determine compliance with WAC 173-303-600 through 173-303-670. If owners and operators of TSD facilities can demonstrate that the information prescribed in Part B cannot be provided to the extent required, the department may make allowance for

submission of such information on a case-by-case basis. Information required in Part B ~~((shall))~~ must be submitted to the department and signed in accordance with requirements in WAC 173-303-810(12). Certain technical data, such as design drawings and specifications, and engineering studies ~~((shall))~~ must be certified by a registered professional engineer. The following information is required for all TSD facilities, except as WAC 173-303-600(3) provides otherwise.

(i) A general description of the facility.

(ii) Chemical, biological, and physical analyses of the dangerous waste and hazardous debris to be handled at the facility. At a minimum, these analyses ~~((shall))~~ must contain all the information which must be known to treat, store, or dispose of the wastes properly in accordance with WAC 173-303-600.

(iii) A copy of the waste analysis plan required by WAC 173-303-300(5) and, if applicable WAC 173-303-300(5)(g).

(iv) A description of the security procedures and equipment required by WAC 173-303-310, or a justification demonstrating the reasons for requesting a waiver of this requirement.

(v) A copy of the general inspection schedule required by WAC 173-303-320(2): Include where applicable, as part of the inspection schedule, specific requirements in WAC 173-303-395 (1)(d), 173-303-630(6), 173-303-640 (4)(a)(i) and (6), 173-303-650(4), 173-303-655(4), 173-303-660 (4) and (5), 173-303-665(4), 173-303-670(7), and 173-303-680(3), and 40 CFR 264.1033, 264.1035, 264.1052, 264.1053, 264.1058, 264.1064, 264.1067, 264.1088, and 264.1091.

(vi) A justification of any request for a waiver(s) of the preparedness and prevention requirements of WAC 173-303-340, or a description of the procedures used to comply with these requirements.

(vii) A copy of the contingency plan required by WAC 173-303-350: Include, where applicable, as part of the contingency plan, specific requirements in WAC 173-303-640(7), 173-303-650(5) and 173-303-660(6).

(viii) A description of procedures, structures, or equipment used at the facility to:

(A) Prevent hazards and contain spills in unloading/loading operations (for example, ramps, berms, pavement, special forklifts);

(B) Prevent run-off from dangerous waste handling areas to other areas of the facility or environment, or to prevent flooding (for example, berms, dikes, trenches);

(C) Prevent contamination of water supplies;

(D) Mitigate effects of equipment failure and power outages; ~~((and))~~

(E) Prevent undue exposure of personnel to dangerous waste (for example, protective clothing); and

(F) Prevent releases to the atmosphere.

(ix) A description of precautions to prevent accidental ignition or reaction of ignitable, reactive, or incompatible wastes as required to demonstrate compliance with WAC 173-303-395 including documentation demonstrating compliance with WAC 173-303-395 (1)(c).

(x) Traffic pattern, estimated volume (number, types of vehicles) and control (for example, show turns across traffic lanes, and stacking lanes (if appropriate)); describe access

road surfacing and load bearing capacity; show traffic control signals).

(xi) Seismic risk consideration. The owner/operator of a proposed facility or expansion of an existing facility ~~((shall))~~ must identify the seismic risk zone in which the facility is intended to be located. Where state or local maps are not available, United States Geological Survey Open File Report number 82-1033 may be used to identify seismic risk zones. The owner/operator ~~((shall))~~ must demonstrate that the facility can and will be designed to resist seismic ground motion and that the design is sufficient to withstand the maximum horizontal acceleration of a design earthquake specified in the demonstration.

(xii) An outline of both the introductory and continuing training programs by owners or operators to prepare persons to operate or maintain the TSD facility in a safe manner as required to demonstrate compliance with WAC 173-303-330. A brief description of how training will be designed to meet actual job tasks in accordance with requirements in WAC 173-303-330 (1)(d).

(xiii) A copy of the closure plan and, where applicable, the post-closure plan required by WAC 173-303-610 (3) and (8). Include, where applicable, as part of the plans, specific requirements in WAC 173-303-630(10), 173-303-640(8), 173-303-650(6), 173-303-655(8), 173-303-660(9), 173-303-665(6), 173-303-670(8), and 173-303-680 (2) and (4).

(xiv) For dangerous waste disposal units that have been closed, documentation that notices required under WAC 173-303-610(10) have been filed.

(xv) The most recent closure cost estimate for the facility prepared in accordance with WAC 173-303-620(3) and a copy of the documentation required to demonstrate financial assurance under WAC 173-303-620(4). For a new facility, a copy of the required documentation may be submitted sixty days prior to the initial receipt of dangerous wastes, if that is later than the submission of the Part B.

(xvi) Where applicable, the most recent post-closure cost estimate for the facility prepared in accordance with WAC 173-303-620(5) plus a copy of the documentation required to demonstrate financial assurance under WAC 173-303-620(6). For a new facility, a copy of the required documentation may be submitted sixty days prior to the initial receipt of dangerous wastes, if that is later than the submission of the Part B.

(xvii) Where applicable, a copy of the insurance policy or other documentation which comprises compliance with the requirements of WAC 173-303-620(8). For a new facility, documentation showing the amount of insurance meeting the specification of WAC 173-303-620 (8)(a) and, if applicable, WAC 173-303-620 (8)(b), that the owner or operator plans to have in effect before initial receipt of dangerous waste for treatment, storage, or disposal. A request for a variance in the amount of required coverage, for a new or existing facility, may be submitted as specified in WAC 173-303-620 (8)(c).

(xviii) A topographic map showing a distance of one thousand feet around the facility at a scale of 2.5 centimeters (1 inch) equal to not more than 61.0 meters (200 feet). Contours must be shown on the map. The contour interval must be sufficient to clearly show the pattern of surface water flow in the vicinity of and from each operational unit of the facility. For example, contours with an interval of 1.5

meters (5 feet), if relief is greater than 6.1 meters (20 feet), or an interval of 0.6 meters (2 feet), if relief is less than 6.1 meters (20 feet). Owners and operators of TSD facilities located in mountainous areas should use large contour intervals to adequately show topographic profiles of facilities. The map (~~shall~~) must clearly show the following:

- (A) Map scale and date;
- (B) One hundred-year floodplain area;
- (C) Surface waters including intermittent streams;
- (D) Surrounding land uses (residential, commercial, agricultural, recreational);
- (E) A wind rose (i.e., prevailing windspeed and direction);
- (F) Orientation of the map (north arrow);
- (G) Legal boundaries of the TSD facility site;
- (H) Access control (fences, gates);
- (I) Injection and withdrawal wells both on-site and off-site;
- (J) Buildings; treatment, storage, or disposal operations; or other structure (recreation areas, run-off control systems, access and internal roads, storm, sanitary, and process sewerage systems, loading and unloading areas, fire control facilities, etc.);
- (K) Barriers for drainage or flood control; (~~and~~)
- (L) Location of operational units within the TSD facility site, where dangerous waste is (or will be) treated, stored, or disposed (include equipment clean-up areas); and
- (M) For land disposal facilities, if a case-by-case extension has been approved under 40 CFR 268.5 or a petition has been approved under 40 CFR 268.6, a copy of the notice of approval for the extension or petition is required.

(Note - For large TSD facilities the department will allow the use of other scales on a case-by-case basis.)

(xix) Applicants may be required to submit such information as may be necessary to enable the department to carry out its duties under other state or federal laws as required.

(xx) Additional information requirements. The following additional information regarding protection of ground water is required from owners or operators of dangerous waste facilities containing a regulated unit except as otherwise provided in WAC 173-303-645 (1)(b):

- (A) A summary of the ground water monitoring data obtained during the interim status period under 40 CFR 265.90 through 265.94, where applicable;
- (B) Identification of the uppermost aquifer and aquifers hydraulically interconnected beneath the facility property, including ground water flow direction and rate, and the basis for such identification (i.e., the information obtained from hydrogeologic investigations of the facility area);
- (C) On the topographic map required under (a)(xviii) of this subsection, a delineation of the waste management area, the property boundary, the proposed "point of compliance" as defined under WAC 173-303-645(6), the proposed location of ground water monitoring wells as required under WAC 173-303-645(8), and, to the extent possible, the information required in (a)(xx)(B) of this subsection;
- (D) A description of any plume of contamination that has entered the ground water from a regulated unit at the time that the application was submitted that:

(I) Delineates the extent of the plume on the topographic map required under (a)(xviii) of this subsection;

(II) Identifies the concentration of each constituent throughout the plume or identifies the maximum concentrations of each constituent in the plume. (Constituents are those listed in Appendix IX of 40 CFR Part 264, and any other constituents not listed there which have caused a managed waste to be regulated under this chapter.);

(E) Detailed plans and an engineering report describing the proposed ground water monitoring program to be implemented to meet the requirements of WAC 173-303-645(8);

(F) If the presence of dangerous constituents has not been detected in the ground water at the time of permit application, the owner or operator must submit sufficient information, supporting data, and analyses to establish a detection monitoring program which meets the requirements of WAC 173-303-645(9). This submission must address the following items specified under WAC 173-303-645(9):

(I) A proposed list of indicator parameters, waste constituents, or reaction products that can provide a reliable indication of the presence of dangerous constituents in the ground water;

(II) A proposed ground water monitoring system;

(III) Background values for each proposed monitoring parameter or constituent, or procedures to calculate such values; and

(IV) A description of proposed sampling, analysis and statistical comparison procedures to be utilized in evaluating ground water monitoring data;

(G) If the presence of dangerous constituents has been detected in the ground water at the point of compliance at the time of permit application, the owner or operator must submit sufficient information, supporting data, and analyses to establish a compliance monitoring program which meets the requirements of WAC 173-303-645(10). The owner or operator must also submit an engineering feasibility plan for a corrective action program necessary to meet the requirements of WAC 173-303-645(11) except as provided in WAC 173-303-645 (9)(h)(v). Alternatively, the owner or operator can obtain written authorization in advance from the department to submit a proposed permit schedule for development and submittal of such information. To demonstrate compliance with WAC 173-303-645(10), the owner or operator must address the following items:

(I) A description of the wastes previously handled at the facility;

(II) A characterization of the contaminated ground water, including concentrations of dangerous constituents and parameters;

(III) A list of constituents and parameters for which compliance monitoring will be undertaken in accordance with WAC 173-303-645 (8) and (10);

(IV) Proposed concentration limits for each dangerous constituent and parameter, based on the criteria set forth in WAC 173-303-645 (5)(a), including a justification for establishing any alternate concentration limits;

(V) Detailed plans and an engineering report describing the proposed ground water monitoring system, in accordance with the requirements of WAC 173-303-645(8); and

(VI) A description of proposed sampling, analysis and statistical comparison procedures to be utilized in evaluating ground water monitoring data; and

(H) If dangerous constituents or parameters have been measured in the ground water which exceed the concentration limits established under WAC 173-303-645(5), Table 1, or if ground water monitoring conducted at the time of permit application under 40 CFR 265.90 through 265.94 at the waste boundary indicates the presence of dangerous constituents from the facility in ground water over background concentrations, the owner or operator must submit sufficient information, supporting data, and analyses to establish a corrective action program which meets the requirements of WAC 173-303-645(11). However, an owner or operator is not required to submit information to establish a corrective action program if he demonstrates to the department that alternate concentration limits will protect human health and the environment after considering the criteria listed in WAC 173-303-645(5). An owner or operator who is not required to establish a corrective action program for this reason must instead submit sufficient information to establish a compliance monitoring program which meets the requirements of WAC 173-303-645 (10) and (a)(xx)(F) of this subsection. To demonstrate compliance with WAC 173-303-645(11), the owner or operator must address, at a minimum, the following items:

(I) A characterization of the contaminated ground water, including concentrations of dangerous constituents and parameters;

(II) The concentration limit for each dangerous constituent and parameter found in the ground water as set forth in WAC 173-303-645(5);

(III) Detailed plans and an engineering report describing the corrective action to be taken;

(IV) A description of how the ground water monitoring program will demonstrate the adequacy of the corrective action; and

(V) The permit may contain a schedule for submittal of the information required in (a)(xx)(H)(III) and (IV) of this subsection, provided the owner or operator obtains written authorization from the department prior to submittal of the complete permit application.

(xxi) Contingent ground water protection program. The following actions are required for owners or operators of proposed land-based facilities and may be required for owners/operators of existing land-based facilities, except as provided in WAC 173-303-645 (1)(b).

(A) Contingent ground water protection program. The owner or operator ~~((shall))~~ must develop a contingent ground water protection program. The purpose of this program will be to prevent the migration of dangerous waste or dangerous waste constituents from waste management units to the nearest hydraulically downgradient receptor at any time during the life of the facility. For the purposes of this subsection, the downgradient receptor ~~((shall))~~ will be the facility property line, perennial surface water or domestic well, whichever is nearest to the dangerous waste management unit. The contingent ground water protection program ~~((shall))~~ must at a minimum:

(I) Define the local and regional hydrogeologic characteristics. The contingent ground water protection program ~~((shall))~~ must be based on a sufficient understanding of site

geology, hydrology, and other factors to allow evaluation of its adequacy by the department. Site characterization ~~((shall))~~ must be performed in sufficient detail to provide, at a minimum, the following information: Site geostratigraphy; site hydrostratigraphy; identification of aquifers, aquitards, and aquicludes; flow models for each stratum (i.e., porus media or fracture flow); the distribution of vertical and horizontal hydraulic conductivity; effective porosity; horizontal and vertical hydraulic gradients; ground water travel time to receptors; and heterogeneity for each stratigraphic unit. Site interpretative models ~~((shall))~~ must include ranges of tested values: The provisions of WAC 173-303-806 (4)(a)(xx) and 173-303-645, ~~((shall))~~ must be used as guidance in the development of the contingent ground water protection program.

(II) Identify the range of potential release scenarios that could occur during facility operation and the postclosure care period. The scenarios ~~((shall))~~ must incorporate the intended design(s) of the dangerous waste management unit(s), wastes to be placed in the dangerous waste management unit(s), waste and leachate chemistry, waste, and soil and rock geochemical interactions, and the results of site characterization pursuant to WAC 173-303-806 (4)(a)(xx) and (xxi);

(III) Include specific physical action to be taken if dangerous waste or dangerous waste constituents are detected in one or more of the monitoring wells. The physical actions ~~((shall))~~ must be based upon engineering feasibility studies describing remedial actions established from site specific conditions and waste features. Such actions may include installation of a pump and treat system between the monitoring well and the receptor or installation of a section of slurry wall to decrease ground water travel times. The description of the systems ~~((shall))~~ must also provide how the remediation system will achieve cleanup, its efficiency, and the timeframes involved;

(IV) Incorporate the design, construction, and sampling methods outlined in WAC 173-303-645 (8)(c), (d), (e), (f), and (g);

(V) Demonstrate to the satisfaction of the department that the owner/operator of the dangerous waste management facility has the financial capability to implement the proposed ground water protection plan; and

(VI) Include reporting procedures to the department.

(B) The response actions identified in WAC 173-303-806 (4)(a)(xxi)(A)(III) ~~((shall))~~ must be activated if the presence of dangerous waste or dangerous waste constituents have been detected at the point of compliance in accordance with WAC 173-303-645 (9)(g), and ~~((shall))~~ must continue until the concentration of dangerous waste or dangerous waste constituents under WAC 173-303-645(4) are reduced to levels below their respective concentration limits specified in WAC 173-303-645(5).

(C) If the owner/operator does not demonstrate that the ground water protection program will prevent the migration of dangerous waste or its ~~((constituents))~~ constituents to the nearest receptor, the department will require corrections to be made in the protection program, increase setbacks from the nearest receptor, or deny the permit.

(xxii) Additional requirements for incineration facilities. The following actions regarding the protection of human health and the environment must be taken by owners/operators of proposed hazardous waste incineration facilities

and may be required for owners or operators of existing incineration facilities.

(A) Ambient monitoring program. The owner/operator ~~((shall))~~ will be required to develop an ambient monitoring program. The purpose of this ambient monitoring program will be to: Gather baseline environmental information characterizing on-site and off-site environmental conditions prior to facility operation; and, to identify and measure changes in the environment which may be linked to the construction and operation of the facility. The ambient monitoring program ~~((shall))~~ must, at a minimum:

(I) Include a characterization of facility emission sources and pathways of contaminant transport.

(II) Characterize local and regional ecosystems, including agricultural, and their sensitivity to the potential contaminants from the facility.

(III) Incorporate the findings of the environmental impact statement's health risk assessment and/or other assessments specific to the proposal or available to the scientific community regarding emissions from dangerous waste management facilities and their potential human health and environmental effects.

(IV) Identify sensitive indicator plants and animals for biomonitoring, identify specific chemical constituents of concern, sampling locations, sampling frequency, sampling and analytical methods, chain of custody procedures, quality assurance/quality control procedures, reporting times, recordkeeping procedures, and data evaluation procedures.

(B) Environmental review procedures. The owner/operator ~~((shall))~~ must establish procedures to allow for public review of facility operation and all monitoring data required by the facility's permit. In developing this process, the owner/operator ~~((shall))~~ must, at a minimum:

(I) Coordinate this effort with the public and interested local organizations;

(II) Identify the informational needs of the community and develop a public information process which meets these needs; and

(III) Develop procedures allowing full access by the public to all monitoring data required by the permit.

(C) Impact mitigation plan. Prior to the department issuing a permit, the owner/operator ~~((shall))~~ must submit an impact mitigation plan which demonstrates to the satisfaction of the department that the owner/operator will mitigate all probable significant adverse impacts, including economic, due to facility location and operations. The owner/operator ~~((shall))~~ must use as a basis for identifying probable significant adverse economic impacts those probable economic impacts identified during a public review process, such as the environmental impact statement scoping process, if applicable.

The plan must include, but is not limited to, a description of what the owner/operator will do to reduce or prevent any probable significant impacts before they occur, to mitigate such impacts should they occur, and to ensure the owner/operator has and will have the financial capability to implement such preventative and mitigative measures. Mitigation measures may include, as an element, financial compensation to adversely affected parties.

This plan may be submitted with environmental reports the department requires for compliance with the State Environmental Policy Act, with the written citizen proponent

negotiation report and agreements, or with the Part B permit application. If the plan does not demonstrate that the owner/operator is capable of adequately mitigating the identified probable significant adverse economic impacts, the department will require modification of the plan or of the proposed facility location, or will deny the permit application. The department must be satisfied with the plan prior to the issuance of the permit.

(xxiii) Information requirements for solid waste management units.

(A) The following information is required for each solid waste management unit:

(I) The location of the unit on the topographic map required under (a)(xviii) of this subsection.

(II) Designation of type of unit.

(III) General dimensions and structural description (supply any available drawings).

(IV) Time frame over which the unit was operated.

(V) Specification of all wastes that have been managed in the unit, to the extent available.

(B) The owner/operator of any facility containing one or more solid waste management units must submit all available information pertaining to any release of dangerous wastes or dangerous constituents from such unit or units.

(C) The owner/operator must conduct and provide the results of sampling and analysis of ground water, landsurface, and subsurface strata, surface water, or air, which may include the installation of wells, where the department determines it is necessary to complete a RCRA Facility Assessment that will determine if a more complete investigation is necessary.

WAC 173-303-806 (4)(a)(xxiv):

(xxiv) Information requirements for known releases.

(A) In order to provide for corrective action necessary to protect human health and the environment, the following information is required for ~~((any and))~~ all known significant releases of dangerous waste and dangerous constituents (as defined by WAC 173-303-646 (2)(c)) at, and from, the facility. A significant release is a release which has affected or has the potential to affect human health or the environment at or beyond the facility.

(I) The location of the release on the topographic map required under (a)(xviii) of this subsection.

(II) General dimensions of the release and any relevant structural description. For example, if the release is from a storage tank, provide a structural description of the tank. Supply any available drawings.

(III) Time frame over which the release occurred.

(IV) Specification of all dangerous waste or dangerous constituents (as defined by WAC 173-303-646 (2)(c)) present in the release, to the extent available.

(b) Specific Part B information requirements for containers. Except as otherwise provided in WAC 173-303-600(3), owners or operators of facilities that store containers of dangerous waste must provide the following additional information:

(i) A description of the containment system to demonstrate compliance with WAC 173-303-630(7). Show at least the following:

(A) Basic design parameters, dimensions, and materials of construction including allowance for a twenty-five-year, twenty-four-hour storm;

(B) How the design promotes positive drainage control or how containers are kept from contact with standing liquids in the containment system;

(C) Capacity of the containment system relative to the volume of the largest container to be stored;

(D) Provisions for preventing or managing run-on;

(E) How accumulated liquids can be analyzed and removed to prevent overflow; and

(F) A description of the building or other protective covering for EHW containers;

(ii) For storage areas that store containers holding wastes that do not contain free liquids, a demonstration of compliance with WAC 173-303-630 (7)(c), including:

(A) Test procedures and results or other documentation or information to show that the wastes do not contain free liquids; and

(B) A description of how the storage area is designed or operated to drain and remove liquids or how containers are kept from contact with standing liquids;

(iii) A description of the procedures for labeling containers;

(iv) Sketches, drawings, or data demonstrating compliance with WAC 173-303-630(8) (location of buffer zone and containers holding ignitable or reactive wastes) and WAC 173-303-630 (9)(c) (location of incompatible wastes), where applicable; and

(v) Where incompatible wastes are stored or otherwise managed in containers, a description of the procedures used to ensure compliance with WAC 173-303-630 (9)(a) and (b), and 173-303-395 (1)(b) and (c).

(c) Specific Part B information requirements for tanks. Except as otherwise provided in WAC 173-303-600(3), owners and operators of facilities that use tanks to store or treat dangerous waste must provide the following information:

(i) A written assessment that is reviewed and certified by an independent, qualified, registered professional engineer as to the structural integrity and suitability for handling dangerous waste of each tank system, as required under WAC 173-303-640 (2) and (3);

(ii) Dimensions and capacity of each tank;

(iii) Description of feed systems, safety cutoff, bypass systems, and pressure controls (e.g., vents);

(iv) A diagram of piping, instrumentation, and process flow for each tank system;

(v) A description of materials and equipment used to provide external corrosion protection, as required under WAC 173-303-640 (3)(a)(iii)(B);

(vi) For new tank systems, a detailed description of how the tank system(s) will be installed in compliance with WAC 173-303-640 (3)(b), (c), (d), and (e);

(vii) Detailed plans and a description of how the secondary containment system for each tank system is or will be designed, constructed, and operated to meet the requirements of WAC 173-303-640 (4)(a), (b), (c), (d), (e), and (f);

(viii) For tank systems for which a variance from the requirements of WAC 173-303-640(4) is sought (as provided by WAC 173-303-640 (4)(g));

(A) Detailed plans and engineering and hydrogeologic reports, as appropriate, describing alternate design and operating practices that will, in conjunction with location

aspects, prevent the migration of any dangerous waste or dangerous constituents into the ground water or surface water during the life of the facility; or

(B) A detailed assessment of the substantial present or potential hazards posed to human health or the environment should a release enter the environment.

(ix) Description of controls and practices to prevent spills and overflows, as required under WAC 173-303-640 (5)(b);

(x) For tank systems in which ignitable, reactive, or incompatible wastes are to be stored or treated, a description of how operating procedures and tank system and facility design will achieve compliance with the requirements of WAC 173-303-640 (9) and (10);

(xi) A description of the marking and/or labeling of tanks; and

(xii) Tank design to prevent escape of vapors and emissions of acutely or chronically toxic (upon inhalation) EHW.

(d) Specific Part B information requirements for surface impoundments. Except as otherwise provided in WAC 173-303-600(3), owners and operators of facilities that store, treat, or dispose of dangerous waste in surface impoundments must provide the following additional information:

(i) A list of the dangerous wastes placed or to be placed in each surface impoundment;

(ii) Detailed plans and an engineering report describing how the surface impoundment is ~~(or will be)~~ designed, and is or will be constructed, operated and maintained to meet the requirements of WAC 173-303-650(2)~~((—This submission must address the following items as specified in WAC 173-303-650(2))~~ (j), (10), (11), and 173-303-335, addressing the following items:

(A) The liner system (except for an existing portion of a surface impoundment), including the certification required by WAC 173-303-650 (2)(a)(i)(D) for EHW management. If an exemption from the requirement for a liner is sought as provided by WAC 173-303-650 (2)(b), submit detailed plans and engineering and hydrogeologic reports, as appropriate, describing alternate design and operating practices that will, in conjunction with location aspects, prevent the migration of any dangerous constituents into the ground water or surface water at any future time;

(B) Prevention of overtopping; ~~(and)~~

(C) Structural integrity of dikes;

(D) The double liner and leak (leachate) detection, collection, and removal system, if the surface impoundment must meet the requirements of WAC 173-303-650 (2)(j). If an exemption from the requirements for double liners and a leak detection, collection, and removal system or alternative design is sought as provided by WAC 173-303-650 (2)(k), (l), or (m), submit appropriate information;

(E) If the leak detection system is located in a saturated zone, submit detailed plans and an engineering report explaining the leak detection system design and operation, and the location of the saturated zone in relation to the leak detection system;

(F) The construction quality assurance (CQA) plan if required under WAC 173-303-335; and

(G) Proposed action leakage rate, with rationale, if required under WAC 173-303-650(10), and response action plan, if required under WAC 173-303-650(11).

(iii) ~~((If any exemption from WAC 173-303-645 is sought, as provided by WAC 173-303-650(3), detailed plans and an engineering report explaining the location of the saturated zone in relation to the surface impoundment, and the design of a double liner system that incorporates a leak detection system between the liners;))~~ Reserve.

(iv) A description of how each surface impoundment, including the ~~((liner and))~~ double liner system, leak detection system, cover systems and appurtenances for control of overtopping, will be inspected in order to meet the requirements of WAC 173-303-650 (4)(a) ~~((and)), (b), and (d))~~. This information should be included in the inspection plan submitted under (a)(v) of this subsection;

(v) A certification by a qualified engineer which attests to the structural integrity of each dike, as required under WAC 173-303-650 (4)(c). For new units, the owner or operator must submit a statement by a qualified engineer that he will provide such a certification upon completion of construction in accordance with the plans and specifications;

(vi) A description of the procedure to be used for removing a surface impoundment from service, as required under WAC 173-303-650 (5)(b) and (c). This information should be included in the contingency plan submitted under (a)(vii) of this subsection;

(vii) A description of how dangerous waste residues and contaminated materials will be removed from the unit at closure, as required under WAC 173-303-650 (6)(a)(i). For any wastes not to be removed from the unit upon closure, the owner or operator must submit detailed plans and an engineering report describing how WAC 173-303-650 (6)(a)(ii) and (b) will be complied with. This information should be included in the closure plan and, where applicable, the post-closure plan submitted under (a)(xiii) of this subsection;

(viii) If ignitable or reactive wastes are to be placed in a surface impoundment, an explanation of how WAC 173-303-650(7) will be complied with;

(ix) If incompatible wastes, or incompatible wastes and materials will be placed in a surface impoundment, an explanation of how WAC 173-303-650(8) will be complied with; and

(x) Where applicable, a waste management plan for Dangerous Waste Nos. F020, F021, F022, F023, F026, or F027 describing how the surface impoundment is or will be designed to meet the requirements of WAC 173-303-650(9).

(e) Specific Part B information requirements for waste piles. Except as otherwise provided in WAC 173-303-600(3), owners and operators of facilities that store or treat dangerous waste in waste piles must provide the following additional information:

(i) A list of dangerous wastes placed or to be placed in each waste pile;

(ii) If an exemption is sought to WAC 173-303-660(2), and 173-303-645 as provided by WAC 173-303-660 (1)(c), an explanation of how the standards of WAC 173-303-660 (1)(c) will be complied with;

(iii) Detailed plans and an engineering report describing how the waste pile is ~~((or will be))~~ designed, and is or will be constructed, operated, and maintained to meet the requirements of WAC 173-303-335, 173-303-660(2) ~~((—This submission must address the following items as specified in~~

WAC 173-303-660(2)) (j), (11) and (12), addressing the following items:

(A)(I) The liner system (except for an existing portion of a pile) if the waste pile must meet the requirements of WAC 173-303-660(2), including the licensed engineer's certification when required by WAC 173-303-660 (2)(c). If an exemption from the requirement for a liner is sought, as provided by WAC 173-303-660 (2)(d), ~~((the owner or operator must))~~ submit detailed plans and engineering and hydrogeologic reports, as applicable, describing alternate design and operating practices that will, in conjunction with location aspects, prevent the migration of any ~~((hazardous))~~ dangerous constituents into the ground water or surface water at any future time;

(II) The double liner and leak (leachate) detection, collection, and removal system, if the waste pile must meet the requirements of WAC 173-303-660 (2)(j). If an exemption from the requirements for double liners and a leak detection, collection, and removal system or alternative design is sought as provided by WAC 173-303-660 (2)(k), (l), or (m), submit appropriate information;

(III) If the leak detection system is located in a saturated zone, submit detailed plans and an engineering report explaining the leak detection system design and operation, and the location of the saturated zone in relation to the leak detection system;

(IV) The construction quality assurance (CQA) plan if required under WAC 173-303-335;

(V) Proposed action leakage rate, with rationale, if required under WAC 173-303-660(3), and response action plan, if required under WAC 173-303-660(4);

(B) Control of run-on;

(C) Control of run-off;

(D) Management of collection and holding units associated with run-on and run-off control systems; and

(E) Control of wind dispersal of particulate matter, where applicable;

(iv) ~~((If an exemption from WAC 173-303-645 is sought as provided by WAC 173-303-660 (3) or (4), submit detailed plans and an engineering report describing how the requirements of WAC 173-303-660 (3)(a) or (4)(a) will be complied with;))~~ Reserve.

(v) A description of how each waste pile, including the ~~((liner))~~ double liner system, leachate collection and removal system, leak detection system, cover system and appurtenances for control of run-on and run-off, will be inspected in order to meet the requirements of WAC 173-303-660(5). This information should be included in the inspection plan submitted under (a)(v) of this subsection. If an exemption is sought to WAC 173-303-645 pursuant to WAC 173-303-660(4), describe in the inspection plan how the inspection requirements of WAC 173-303-660 (4)(a)(iii) will be complied with;

(vi) If treatment is carried out on or in the pile, details of the process and equipment used, and the nature and quality of the residuals;

(vii) If ignitable or reactive wastes are to be placed in a waste pile, an explanation of how the requirements of WAC 173-303-660(7) will be complied with;

(viii) If incompatible wastes, or incompatible wastes and materials will be placed in a waste pile, an explanation of how WAC 173-303-660(8) will be complied with;

(ix) A description of how dangerous waste, waste residues and contaminated materials will be removed from the waste pile at closure, as required under WAC 173-303-660 (9)(a). For any waste not to be removed from the waste pile upon closure, the owner or operator must submit detailed plans and an engineering report describing how WAC 173-303-665 (6)(a) and (b) will be complied with. This information should be included in the closure plan and, where applicable, the post-closure plan submitted under (a)(xiii) of this subsection;

(x) Where applicable, a waste management plan for Dangerous Waste Nos. F020, F021, F022, F023, F026, or F027 describing how a waste pile that is not enclosed (as defined in WAC 173-303-660 (1)(c)) is or will be designed, constructed, operated, and maintained to meet the requirements of WAC 173-303-660(10).

(f) Specific Part B information requirements for incinerators. Except as WAC 173-303-670(1) provides otherwise, owners and operators of facilities that incinerate dangerous waste must fulfill the informational requirements of (f) of this subsection.

(i) When seeking an exemption under WAC 173-303-670 (1)(b) (ignitable or reactive wastes only):

(A) Documentation that the waste is listed as a dangerous waste in WAC 173-303-080, solely because it is ignitable; or

(B) Documentation that the waste is listed as a dangerous waste in WAC 173-303-080, solely because it is reactive for characteristics other than those listed in WAC 173-303-090 (7)(a)(iv) and (v), and will not be burned when other dangerous wastes are present in the combustion zone; or

(C) Documentation that the waste is a dangerous waste solely because it possesses the characteristic of ignitability, as determined by the tests for characteristics of dangerous waste under WAC 173-303-090; or

(D) Documentation that the waste is a dangerous waste solely because it possesses the reactivity characteristics listed in WAC 173-303-090 (7)(a)(i), (ii), (iii), (vi), (vii), and (viii), and that it will not be burned when other dangerous wastes are present in the combustion zone.

(ii) Submit a trial burn plan or the results of a trial burn, including all required determinations, in accordance with WAC 173-303-807.

(iii) In lieu of a trial burn, the applicant may submit the following information;

(A) An analysis of each waste or mixture of wastes to be burned including:

(I) Heating value of the waste in the form and composition in which it will be burned;

(II) Viscosity (if applicable), or description of physical form of the waste, and specific gravity of the waste;

(III) An identification of any dangerous organic constituents listed in WAC 173-303-9905 or, if not listed, which cause the waste(s) to be regulated, which are present in the waste to be burned, except that the applicant need not analyze for constituents which would reasonably not be expected to be found in the waste. The constituents excluded from analysis must be identified and the basis for their exclusion stated. The waste analysis must rely on analytical techniques specified in WAC 173-303-110(3), or their equivalent;

(IV) An approximate quantification of the dangerous constituents identified in the waste, within the precision produced by the analytical methods specified in WAC 173-303-110(3); and

(V) A quantification of those dangerous constituents in the waste which may be designated as principal organic dangerous constituents (PODC's) based on data submitted from other trial or operational burns which demonstrate compliance with the performance standards in WAC 173-303-670(4);

(B) A detailed engineering description of the incinerator, including:

(I) Manufacturer's name and model number of incinerator;

(II) Type of incinerator;

(III) Linear dimension of incinerator unit including cross sectional area of combustion chamber;

(IV) Description of auxiliary fuel system (type/feed);

(V) Capacity of prime mover;

(VI) Description of automatic waste feed cutoff system(s);

(VII) Stack gas monitoring and pollution control monitoring system;

(VIII) Nozzle and burner design;

(IX) Construction materials; and

(X) Location and description of temperature, pressure, and flow indicating devices and control devices;

(C) A description and analysis of the waste to be burned compared with the waste for which data from operational or trial burns are provided to support the contention that a trial burn is not needed. The data should include those items listed in (f)(iii)(A) of this subsection. This analysis should specify the principal organic dangerous constituents (PODC's) which the applicant has identified in the waste for which a permit is sought, and any differences from the PODC's in the waste for which burn data are provided;

(D) The design and operating conditions of the incinerator unit to be used, compared with that for which comparative burn data are available;

(E) A description of the results submitted from any previously conducted trial burn(s) including:

(I) Sampling and analysis techniques used to calculate performance standards in WAC 173-303-670(4); and

(II) Methods and results of monitoring temperatures, waste feed rates, carbon monoxide, and an appropriate indicator of combustion gas velocity (including a statement concerning the precision and accuracy of this measurement);

(F) The expected incinerator operation information to demonstrate compliance with WAC 173-303-670 (4) and (6), including:

(I) Expected carbon monoxide (CO) level in the stack exhaust gas;

(II) Waste feed rate;

(III) Combustion zone temperature;

(IV) Indication of combustion gas velocity;

(V) Expected stack gas volume, flow rate, and temperature;

(VI) Computed residence time for waste in the combustion zone;

(VII) Expected hydrochloric acid removal efficiency;

(VIII) Expected fugitive emissions and their control procedures; and

(IX) Proposed waste feed cutoff limits based on the identified significant operating parameters;

(G) Such supplemental information as the department finds necessary to achieve the purposes of this subsection;

(H) Waste analysis data, including that submitted in (f)(iii)(A) of this subsection, sufficient to allow the department to specify as permit principal organic dangerous constituents (permit PODC's) those constituents for which destruction and removal efficiencies will be required; and

(I) Test protocols and sampling and analytical data to demonstrate the designation status under WAC 173-303-070 of:

(I) Incinerator ash residues, if any; and

(II) Residues from the air pollution control devices.

(iv) The department (~~shall~~) will approve a permit application without a trial burn if the department finds that:

(A) The wastes are sufficiently similar; and

(B) The incinerator units are sufficiently similar, and the data from other trial burns are adequate to specify (under WAC 173-303-670(6)) operating conditions that will ensure that the performance standards in WAC 173-303-670(4) will be met by the incinerator.

(g) Specific Part B information requirements for land treatment facilities. Except as otherwise provided in WAC 173-303-600(3), owners and operators of facilities that use land treatment to dispose of dangerous waste must provide the following additional information:

(i) A description of plans to conduct a treatment demonstration as required under WAC 173-303-655(3). The description must include the following information:

(A) The wastes for which the demonstration will be made and the potential dangerous constituents in the waste;

(B) The data sources to be used to make the demonstration (e.g., literature, laboratory data, field data, or operating data);

(C) Any specific laboratory or field test that will be conducted, including:

(I) The type of test (e.g., column leaching, degradation);

(II) Materials and methods, including analytical procedures;

(III) Expected time for completion; and

(IV) Characteristics of the unit that will be simulated in the demonstration, including treatment zone characteristics, climatic conditions, and operating practices;

(ii) A description of a land treatment program, as required under WAC 173-303-655(2). This information must be submitted with the plans for the treatment demonstration, and updated following the treatment demonstration. The land treatment program must address the following items:

(A) The wastes to be land treated;

(B) Design measures and operating practices necessary to maximize treatment in accordance with WAC 173-303-655 (4)(a) including:

(I) Waste application method and rate;

(II) Measures to control soil pH;

(III) Enhancement of microbial or chemical reactions;

and (IV) Control of moisture content;

(C) Provisions for unsaturated zone monitoring, including:

(I) Sampling equipment, procedures, and frequency;

(II) Procedures for selecting sampling locations;

(III) Analytical procedures;

(IV) Chain of custody control;

(V) Procedures for establishing background values;

(VI) Statistical methods for interpreting results; and

(VII) The justification for any dangerous constituents recommended for selection as principal dangerous constituents, in accordance with the criteria for such selection in WAC 173-303-655 (6)(a);

(D) A list of dangerous constituents reasonably expected to be in, or derived from, the wastes to be land treated based on waste analysis performed pursuant to WAC 173-303-300;

(E) The proposed dimensions of the treatment zone;

(iii) A description of how the unit is or will be designed, constructed, operated, and maintained in order to meet the requirements of WAC 173-303-655(4). This submission must address the following items:

(A) Control of run-on;

(B) Collection and control of run-off;

(C) Minimization of run-off of dangerous constituents from the treatment zone;

(D) Management of collection and holding facilities associated with run-on and run-off control systems;

(E) Periodic inspection of the unit. This information should be included in the inspection plan submitted under (a)(v) of this subsection; and

(F) Control of wind dispersal of particulate matter, if applicable;

(iv) If food-chain crops are to be grown in or on the treatment zone of the land treatment unit, a description of how the demonstration required under WAC 173-303-655(5) will be conducted including:

(A) Characteristics of the food-chain crop for which the demonstration will be made;

(B) Characteristics of the waste, treatment zone, and waste application method and rate to be used in the demonstration;

(C) Procedures for crop growth, sample collection, sample analysis, and data evaluation;

(D) Characteristics of the comparison crop including the location and conditions under which it was or will be grown; and

(E) If cadmium is present in the land treated waste, a description of how the requirements of WAC 173-303-655 (5)(b) will be complied with;

(v) A description of the vegetative cover to be applied to closed portions of the facility, and a plan for maintaining such cover during the post-closure care period, as required under WAC 173-303-655 (8)(a)(viii) and (c)(ii). This information should be included in the closure plan and, where applicable, the post-closure care plan submitted under (a)(xiii) of this subsection;

(vi) If ignitable or reactive wastes will be placed in or on the treatment zone, an explanation of how the requirements of WAC 173-303-655(9) will be complied with; and

(vii) If incompatible wastes, or incompatible wastes and materials, will be placed in or on the same treatment zone, an explanation of how WAC 173-303-655(10) will be complied with.

(viii) Where applicable, a waste management plan for Dangerous Waste Nos. F020, F021, F022, F023, F026, or F027 describing how a land treatment facility is or will be

designed, constructed, operated, and maintained to meet the requirements of WAC 173-303-655(12).

(h) Specific Part B information requirements for landfills. Except as otherwise provided in WAC 173-303-600(3), owners and operators of facilities that dispose of dangerous waste in landfills must provide the following additional information;

(i) A list of the dangerous wastes placed or to be placed in each landfill or landfill cell;

(ii) Detailed plans and an engineering report describing how the landfill is ~~((or will be))~~ designed, and is or will be constructed, operated and maintained to comply with the requirements of WAC 173-303-335, 173-303-665(2)~~((—This submission must address the following items as specified in WAC 173-303-665(2)), (8) and (9) addressing the following items:~~

~~(A)(I) The liner system ((and leachate collection and removal system))~~ (except for an existing portion of a landfill), if the landfill must meet the requirements of WAC 173-303-665 (2)(a), including the licensed engineer's certification required by WAC 173-303-665 (2)(a)(i). If an exemption from the requirements for a liner and a leachate collection and removal system is sought, as provided by WAC 173-303-665 (2)(b), submit detailed plans and engineering and hydrogeologic reports, as appropriate, describing alternate designs and operating practices that will, in conjunction with location aspects, prevent the migration of any dangerous constituent into the ground water or surface water at any future time;

(II) The double liner and leak (leachate) detection, collection, and removal system, if the landfill must meet the requirements of WAC 173-303-665 (2)(h). If an exemption from the requirements for double liners and a leak detection, collection, and removal system or alternative design is sought as provided by WAC 173-303-665 (2)(j), (k) or (l), submit appropriate information;

(III) If the leak detection system is located in a saturated zone, submit detailed plans and an engineering report explaining the leak detection system design and operation, and the location of the saturated zone in relation to the leak detection system;

(IV) The construction quality assurance (CQA) plan if required under WAC 173-303-335;

(V) Proposed action leakage rate, with rationale, if required under WAC 173-303-665(8), and response action plan, if required under 173-303-665(9);

(B) Control of run-on;

(C) Control of run-off;

(D) Management of collection and holding facilities associated with run-on and run-off control systems; and

(E) Control of wind dispersal of particulate matter, where applicable;

~~(iii) ((If an exemption from WAC 173-303-645 is sought, as provided by WAC 173-303-665(3), the owner or operator must submit detailed plans and an engineering report explaining the location of the saturated zone in relation to the landfill, the design of a double liner system that incorporates a leak detection system between the liners, and a leachate collection and removal system above the liners;)) Reserve.~~

(iv) A description of how each landfill, including the ~~((liner and))~~ double liner system, leachate collection and

removal system, cover systems, and appurtenances for control for run-on and run-off will be inspected in order to meet the requirements of WAC 173-303-665(4). This information ~~((should))~~ must be included in the inspection plan submitted under (a)(v) of this subsection;

(v) Detailed plans and an engineering report describing the final cover which will be applied to each landfill or landfill cell at closure in accordance with WAC 173-303-665 (6)(a), and a description of how each landfill will be maintained and monitored after closure in accordance with WAC 173-303-665 (6)(b) and (c). This information should be included in the closure and post-closure plans submitted under (a)(xiii) of this subsection;

(vi) If incompatible wastes, or incompatible wastes and materials will be landfilled, an explanation of how WAC 173-303-665(7) will be complied with;

(vii) A description of how each landfill will be designed and operated in order to comply with WAC 173-303-140.

(i) Specific Part B information requirements for miscellaneous units. Except as otherwise provided in WAC 173-303-680(1), owners and operators of facilities that treat, store, or dispose of dangerous waste in miscellaneous units must provide the following additional information:

(i) A detailed description of the unit being used or proposed for use, including the following:

(A) Physical characteristics, materials of construction, and dimensions of the unit;

(B) Detailed plans and engineering reports describing how the unit will be located, designed, constructed, operated, maintained, monitored, inspected, and closed to comply with the requirements of WAC 173-303-680 (2) and (3); and

(C) For disposal units, a detailed description of the plans to comply with the postclosure requirements of WAC 173-303-680(4).

(ii) Detailed hydrologic, geologic, and meteorologic assessments and land-use maps for the region surrounding the site that address and ensure compliance of the unit with each factor in the environmental performance standards of WAC 173-303-680(2). If the applicant can demonstrate that he does not violate the environmental performance standards of WAC 173-303-680(2) and the department agrees with such demonstration, preliminary hydrologic, geologic, and meteorologic assessments will suffice.

(iii) Information on the potential pathways of exposure of humans or environmental receptors to dangerous waste or dangerous constituents and on the potential magnitude and nature of such exposures.

(iv) For any treatment unit, a report on a demonstration of the effectiveness of the treatment based on laboratory or field data.

(v) Any additional information determined by the department to be necessary for evaluation of compliance of the unit with the environmental performance standards of WAC 173-303-680(2).

(j) Specific Part B information requirements for process vents. Except as otherwise provided in WAC 173-303-600(3), owners and operators of facilities that have process vents to which WAC 173-303-690 applies must provide the following additional information:

(i) For facilities that cannot install a closed-vent system and control device to comply with the provisions of WAC 173-303-690 on the effective date that the facility becomes

subject to the provisions of WAC 173-303-690 or 40 CFR 265 Subpart AA incorporated by reference at WAC 173-303-400 (3)(a), an implementation schedule as specified in 40 CFR section 264.1033(a)(2).

(ii) Documentation of compliance with the process vent standards in 40 CFR section 264.1032, including:

(A) Information and data identifying all affected process vents, annual throughput and operating hours of each affected unit, estimated emission rates for each affected vent and for the overall facility (i.e., the total emissions for all affected vents at the facility), and the approximate location within the facility of each affected unit (e.g., identify the dangerous waste management units on a facility plot plan).

(B) Information and data supporting estimates of vent emissions and emission reduction achieved by add-on control devices based on engineering calculations or source tests. For the purpose of determining compliance, estimates of vent emissions and emission reductions must be made using operating parameter values (e.g., temperatures, flow rates, or concentrations) that represent the conditions that exist when the waste management unit is operating at the highest load or capacity level reasonably expected to occur.

(C) Information and data used to determine whether or not a process vent is subject to the requirements of 40 CFR section 264.1032.

(iii) Where an owner or operator applies for permission to use a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system to comply with the requirements of 40 CFR 264.1032, and chooses to use test data to determine the organic removal efficiency or the total organic compound concentration achieved by the control device, a performance test plan as specified in 40 CFR 264.1035(b)(3).

(iv) Documentation of compliance with 40 CFR 264.1033, including:

(A) A list of all information references and sources used in preparing the documentation.

(B) Records, including the dates, of each compliance test required by 40 CFR 264.1033(k).

(C) A design analysis, specifications, drawings, schematics, and piping and instrumentation diagrams based on the appropriate sections of "APTI Course 415: Control of Gaseous Emissions" (WAC 173-303-110 (3)(g)(viii)) or other engineering texts acceptable to the department that present basic control device design information. The design analysis will address the vent stream characteristics and control device operation parameters as specified in 40 CFR 264.1035(b)(4)(iii).

(D) A statement signed and dated by the owner or operator certifying that the operating parameters used in the design analysis reasonably represent the conditions that exist when the dangerous waste management unit is or would be operating at the highest load or capacity level reasonably expected to occur.

(E) A statement signed and dated by the owner or operator certifying that the control device is designed to operate at an efficiency of 95 weight percent or greater unless the total organic emission limits of 40 CFR 264.1032(a) for affected process vents at the facility can be attained by a control device involving vapor recovery at an efficiency less than 95 weight percent.

(k) Specific Part B information requirements for equipment leaks. Except as otherwise provided in WAC 173-303-600(3), owners and operators of facilities that have equipment to which WAC 173-303-691 applies must provide the following additional information:

(i) For each piece of equipment to which WAC 173-303-691 applies:

(A) Equipment identification number and dangerous waste management unit identification.

(B) Approximate locations within the facility (e.g., identify the dangerous waste management unit on a facility plot plan).

(C) Type of equipment (e.g., a pump or pipeline valve).

(D) Percent by weight total organics in the hazardous waste stream at the equipment.

(E) Hazardous waste state at the equipment (e.g., gas/vapor or liquid).

(F) Method of compliance with the standard (e.g., "monthly leak detection and repair" or "equipped with dual mechanical seals").

(ii) For facilities that cannot install a closed-vent system and control device to comply with the provisions of WAC 173-303-691 on the effective date that the facility becomes subject to the provisions of WAC 173-303-691 or 40 CFR Part 265 Subpart BB incorporated by reference at WAC 173-303-400 (3)(a), an implementation schedule as specified in 40 CFR 264.1033(a)(2).

(iii) Where an owner or operator applies for permission to use a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system and chooses to use test data to determine the organic removal efficiency or the total organic compound concentration achieved by the control device, a performance test plan as specified in 40 CFR section 264.1035(b)(3).

(iv) Documentation that demonstrates compliance with the equipment standards in 40 CFR sections 264.1052 to 264.1059. This documentation will contain the records required under 40 CFR 264.1064. The department may request further documentation before deciding if compliance has been demonstrated.

(v) Documentation to demonstrate compliance with 40 CFR section 264.1060 will include the following information:

(A) A list of all information references and sources used in preparing the documentation.

(B) Records, including the dates, of each compliance test required by 40 CFR 264.1033(j).

(C) A design analysis, specifications, drawings, schematics, and piping and instrumentation diagrams based on the appropriate sections of "ATPI Course 415: Control of Gaseous Emissions" (incorporated by reference as specified in WAC 173-303-110 (3)(g)(viii)) or other engineering texts acceptable to the department that present basic control device design information. The design analysis will address the vent stream characteristics and control device operation parameters as specified in 40 CFR 264.1035(b)(4)(iii).

(D) A statement signed and dated by the owner or operator certifying that the operating parameters used in the design analysis reasonably represent the conditions that exist when the dangerous waste management unit is operating at

the highest load or capacity level reasonably expected to occur.

(E) A statement signed and dated by the owner or operator certifying that the control device is designed to operate at an efficiency of 95 weight percent or greater.

(I) Special Part B information requirements for drip pads.

Except as otherwise provided by WAC 173-303-600(3), owners and operators of dangerous waste treatment, storage, or disposal facilities that collect, store, or treat hazardous waste on drip pads must provide the following additional information:

(i) A list of hazardous wastes placed or to be placed on each drip pad.

(ii) If an exemption is sought to WAC 173-303-645, as provided by WAC 173-303-645(1), detailed plans and an engineering report describing how the requirements of WAC 173-303-645 (1)(b) will be met.

(iii) Detailed plans and an engineering report describing how the drip pad is or will be designed, constructed, operated and maintained to meet the requirements of WAC 173-303-675(4), including the as-built drawings and specifications. This submission must address the following items as specified in WAC 173-303-675(2):

(A) The design characteristics of the drip pad;

(B) The liner system;

(C) The leakage detection system, including the leak detection system and how it is designed to detect the failure of the drip pad or the presence of any releases of hazardous waste or accumulated liquid at the earliest practicable time;

(D) Practices designed to maintain drip pads;

(E) The associated collection system;

(F) Control of run-on to the drip pad;

(G) Control of run-off from the drip pad;

(H) The interval at which drippage and other materials will be removed from the associated collection system and a statement demonstrating that the interval will be sufficient to prevent overflow onto the drip pad;

(I) Procedures for cleaning the drip pad at least once every seven days to ensure the removal of any accumulated residues of waste or other materials, including but not limited to rinsing, washing with detergents or other appropriate solvents, or steam cleaning and provisions for documenting the date, time, and cleaning procedure used each time the pad is cleaned.

(J) Operating practices and procedures that will be followed to ensure that tracking of hazardous waste or waste constituents off the drip pad due to activities by personnel or equipment is minimized;

(K) Procedures for ensuring that, after removal from the treatment vessel, treated wood from pressure and nonpressure processes is held on the drip pad until drippage has ceased, including recordkeeping practices;

(L) Provisions for ensuring that collection and holding units associated with the run-on and run-off control systems are emptied or otherwise managed as soon as possible after storms to maintain design capacity of the system;

(M) If treatment is carried out on the drip pad, details of the process equipment used, and the nature and quality of the residuals.

(N) A description of how each drip pad, including appurtenances for control of run-on and run-off, will be

inspected in order to meet the requirements of WAC 173-303-675(4). This information should be included in the inspection plan submitted under (a)(v) of this subsection.

(O) A certification signed by an independent qualified, registered professional engineer, stating that the drip pad design meets the requirements of WAC 173-303-675 (4)(a) through (f).

(P) A description of how hazardous waste residues and contaminated materials will be removed from the drip pad at closure, as required under WAC 173-303-675 (6)(a). For any waste not to be removed from the drip pad upon closure, the owner or operator must submit detailed plans and an engineering report describing how WAC 173-303-665(6) will be complied with. This information should be included in the closure plan and, where applicable, the post-closure plan submitted under (a)(xiii) of this subsection.

(5) Construction. A person may begin physical construction of a new facility, or of new portions of an existing facility if the new portions would amount to reconstruction under interim status (WAC 173-303-805(7)), only after complying with WAC 173-303-281, submitting Part A and Part B of the permit application and receiving a final facility permit. All permit applications must be submitted at least one hundred eighty days before physical construction is expected to begin.

(6) Reapplications. Any dangerous waste facility with an effective final facility permit ((shall)) must submit a new application one hundred eighty days prior to the expiration date of the effective permit, unless the department grants a later date provided that such date will never be later than the expiration date of the effective permit.

(7) Continuation of expiring permits.

(a) When the owner/operator submits a timely application for a final facility permit and the application is determined by the department to be complete pursuant to subsection (8) of this section, the facility is allowed to continue operating under the expiring or expired permit until the effective date of the new permit.

(b) When the facility is not in compliance with the conditions of the expiring or expired permit, the department may choose to do any of the following:

(i) Initiate enforcement action based upon the permit which has been continued;

(ii) Issue a notice of intent to deny the new permit. If the permit is denied, the owner or operator would then be required to cease the activities authorized by the continued permit or be subject to enforcement action for operating without a permit;

(iii) Issue a new permit with appropriate conditions; and/or

(iv) Take other actions authorized by this chapter.

(8) Completeness. The department ((shall)) will not issue a final facility permit before receiving a complete application, except for permits by rule or emergency permits. An application for a permit is complete when the application form and any supplemental information has been submitted to the department's satisfaction. The completeness of any application for a permit ((shall)) will be judged independently of the status of any other permit application or permit for the same facility or activity. The department may deny a permit for the active life of a dangerous waste management

facility or unit before receiving a complete application for a permit.

(9) Recordkeeping. Applicants ~~((shall))~~ must keep records of all data used to complete the permit applications, and any supplemental information submitted to the department for a period of at least three years from the date the application is signed.

(10) General permit conditions. All final facility permits ~~((shall))~~ will contain general permit conditions described in WAC 173-303-810.

(11) Permit duration.

(a) Final facility permits ~~((shall))~~ will be effective for a fixed term not to exceed ten years.

(b) The department may issue any final facility permit for a duration that is less than the full allowable term.

(c) The term of a final facility permit ~~((shall))~~ will not be extended beyond ten years, unless otherwise authorized under subsection (7) of this section.

(d) Each permit for a land disposal facility may be reviewed by the department five years after the date of permit issuance or reissuance and ~~((shall))~~ will be modified as necessary, as provided in WAC 173-303-830.

(12) Grounds for termination. The following are causes for terminating a final facility permit during its term:

(a) Noncompliance by the permittee with any condition of the permit;

(b) The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time; or

(c) A determination that the permitted activity endangers public health or the environment and the hazard can only be controlled by permit modification or termination.

(13) Grounds for denial. A permit application ~~((shall))~~ will be denied pursuant to the procedures in WAC 173-303-840 if it is determined that the proposed location and/or activity endangers public health and the environment as demonstrated by the permit applicant's failure to satisfy the performance standards of WAC 173-303-283.

(14) Permit changes. All final facility permits ~~((shall))~~ will be subject to the requirements of permit changes, WAC 173-303-830.

(15) Procedures for decision making. Issuance of final facility permits will be subject to the procedures for decision making described in WAC 173-303-840.

(16) Other requirements for final ~~((special waste and))~~ recycling facility permits. In lieu of issuing a final ~~((special waste or))~~ recycling facility permit, the department may, after providing opportunity for public comment in accordance with WAC 173-303-840, defer to a permit already issued under other statutory authority administered by the department (such as the State Water Pollution Control Act, chapter 90.48 RCW, the State Clean Air Act, chapter 70.94 RCW, etc.) which incorporates the requirements of this section, and WAC 173-303-500 through 173-303-525 for recycling facilities ~~((or WAC 173-303-550 through 173-303-560 for special waste facilities))~~.

AMENDATORY SECTION (Amending Order 92-33, filed 12/8/93, effective 1/8/94)

WAC 173-303-807 Trial burns for dangerous waste incinerator final facility permits. (1) Purpose and applicability. For purposes of determining operational readiness and establishing conditions in final facility permits for dangerous waste incinerators, the department may approve trial burns. Trial burns ~~((shall))~~ may not exceed seven hundred twenty hours operating time, except that the department may extend the duration of this operational period once, up to seven hundred twenty additional hours, at the request of the owner/operator of the incinerator when good cause is shown. The permit may be modified to reflect the extension according to WAC 173-303-830(4). The procedures for requesting and approving trial burns are described in:

(a) Subsection (10) of this section for existing incinerators with interim status permits; and

(b) Subsection (11) of this section for new incinerators and for incinerators with final facility permits in which the owner/operator wishes to burn new wastes not currently included in the permit.

(2) Trial burn plan. The trial burn must be conducted in accordance with a trial burn plan prepared by the applicant and approved by the department. The trial burn plan will then become a condition of the permit and will include the following information:

(a) An analysis of each waste or mixture of waste to be burned which includes:

(i) Heating value of the waste in the form and composition in which it will be burned;

(ii) Viscosity (if applicable), or description of physical form of the waste, and specific gravity of the waste;

(iii) An analysis identifying any dangerous organic constituents listed in WAC 173-303-9905, and any other dangerous constituents which, although not listed, caused the waste to be regulated as a dangerous waste, which are reasonably expected to be present in the waste to be burned. The constituents excluded from analysis must be identified and the basis for their exclusion stated. The waste analysis must rely on analytical techniques specified or referenced in WAC 173-303-110, or their equivalent;

(iv) An approximate quantification of the dangerous constituents identified in the waste, within the precision produced by the analytical methods specified or referenced in WAC 173-303-110; and

(v) A quantification of those dangerous constituents in the waste which may be designated as principal organic dangerous constituents (PODC) based on data submitted from other trial or operational burns which demonstrate compliance with the performance standard in WAC 173-303-670(4);

(b) A detailed engineering description of the incinerator for which the trial burn permit is sought including:

(i) Manufacturer's name and model number of incinerator (if available);

(ii) Type of incinerator;

(iii) Linear dimensions of the incinerator unit including the cross sectional area of the combustion chamber;

(iv) Description of the auxiliary fuel system (type/feed);

(v) Capacity of the prime air mover;

(vi) Description of automatic waste feed cutoff system(s);

(vii) Stack gas monitoring and pollution control equipment;

(viii) Nozzle and burner design;

(ix) Construction materials; and

(x) Location and description of temperature, pressure, and flow indicating and control devices;

(c) A detailed description of sampling and monitoring procedures, including sampling and monitoring locations in the system, the equipment to be used, sampling and monitoring frequency, and planned analytical procedures for sample analysis;

(d) A detailed test schedule for each waste for which the trial burn is planned including date(s), duration, quantity of waste to be burned, and other factors relevant to the department's decision under subsection (5) of this section;

(e) A detailed test protocol, including, for each waste identified, the ranges of temperature, waste feed rate, air feed rate, use of auxiliary fuel, and other relevant parameters that will be varied to affect the destruction and removal efficiency of the incinerator;

(f) A description of, and planned operating conditions for, any emission control equipment which will be used;

(g) Procedures for rapidly stopping waste feed, shutting down the incinerator, and controlling emissions in the event of an equipment malfunction;

(h) A detailed test protocol to sample and analyze the following for designation under WAC 173-303-070:

(i) Any incinerator ash residue collected in the incinerator; and

(ii) Any residues collected in the air pollution control devices; and

(i) Such other information as the department reasonably finds necessary to determine whether to approve the trial burn plan in light of the purposes of this section.

(3) Additional information required. The department, in reviewing the trial burn plan, ~~((shall))~~ will evaluate the adequacy of the information provided and may require the applicant to supplement this information, if necessary, to achieve the purposes of this section.

(4) Trial PODCs. Based on the waste analysis data in the trial burn plan, the department will specify as trial principal organic dangerous constituents (trial PODCs) those constituents for which destruction and removal efficiencies must be calculated during the trial burn. These trial PODCs will be specified by the department based on its estimate of the difficulty of incineration of the constituents identified in the waste analysis, the concentration or mass in the waste feed, and the dangerous waste constituent or constituents identified in WAC 173-303-9905, or identified as causing the waste to be regulated as a dangerous waste.

(5) Approval of the plan. The department ~~((shall))~~ will approve a trial burn plan if it finds that:

(a) The trial burn is likely to determine whether the incinerator performance standard required by WAC 173-303-670(4) can be met;

(b) The trial burn itself will not present an imminent hazard to public health or the environment;

(c) The trial burn will help the department to determine operating requirements to be specified under WAC 173-303-670(6); and

(d) The information sought in (a), (b), and (c) of this subsection cannot reasonably be developed through other means.

(6) Trial burns. During each approved trial burn (or as soon after the burn as is practicable), the applicant must make the following determinations:

(a) A quantitative analysis of the trial PODCs in the waste feed to the incinerator;

(b) A quantitative analysis of the exhaust gas for the concentration and mass emissions of the trial PODCs, O₂, hydrogen chloride (HCl), carbon monoxide (CO) and dangerous combustion byproducts, including the total mass emission rate of byproducts as a percent of the total mass feed rate of PODCs fed to the incinerator;

(c) A quantitative analysis of the scrubber water (if any), ash residues, and other residues, for the purpose of estimating the fate of the trial PODCs and whether they are designated according to WAC 173-303-070;

(d) A total mass balance of the trial PODCs in the waste;

(e) A computation of destruction and removal efficiency (DRE), in accordance with the DRE formula specified in WAC 173-303-670 (4)(a);

(f) If the HCl emission rate exceeds 1.8 kilograms of HCl per hour (4 pounds per hour), a computation of HCl removal efficiency in accordance with WAC 173-303-670 (4)(c)(i);

(g) A computation of particulate emissions, in accordance with WAC 173-303-670 (4)(c)(ii);

(h) An identification of sources of fugitive emissions and their means of control;

(i) A measurement of average, maximum, and minimum temperatures, and combustion gas velocity;

(j) A continuous measurement of carbon monoxide in the exhaust gas;

(k) An identification of any existing air emission standards where a state or local air pollution control authority has established emission standards and such standards are applicable to the incinerator; and

(l) Such other information as the department may specify as necessary to ensure that the trial burn will determine compliance with the performance standard of WAC 173-303-670(4), and to establish the operating conditions required by WAC 173-303-670(6).

(7) Certification. The applicant ~~((shall))~~ must submit to the department a certification that the trial burn has been carried out in accordance with the approved trial burn plan, and must submit the results of all determinations required by subsection (6) of this section. This submission ~~((shall))~~ must be made within thirty days of the completion of the trial burn, or later if approved by the department.

(8) Submission of data. All data collected during any trial burn must be submitted to the department following the completion of the trial burn.

(9) Signatures required. All submissions required under this section ~~((shall))~~ must be certified on behalf of the applicant by the signature of a person authorized to sign a permit application under WAC 173-303-810(12).

(10) Existing incinerators with interim status permits.

(a) The owner/operator of an existing incinerator currently operating under an interim status permit may, when required by the department (or when he chooses) to apply

for a final facility permit, request the department to approve of a trial burn. The trial burn may be requested for the purposes of determining feasibility of compliance with the performance standards of WAC 173-303-670(4) and the operating conditions of WAC 173-303-670(6). If a trial burn is requested, the owner/operator ~~((shall))~~ must prepare and submit a trial burn plan and, upon approval by the department, perform a trial burn in accordance with subsections (2) through (9) of this section.

(b) If the department approves the trial burn, it ~~((shall))~~ will issue a notice of interim status modification granting such approval and specifying the conditions applicable to the trial burn. The notice of modification ~~((shall))~~ will be a condition of the interim status permit. Note: The national emission standards for hazardous air pollutants may require review for a notice of construction. Owners and operators should consult chapter 173-400 WAC or local air pollution control agency regulations for applicability.

(c) If the trial burn is approved before submitting a final facility permit application, the owner/operator ~~((shall))~~ must complete the trial burn and submit the information described in subsection (6) of this section, with Part B of the permit application. If completion of this process conflicts with the date set for submission of Part B of the final facility permit application, the owner/operator must contact the department to extend the date for submitting the Part B or the trial burn results. If the applicant submits a trial burn plan with Part B of the final facility permit application, the department will specify in the notice of interim status modification issued under (b) of this subsection, a time period for conducting the trial burn and submitting the results. Trial burn results must be submitted prior to the issuance of the permit.

(11) New incinerators and new wastes.

(a)(i) The owner/operator of a new incinerator may submit with Part B of a final facility permit application a request for approval of a trial burn. This request ~~((shall))~~ must include a statement of why the trial burn is desirable, and a trial burn plan prepared in accordance with subsection (2) of this section.

(ii) The department ~~((shall))~~ will proceed to issue a final facility permit in accordance with WAC 173-303-806. The permit ~~((shall))~~ will include the trial burn plan, and ~~((shall))~~ will establish operating conditions for the trial burn including but not limited to those described in WAC 173-303-670(6). The time period for conducting the trial burn and submitting the results ~~((shall))~~ will also be specified in the permit.

(iii) After the trial burn has been completed and the results submitted to the department, the final facility permit ~~((shall))~~ will be modified in accordance with WAC 173-303-830(4) to establish the final operating requirements and performance standards for the incinerator.

(b) The owner/operator of an incinerator with a final facility permit who wishes to burn new wastes not currently included in his permit may request approval of a trial burn for the new wastes. The request and approval ~~((shall))~~ will be handled in the same way as described in (a) of this subsection, except that in lieu of issuing an entirely new final facility permit the department will modify the existing final facility permit in accordance with WAC 173-303-830.

AMENDATORY SECTION (Amending Order 90-42, filed 3/7/91, effective 4/7/91)

WAC 173-303-808 Demonstrations for dangerous waste land treatment final facility permits. (1) Purpose and applicability. This section is applicable to the owner/operator of a land treatment facility who must demonstrate that his proposed treatment will be successful. The purpose of this section is to allow the department to issue a land treatment demonstration permit.

(2) Permit issuance. The department may issue a land treatment demonstration permit either in advance of or as part of a final facility permit so that the owner/operator of a land treatment facility can make the demonstration required in WAC 173-303-655(3). If issued in advance of the final facility permit, the land treatment demonstration permit ~~((shall))~~ will be issued as described in subsection (3) of this section, as a demonstration permit only. If issued as part of the final facility permit, the land treatment demonstration and final facility permit ~~((shall))~~ will be issued as described in subsection (4) of this section, as a phased permit. The determination for which procedure to follow will be made by the department based on the information submitted by the owner/operator in Part B of the final facility permit application.

(3) Demonstration permit only.

(a) If the department finds that the Part B does not contain enough information regarding the proposed treatment to allow the department to establish permit conditions necessary for compliance with all requirements of WAC 173-303-655, it may issue a land treatment demonstration permit only. The demonstration permit will be issued in accordance with the decision-making procedures of WAC 173-303-840. The demonstration permit may be issued either as a treatment or disposal permit, will cover only the field test or laboratory analyses, ~~((shall))~~ will contain only those requirements necessary to meet the standards in WAC 173-303-655(3), and ~~((shall))~~ will provide a specific time period for the demonstration. The department may extend the demonstration period as a modification (or minor modification, if applicable) to the demonstration permit.

(b) Within thirty days (unless the department approves a later date) of the end of the treatment demonstration, the owner/operator ~~((shall))~~ must submit a revised Part B to the department containing the results of the field tests or laboratory analyses and all data developed during the demonstration period. The department ~~((shall))~~ will then use the information and Part B to determine whether or not there is adequate information to issue a final facility permit which will incorporate conditions sufficient to provide compliance with all requirements of WAC 173-303-655. If the information is adequate, the department will proceed under WAC 173-303-806 to issue a final facility permit. If the information is not adequate, the department may, as the situation warrants, either issue a modification to the demonstration permit in accordance with the procedures of subsection (3)(a) of this section, or deny the final facility permit application.

(4) Phased permit.

(a) The department may issue a two-phase final facility permit if it finds that, based on information submitted in Part B of the permit application, substantial (although incomplete and inconclusive) information exists upon which to base the

issuance of a final facility permit. The phased permit will be issued in the same manner as a final facility permit under WAC 173-303-806, except that it ~~((shall))~~ will contain a first phase for making a land treatment demonstration, and a second phase (to become effective after completion of the first phase) for establishing conditions for operation of the land treatment facility.

(b) If the department finds that a phased permit may be issued, it will establish, as requirements in the first phase of the facility permit, conditions for conducting the field tests or laboratory analyses. These permit conditions will include design and operating parameters (including the duration of the tests or analyses and, in the case of field tests, the horizontal and vertical dimensions of the treatment zone), monitoring procedures, post-demonstration cleanup activities, and any other conditions which the department finds may be necessary under WAC 173-303-655 (3)(c). The department will include conditions in the second phase of the facility permit to attempt to meet all WAC 173-303-655 requirements pertaining to unit design, construction, operation, and maintenance. The department will establish these conditions in the second phase of the permit based upon the substantial but incomplete or inconclusive information contained in the Part B application.

(i) The first phase of the permit will be effective as provided in WAC 173-303-840 (8)(b).

(ii) The second phase of the permit will be effective as provided in (d) of this subsection.

(c) When the owner or operator who has been issued a two-phase permit has completed the treatment demonstration, he must submit to the department a certification, signed by a person authorized to sign a permit application or report under WAC 173-303-810(12), that the field tests or laboratory analyses have been carried out in accordance with the conditions specified in phase one of the permit for conducting such tests or analyses. The owner or operator must also submit all data collected during the field tests or laboratory analyses within thirty days of completion of those tests or analyses unless the department approves a later date.

(d) If the department determines that the results of the field tests or laboratory analyses meet the requirements of WAC 173-303-655(3), it will modify the second phase of the permit to incorporate any requirements necessary for operation of the facility in compliance with WAC 173-303-655, based upon the results of the field tests or laboratory analyses.

(i) This permit modification may proceed under WAC 173-303-830(4) or otherwise will proceed as a modification under WAC 173-303-830 (3)(a)(ii). If such modifications are necessary, the second phase of the permit will become effective only after those modifications have been made.

(ii) If no modifications of the second phase of the permit are necessary, the department will give notice of its final decision to the permit applicant and to each person who submitted written comments on the phased permit or who requested notice of the final decision on the second phase of the permit. The second phase of the permit then will become effective as specified in WAC 173-303-840 (8)(b).

(iii) ~~((If modifications under WAC 173-303-830(3) are necessary, the second phase of the permit will become effective only after those modifications have been made.))~~

Reserve.

(e) If the department determines that the results of the field tests or laboratory analyses do not meet the requirements of WAC 173-303-655(3), the second phase of the permit will not become effective, and the department will, as the situation warrants, either:

(i) Modify the permit according to WAC 173-303-830(3) to allow for additional field tests or laboratory analyses; or

(ii) Proceed to terminate the permit according to WAC 173-303-840.

AMENDATORY SECTION (Amending Order DE-87-4, filed 6/26/87)

WAC 173-303-809 Research, development and demonstration permits. (1) The department may issue a research, development, and demonstration permit for any dangerous waste treatment facility which proposes to utilize an innovative and experimental dangerous waste treatment technology or process for which permit standards for such experimental activity have not been promulgated under WAC 173-303-500 through ~~((173-303-670))~~ 173-303-695. Any such permit ~~((shall))~~ will include such terms and conditions as will assure protection of human health and the environment. Such permits:

(a) ~~((shall))~~ Will provide for the construction of such facilities as necessary, and for operation of the facility for not longer than one year unless renewed as provided in subsection (4) of this section; and

(b) ~~((shall))~~ Will provide for the receipt and treatment by the facility of only those types and quantities of dangerous waste which the department deems necessary for purposes of determining the efficacy and performance capabilities of the technology or process and the effects of such technology or process on human health and the environment; and

(c) ~~((shall))~~ Will include such requirements as the department deems necessary to protect human health and the environment (including, but not limited to, requirements regarding monitoring, operation, financial responsibility, closure, and remedial action), and such requirements as the department deems necessary regarding testing and providing of information to the department with respect to the operation of the facility.

(2) For the purpose of expediting review and issuance of permits under this section, the department may, consistent with the protection of human health and the environment, modify or waive permit application and permit issuance requirements in WAC 173-303-800 through 173-303-840 except that there may be no modification or waiver of regulations regarding financial responsibility (including insurance) or of procedures regarding public participation.

(3) The department may order an immediate termination of all operations at the facility at any time ~~((he))~~ it determines that termination is necessary to protect human health and the environment.

(4) Any permit issued under this section may be renewed not more than three times. Each such renewal ~~((shall))~~ will be for a period of not more than one year.

AMENDATORY SECTION (Amending Order 92-33, filed 12/8/93, effective 1/8/94)

WAC 173-303-810 General permit conditions. (1)

Purpose and applicability. This section sets forth the general permit conditions that are applicable to all permits, except interim status permits and permits by rule, to assure compliance with this chapter. If the conditions of this section are incorporated in a permit by reference, a specific citation to this section must be given in the permit.

(2) **Duty to comply.** The permittee must comply with all conditions of his permit. Any permit noncompliance constitutes a violation and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The permittee need not comply with the conditions of his permit to the extent and for the duration such noncompliance is authorized in an emergency permit.

(3) **Duty to reapply.** If the permittee wishes to continue an activity regulated by the permit after its expiration date, the permittee must apply for and obtain a new permit.

(4) **Duty to halt or reduce activity.** A permittee who has not complied with his permit, and who subsequently is subject to enforcement actions, may not argue that it would have been necessary to halt or reduce the permitted activities in order to maintain compliance with the conditions of the permit.

(5) **Duty to mitigate.** The permittee (~~(shall)~~) must take all steps required by the department to minimize or correct any adverse impact on the environment resulting from noncompliance with the permit.

(6) **Proper operation and maintenance.** The permittee (~~(shall)~~) must at all times properly operate and maintain all facilities and systems of treatment and control which are installed or used by the permittee to achieve compliance with the conditions of the permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

(7) **Permit actions.** The permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, termination, notification of planned changes, or anticipated noncompliance, does not stay any permit condition.

(8) **Effect of a permit.**

(a) Compliance with a final facility permit during its term constitutes compliance for the purpose of enforcement with chapter 173-303 WAC except for permit modifications and those requirements not included in the permit which:

(i) Become effective by statute (~~(or which)~~);

(ii) Are promulgated under 40 CFR Part 268 restricting the placement of dangerous waste in or on the land; or

(iii) Are promulgated under WAC 173-303-650 through 173-303-665 regarding leak detection systems for new and replacement surface impoundment, waste pile, and landfill units, and lateral expansions of surface impoundment, waste pile, and landfill units. The leak detection system require-

ments include double liners, CQA programs, monitoring, action leakage rates, and response action plans, and will be implemented through the procedures of WAC 173-303-830 Class *1 permit modifications.

(b) The issuance of a permit does not convey any property rights of any sort, or any exclusive privilege.

(c) The issuance of a permit does not authorize any injury to persons or property or invasion of other private rights, or any infringement of state or local laws or regulations.

(9) **Duty to provide information.** The permittee (~~(shall)~~) must furnish to the department, within a reasonable time, any information which it may request to determine whether cause exists for modifying, revoking and reissuing, or terminating a permit, or to determine compliance with a permit. The permittee (~~(shall)~~) must also furnish to the department, upon request, copies of records required to be kept by the permit.

(10) **Inspection and entry.** The permittee (~~(shall)~~) must allow representatives of the department, upon the presentation of proper credentials, to:

(a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of the permit;

(b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;

(c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under the permit; and

(d) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by chapter 173-303 WAC, any substances or parameters at any location.

(11) **Monitoring and monitoring records.**

(a) All permits (~~(shall)~~) will specify:

(i) Requirements concerning the proper use, maintenance, and installation, when appropriate, of monitoring equipment or methods; and

(ii) Required monitoring including type, intervals, and frequency sufficient to yield data which are representative of the monitored activity including, when appropriate, continuous monitoring.

(b) Samples and measurements taken for the purpose of monitoring (~~(shall)~~) must be representative of the monitored activity.

(c) The permittee (~~(shall)~~) must retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report, or application. This period may be extended by request of the department at any time.

(d) Records of monitoring information (~~(shall)~~) must include:

(i) The date, exact place, and time of sampling or measurements;

(ii) The individual(s) who performed the sampling or measurements;

(iii) The date(s) analyses were performed;

(iv) The individual(s) who performed the analyses;

(v) The analytical techniques or methods used; and

(vi) The results of such analyses.

(e) The permittee ((~~shall~~)) must maintain all records of ground water quality and ground water surface elevations for the active life of the facility, and for the post-closure period as well.

(12) Signatory requirement. All applications, reports, or information submitted to the department ((~~shall~~)) must be signed in accordance with this subsection and ((~~shall~~)) must be certified according to subsection (13) of this section.

(a) Applications. When a dangerous waste facility is owned by one person, but is operated by another person, then the operator ((~~shall~~)) will be the permit applicant and responsible for developing the permit application and all accompanying materials, except that the owner must also sign and certify the permit application. Permit applications ((~~shall~~)) must be signed as follows:

(i) For a corporation: By a responsible corporate officer. For the purposes of this subsection, a responsible corporate officer means:

(A) A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(B) The manager of one or more manufacturing, production or operating facilities employing more than two hundred fifty persons or having gross annual sales or expenditures exceeding twenty-five million dollars (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

(ii) For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or

(iii) For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this subsection, a principal executive officer of a federal agency includes:

(A) The chief executive officer of the agency; or

(B) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

(b) Reports. All reports required by permits and other information requested by the department ((~~shall~~)) must be signed by a person described in (a) of this subsection, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(i) The authorization is made in writing by a person described in (a) of this subsection;

(ii) The authorization specifies either an individual or a position having responsibility for overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and

(iii) The written authorization is submitted to the department.

(c) Changes to authorization. If an authorization under (b) of this subsection is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of (b) of this subsection must be

submitted to the department prior to or together with any reports, information, or applications to be signed by an authorized representative.

(13) Certification.

(a) Except as provided in (b) of this subsection, any person signing the documents required under (a) or (b) of subsection (12) of this section ((~~shall~~)) must make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(b) When a dangerous waste facility is owned by one person, but is operated by another person, then the permit application must be certified as follows:

(i) The operator must make the certification described under (a) of this subsection; and

(ii) The owner must make the following certification:

"I certify under penalty of law that I own the real property described in, and am aware of the contents of, this permit application, and that I have received a copy of this application. As owner of the real property, I understand that I am responsible for complying with any requirements of chapter 173-303 WAC with which only I am able to comply, and that there are significant penalties for failure to comply with such requirements."

(14) Reporting. The following reports ((~~shall~~)) must be provided:

(a) Planned changes. The permittee ((~~shall~~)) must give notice to the department as soon as possible of any planned physical alterations or additions to the permitted facility. For a new TSD facility and for a facility being modified, the permittee may not treat, store, or dispose of dangerous waste in the new or modified portion of the facility until:

(i) The permittee has submitted to the department by certified mail or hand delivery a letter signed by the permittee and a registered professional engineer stating that the facility has been constructed or modified in compliance with the permit;

(Note: In certifying construction or modification, the independent qualified registered professional engineer is responsible only for certifying those portions of the facility which are identified in chapter 173-303 WAC as specifically requiring certification by an independent registered professional engineer.) and either

(ii) The department has inspected the modified or newly constructed facility and finds it is in compliance with the conditions of the permit; or

(iii) Within fifteen days of the date of submission of the letter, the permittee has not received notice from the department of its intent to inspect, prior inspection is waived and the permittee may commence treatment, storage, or disposal of dangerous waste.

(b) Anticipated noncompliance. The permittee ((~~shall~~)) must give advance notice to the department of any planned changes in the permitted facility or activity which may result

in noncompliance with permit requirements. For a new facility, the permittee may not treat, store, or dispose of dangerous waste; and for a facility being modified, the permittee may not treat, store, or dispose of dangerous waste in the modified portion of the facility except as provided in WAC 173-303-830(4).

(c) Transfers. The permit is not transferable to any person except after notice to the department. The department may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary.

(d) Monitoring reports. Monitoring results (including monitoring of the facility's impacts as required by the applicable sections of this chapter) ~~((shall))~~ must be reported at the intervals specified elsewhere in the permit.

(e) Compliance schedules. Reports of permit compliance or noncompliance or any progress reports on interim and final permit requirements contained in any compliance schedule ~~((shall))~~ must be submitted no later than fourteen days following each scheduled date.

(f) Immediate reporting. The permittee ~~((shall))~~ must immediately report any noncompliance which may endanger health or the environment. Information ~~((shall))~~ must be provided orally to the department as soon as the permittee becomes aware of the circumstances. A written submission ~~((shall))~~ must also be provided within five days of the time the permittee becomes aware of the circumstances provided that the department may waive the written submission requirement in favor of a written report, to be submitted within fifteen days. The written submission ~~((shall))~~ must contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

Information which must be reported immediately ~~((shall))~~ must include:

(i) Release of dangerous waste that may cause an endangerment to drinking water supplies or ground or surface waters;

(ii) Any information of a release or discharge of dangerous waste, fire, or explosion from the permitted facility which could threaten the environment or human health outside the facility;

(iii) The following description of any such occurrence:

(A) Name, address, and telephone number of the owner or operator;

(B) Name, address, and telephone number of the facility;

(C) Date, time, and type of incident;

(D) Name and quantity of material(s) involved;

(E) The extent of injuries, if any;

(F) An assessment of actual or potential hazards to the environment and human health outside the facility, where this is applicable; and

(G) Estimated quantity and disposition of recovered material that resulted from the incident.

(g) Other noncompliance. The permittee ~~((shall))~~ must report all instances of noncompliance not reported under (d), (e), and (f) of this subsection, at the time monitoring reports

are submitted. The reports shall contain the information listed in (f) of this subsection.

(h) Other information. Where the permittee becomes aware that he failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the department, he ~~((shall))~~ must promptly submit this information.

(i) Other reports. In addition, the following reports are required when appropriate:

(i) Manifest discrepancy report as required by WAC 173-303-370(4);

(ii) Unmanifested waste report as required by WAC 173-303-390(1); and

(iii) Annual report as required by WAC 173-303-390(2).
(15) Confidentiality.

(a) Information submitted by the owner/operator of a facility identified as confidential will be treated in accordance with chapter 42.17 RCW and RCW 43.21A.160.

(b) Proprietary information can be held confidential if ~~((the owner/operator indicates to the department the degree of harm if the information is made to the public));~~

(i) The processes are unique to the owner/operator's business or the owner/operator's competitive position may be adversely affected if the information is released to the public or to a competitor; and

(ii) The director determines that granting the owner/operator's request is not detrimental to the public interest and is in accord with the policies and purposes of chapter 43.21A RCW.

(c) Claims of confidentiality for permit application information must be substantiated at the time the application is submitted and in the manner prescribed in the application instructions. Claims of confidentiality for the name and address of any permit applicant will be denied.

(d) If a submitter does not provide substantiation, the department will notify the owner/operator by certified mail of the requirement to do so. If the department does not receive the substantiation within ten days after the submitter receives the notice, the department ~~((shall))~~ will place the unsubstantiated information in the public file.

(e) The department will determine if the owner/operator's request meets the confidential information criteria.

AMENDATORY SECTION (Amending Order 92-33, filed 12/8/93, effective 1/8/94)

WAC 173-303-830 Permit changes. (1) Purpose and applicability. This section describes the types of permit changes that may be made to all permits issued by the department. This section does not apply to permits by rule or interim status permits.

(2) Transfer of permits.

(a) A permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued (under (b) of this subsection or subsection (3) of this section) to identify the new permittee and incorporate such other requirements as may be necessary under the appropriate act.

(b) Changes in the ownership or operational control of a facility may be made as a Class 1 modification with prior written approval of the department in accordance with subsection (4) of this section. The new owner or operator

must submit a revised permit application no later than ninety days prior to the scheduled change. A written agreement containing a specific date for transfer of permit responsibility between the current and new permittees must also be submitted to the department. When a transfer of ownership or operational control occurs, the old owner or operator ~~((shall))~~ must comply with the requirements of WAC 173-303-620 (Financial requirements) until the new owner or operator has demonstrated that he or she is complying with the financial requirements. The new owner or operator must demonstrate compliance with the financial requirements within six months of the date of the change of ownership or operational control of the facility. Upon demonstration to the department by the new owner or operator of compliance with the financial requirements, the department ~~((shall))~~ will notify the old owner or operator that he or she no longer needs to comply with the financial requirements as of the date of demonstration.

(3) Modification or revocation and reissuance of permits. When the department receives any information (for example, inspects the facility, receives information submitted by the permittee as required in the permit, receives a request for revocation and reissuance, or conducts a review of the permit file), the department may determine whether or not one or more of the causes listed in (a) and (b) of this subsection for modification or revocation and reissuance or both exist. If cause exists, the department may modify or revoke and reissue the permit accordingly, subject to the limitations of (c) of this subsection, and may request an updated application if necessary. When a permit is modified, only the conditions subject to modification are reopened. If a permit is revoked and reissued, the entire permit is reopened and subject to revision and the permit is reissued for a new term. If cause does not exist under this subsection, the department ~~((shall))~~ will not modify or revoke and reissue the permit, except on request of the permittee. If a permit modification is requested by the permittee, the department ~~((shall))~~ will approve or deny the request according to the procedures of subsection (4) of this section. Otherwise, a draft permit must be prepared and public review provided in accordance with WAC 173-303-840.

(a) Causes for modification. The following are causes for modification but not revocation and reissuance of permits, unless agreed to or requested by the permittee:

(i) Alterations. There are material and substantial alterations or additions to the permitted facility or activity which occurred after permit issuance which justify the application of permit conditions that are different or absent in the existing permit;

(ii) Information. Permits may be modified during their terms if the department receives information that was not available at the time of permit issuance and which would have justified the application of different permit conditions at the time of issuance;

(iii) New statutory requirements or regulations. The standards or regulations on which the permit was based have been changed by statute, through promulgation of new or amended standards or regulations or by judicial decision after the permit was issued. Permits may be modified during their terms for this cause as follows:

(A) The department may modify the permit when the standards or regulations on which the permit was based have been changed by statute or amended standards or regulations.

(B) Permittee may request modification when:

(I) The permit condition requested to be modified was based on an effective regulation; and

(II) The department has revised, withdrawn, or modified that portion of the regulation on which the permit condition was based; and either

a. The department decides to modify the permit because there would be a potential threat to public health or the environment if the permit does not incorporate the requirements of the amended regulation; or

b. A permittee requests modification within ninety days after the date the regulation amendments are adopted;

(iv) Compliance schedules. The department determines good cause exists for modification of a compliance schedule, such as an act of God, strike, flood, or materials shortage, or other events over which the permittee has little or no control and for which there is no reasonably available remedy;

(v) Closure plans or postclosure. When modification of a closure or postclosure plan is required under WAC 173-303-610 (3) or (8);

(vi) Revocation of changes approved prior to notice of closure. After the department receives the notification of expected closure under WAC 173-303-610(3), the department may determine that previously approved changes are no longer warranted. These include:

(A) Extension of the ninety or one hundred eighty day periods under WAC 173-303-610(4);

(B) Modification of the thirty year postclosure period under WAC 173-303-610(7);

(C) Continuation of security requirements under WAC 173-303-610(7); or

(D) Permission to disturb the integrity of the containment system under WAC 173-303-610(7);

(vii) When the permittee has filed a request under WAC 173-303-620 for a variance to the level of financial responsibility or when the department demonstrates under WAC 173-303-620 that an upward adjustment of the level of financial responsibility is required;

(viii) When the corrective action program specified in the permit under WAC 173-303-645 has not brought the regulated unit into compliance with the ground water protection standard within a reasonable period of time;

(ix) To include a detection monitoring program meeting the requirements of WAC 173-303-645, when the owner or operator has been conducting a compliance monitoring program under WAC 173-303-645 or a corrective action program under WAC 173-303-645 and compliance period ends before the end of the postclosure care period for the unit;

(x) When a permit requires a compliance monitoring program under WAC 173-303-645, but monitoring data collected prior to permit issuance indicate that the facility is exceeding the ground water protection standard;

(xi) To include conditions applicable to units at a facility that were not previously included in the facility's permit; ~~((or))~~

(xii) When a land treatment unit is not achieving complete treatment of dangerous constituents under its current permit conditions; or

PERMANENT

(xiii) Notwithstanding any other provision in this section, when a permit for a land disposal facility is reviewed by the department under 173-303-806 (11)(d), the department will modify the permit as necessary to assure that the facility continues to comply with the currently applicable requirements in this chapter.

(b) Causes for modification or revocation and reissuance. The following are causes to modify, or alternatively, revoke and reissue a permit:

(i) Cause exists for termination under WAC 173-303-806(12) for final facility permits, and the department determines that modification or revocation and reissuance is appropriate; or

(ii) The department has received notification of a proposed transfer of the permit.

(c) Facility siting. Suitability of the facility location will not be considered at the time of permit modification or revocation and reissuance unless new information or standards indicate that a threat to human health or the environment exists which was unknown at the time of permit issuance.

(4) Permit modification at the request of the permittee.

(a) Class 1 modifications.

(i) Except as provided in (a)(ii) of this subsection, the permittee may put into effect Class 1 modifications listed in Appendix I of this section under the following conditions:

(A) The permittee must notify the department concerning the modification by certified mail or other means that establish proof of delivery within seven calendar days after the change is put into effect. This notice must specify the changes being made to permit conditions or supporting documents referenced by the permit and must explain why they are necessary. Along with the notice, the permittee must provide the applicable information required by WAC 173-303-805, 173-303-806, 173-303-807, and 173-303-808.

(B) The permittee must send a notice of the modification to all persons on the facility mailing list, maintained by the department in accordance with WAC 173-303-840 (3)(e)(i)(D), and the appropriate units of state and local government, as specified in WAC 173-303-840 (3)(e)(i)(E). This notification must be made within ninety calendar days after the change is put into effect. For the Class 1 modifications that require prior department approval, the notification must be made within ninety calendar days after the department approves the request.

(C) Any person may request the department to review, and the department may for cause reject, any Class 1 modification. The department must inform the permittee by certified mail that a Class 1 modification has been rejected, explaining the reasons for the rejection. If a Class 1 modification has been rejected, the permittee must comply with the original permit conditions.

(ii) Class 1 permit modifications identified in Appendix I by an asterisk may be made only with the prior written approval of the department.

(iii) For a Class 1 permit modification, the permittee may elect to follow the procedures in (b) of this subsection for Class 2 modifications instead of the Class 1 procedures. The permittee must inform the department of this decision in the notice required in (b)(i) of this subsection.

(b) Class 2 modifications.

(i) For Class 2 modifications, listed in Appendix I of this section, the permittee must submit a modification request to the department that:

(A) Describes the exact change to be made to the permit conditions and supporting documents referenced by the permit;

(B) Identifies that the modification is a Class 2 modification;

(C) Explains why the modification is needed; and

(D) Provides the applicable information required by WAC 173-303-805, 173-303-806, 173-303-807, and 173-303-808.

(ii) The permittee must send a notice of the modification request to all persons on the facility mailing list maintained by the department and to the appropriate units of state and local government as specified in WAC 173-303-840 (3)(e)(i)(D) and must publish this notice in a major local newspaper of general circulation. This notice must be mailed and published within seven days before or after the date of submission of the modification request, and the permittee must provide to the department evidence of the mailing and publication. The notice must include:

(A) Announcement of a sixty-day comment period, in accordance with (b)(v) of this subsection, and the name and address of a departmental contact to whom comments must be sent;

(B) Announcement of the date, time, and place for a public meeting held in accordance with (b)(iv) of this subsection;

(C) Name and telephone number of the permittee's contact person;

(D) Name and telephone number of a departmental contact person;

(E) Location where copies of the modification request and any supporting documents can be viewed and copied; and

(F) The following statement: "The permittee's compliance history during the life of the permit being modified is available from the department of ecology contact person."

(iii) The permittee must place a copy of the permit modification request and supporting documents in a location accessible to the public in the vicinity of the permitted facility.

(iv) The permittee must hold a public meeting no earlier than fifteen days after the publication of the notice required in (b)(ii) of this subsection and no later than fifteen days before the close of the sixty-day comment period. The meeting must be held to the extent practicable in the vicinity of the permitted facility.

(v) The public ~~(shall)~~ will be provided sixty days to comment on the modification request. The comment period will begin on the date the permittee publishes the notice in the local newspaper. Comments should be submitted to the department of ecology contact identified in the public notice.

(vi)(A) No later than ninety days after receipt of the notification request, the department must:

(I) Approve the modification request, with or without changes, and modify the permit accordingly;

(II) Deny the request;

(III) Determine that the modification request must follow the procedures in (c) of this subsection for Class 3 modifications for the following reasons:

(AA) There is significant public concern about the proposed modification; or

(BB) The complex nature of the change requires the more extensive procedures of Class 3;

(IV) Approve the request, with or without changes, as a temporary authorization having a term of up to one hundred eighty days; or

(V) Notify the permittee that he or she will decide on the request within the next thirty days.

(B) If the department notifies the permittee of a thirty-day extension for a decision, the department must, no later than one hundred twenty days after receipt of the modification request:

(I) Approve the modification request, with or without changes, and modify the permit accordingly;

(II) Deny the request; or

(III) Determine that the modification request must follow the procedures in (c) of this subsection for Class 3 modifications for the following reasons:

(AA) There is significant public concern about the proposed modification; or

(BB) The complex nature of the change requires the more extensive procedures of Class 3.

(IV) Approve the request, with or without changes, as a temporary authorization having a term of up to one hundred eighty days.

(C) If the department fails to make one of the decisions specified in (b)(vi)(B) of this subsection by the one hundred twentieth day after receipt of the modification request, the permittee is automatically authorized to conduct the activities described in the modification request for up to one hundred eighty days, without formal departmental action. The authorized activities must be conducted as described in the permit modification request and must be in compliance with all appropriate standards of 40 CFR Part 265 (as referenced by WAC 173-303-400). If the department approves, with or without changes, or denies the modification request during the term of the temporary or automatic authorization provided for in (b)(vi)(A), (B), or (C) of this subsection, such action cancels the temporary or automatic authorization.

(D)(I) In the case of an automatic authorization under (b)(vi)(C) of this subsection, or a temporary authorization under (b)(vi)(A)(IV) or (B)(IV) of this subsection, if the department has not made a final approval or denial of the modification request by the date fifty days prior to the end of the temporary or automatic authorization, the permittee must within seven days of that time send a notification to persons on the facility mailing list, and make a reasonable effort to notify other persons who submitted written comments on the modification request, that:

(AA) The permittee has been authorized temporarily to conduct the activities described in the permit modification request; and

(BB) Unless the department acts to give final approval or denial of the request by the end of the authorization period, the permittee will receive authorization to conduct such activities for the life of the permit.

(II) If the owner/operator fails to notify the public by the date specified in (b)(vi)(D)(I) of this subsection, the effective date of the permanent authorization will be deferred until fifty days after the owner/operator notifies the public.

(E) Except as provided in (b)(vi)(G) of this subsection, if the department does not finally approve or deny a modification request before the end of the automatic or temporary authorization period or reclassify the modification as a Class 3, the permittee is authorized to conduct the activities described in the permit modification request for the life of the permit unless modified later under subsection (3) or (4) of this section. The activities authorized under this subsection (b)(vi)(E) must be conducted as described in the permit modification request and must be in compliance with all appropriate standards of 40 CFR Part 265 (as referenced by WAC 173-303-400).

(F) In making a decision to approve or deny a modification request, including a decision to issue a temporary authorization or to reclassify a modification as a Class 3, the department must consider all written comments submitted during the public comment period and must respond in writing to all significant comments in his or her decision.

(G) With the written consent of the permittee, the department may extend indefinitely or for a specified period the time periods for final approval or denial of a modification request or for reclassifying a modification as a Class 3.

(vii) The department may deny or change the terms of a Class 2 permit modification request under (b)(6)(i) through (iii) of this subsection for the following reasons:

(A) The modification request is incomplete;

(B) The requested modification does not comply with the appropriate requirements of WAC 173-303-280 through 173-303-395 and 173-303-600 through 173-303-680 or other applicable requirements; or

(C) The conditions of the modification fail to protect human health and the environment.

(viii) The permittee may perform any construction associated with a Class 2 permit modification request beginning sixty days after the submission of the request unless the department establishes a later date for commencing construction and informs the permittee in writing before day sixty.

(c) Class 3 modifications.

(i) For Class 3 modifications listed in Appendix I of this section, the permittee must submit a modification request to the department that:

(A) Describes the exact change to be made to the permit conditions and supporting documents referenced by the permit;

(B) Identifies that the modification is a Class 3 modification;

(C) Explains why the modification is needed; and

(D) Provides the applicable information required by WAC 173-303-805, 173-303-806, 173-303-807, and 173-303-808.

(ii) The permittee must send a notice of the modification request to all persons on the facility mailing list maintained by the department and to the appropriate units of state and local government as specified in WAC 173-303-840 (3)(e)(i)(D) and must publish this notice in a major local newspaper of general circulation. This notice must be mailed and published within seven days before or after the date of submission of the modification request, and the permittee must provide to the department evidence of the mailing and publication. The notice must include:

(A) Announcement of a sixty-day comment period, and a name and address of an agency contact to whom comments must be sent;

(B) Announcement of the date, time, and place for a public meeting on the modification request, in accordance with (c)(4) of this subsection;

(C) Name and telephone number of the permittee's contact person;

(D) Name and telephone number of a departmental contact person;

(E) Location where copies of the modification request and any supporting documents can be viewed and copied; and

(F) The following statement: "The permittee's compliance history during the life of the permit being modified is available from the department of ecology contact person."

(iii) The permittee must place a copy of the permit modification request and supporting documents in a location accessible to the public in the vicinity of the permitted facility.

(iv) The permittee must hold a public meeting no earlier than fifteen days after the publication of the notice required in (c)(ii) of this subsection and no later than fifteen days before the close of the sixty-day comment period. The meeting must be held to the extent practicable in the vicinity of the permitted facility.

(v) The public ~~((shall))~~ will be provided at least sixty days to comment on the modification request. The comment period will begin on the date the permittee publishes the notice in the local newspaper. Comments should be submitted to the department of ecology contact identified in the notice.

(vi) After the conclusion of the sixty-day comment period, the department must grant or deny the permit modification request according to the permit modification procedures of WAC 173-303-840. In addition, the department must consider and respond to all significant written comments received during the sixty-day comment period.

(d) Other modifications.

(i) In the case of modifications not explicitly listed in Appendix I of this section, the permittee may submit a Class 3 modification request to the department, or he or she may request a determination by the department that the modification should be reviewed and approved as a Class 1 or Class 2 modification. If the permittee requests that the modification be classified as a Class 1 or 2 modification, he or she must provide the department with the necessary information to support the requested classification.

(ii) The department ~~((shall))~~ will make the determination described in (d)(i) of this subsection as promptly as practicable. In determining the appropriate class for a specific modification, the department ~~((shall))~~ will consider the similarity of the modification to other modifications codified in Appendix I and the following criteria:

(A) Class 1 modifications apply to minor changes that keep the permit current with routine changes to the facility or its operation. These changes do not substantially alter the permit conditions or reduce the capacity of the facility to protect human health or the environment. In the case of Class 1 modifications, the department may require prior approval.

(B) Class 2 modifications apply to changes that are necessary to enable a permittee to respond, in a timely manner, to:

(I) Common variations in the types and quantities of the wastes managed under the facility permit;

(II) Technological advancements; and

(III) Changes necessary to comply with new regulations, where these changes can be implemented without substantially changing design specifications or management practices in the permit.

(C) Class 3 modifications substantially alter the facility or its operation.

(e) Temporary authorizations.

(i) Upon request of the permittee, the department may, without prior public notice and comment, grant the permittee a temporary authorization in accordance with this subsection. Temporary authorizations must have a term of not more than one hundred eighty days.

(ii)(A) The permittee may request a temporary authorization for:

(I) Any Class 2 modification meeting the criteria in (e)(iii)(B) of this subsection; and

(II) Any Class 3 modification that meets the criteria in (e)(iii)(B)(I) or (II) of this subsection; or that meets the criteria in (e)(iii)(B)(III) through (V) of this subsection and provides improved management or treatment of a dangerous waste already listed in the facility permit.

(B) The temporary authorization request must include:

(I) A description of the activities to be conducted under the temporary authorization;

(II) An explanation of why the temporary authorization is necessary; and

(III) Sufficient information to ensure compliance with the standards in WAC 173-303-280 through 173-303-395 and 173-303-600 through 173-303-680.

(C) The permittee must send a notice about the temporary authorization request to all persons on the facility mailing list maintained by the department and to appropriate units of state and local governments as specified in WAC 173-303-840 (3)(e)(i)(D). This notification must be made within seven days of submission of the authorization request.

(iii) The department ~~((shall))~~ will approve or deny the temporary authorization as quickly as practical. To issue a temporary authorization, the department must find:

(A) The authorized activities are in compliance with the standards of WAC 173-303-280 through 173-303-395 and 173-303-600 through 173-303-680.

(B) The temporary authorization is necessary to achieve one of the following objectives before action is likely to be taken on a modification request:

(I) To facilitate timely implementation of closure or corrective action activities;

(II) To allow treatment or storage in tanks ~~((or))~~ containers ((of restricted wastes)), or in containment buildings in accordance with 40 CFR Part 268;

(III) To prevent disruption of ongoing waste management activities;

(IV) To enable the permittee to respond to sudden changes in the types or quantities of the wastes managed under the facility permit; or

(V) To facilitate other changes to protect human health and the environment.

(iv) A temporary authorization may be reissued for one additional term of up to one hundred eighty days provided that the permittee has requested a Class 2 or 3 permit modification for the activity covered in the temporary authorization, and:

(A) The reissued temporary authorization constitutes the department's decision on a Class 2 permit modification in accordance with (b)(vi)(A)(IV) or (B)(IV) of this subsection; or

(B) The department determines that the reissued temporary authorization involving a Class 3 permit modification request is warranted to allow the authorized activities to continue while the modification procedures of (c) of this subsection are conducted.

(f) Public notice and appeals of permit modification decisions.

(i) The department ~~((shall))~~ will notify persons on the facility mailing list and appropriate units of state and local government within ten days of any decision under this section to grant or deny a Class 2 or 3 permit modification request. The department ~~((shall))~~ will also notify such persons within ten days after an automatic authorization for a Class 2 modification goes into effect under (b)(vi)(C) or (E) of this subsection.

(ii) The department's decision to grant or deny a Class 2 or 3 permit modification request under this section may be appealed under the permit appeal procedures of WAC 173-303-845.

(iii) An automatic authorization that goes into effect under (b)(vi)(C) or (E) of this subsection may be appealed under the permit appeal procedures of WAC 173-303-845; however, the permittee may continue to conduct the activities pursuant to the automatic authorization until the appeal has been granted pursuant to WAC 173-303-845, notwithstanding the provisions of WAC 173-303-840 (8)(b).

(g) Newly ~~((listed or identified wastes))~~ regulated wastes and units.

(i) The permittee is authorized to continue to manage wastes listed or identified as dangerous under WAC 173-303-070, or to continue to manage dangerous waste in units newly regulated as dangerous waste management units, if ~~((he or she))~~:

(A) The unit was in existence as a dangerous waste facility with respect to the newly listed or identified waste or newly regulated waste management unit on the effective date of the final rule listing or identifying the waste, or regulating the unit;

(B) The permittee submits a Class 1 modification request on or before the date on which the waste or unit becomes subject to the new requirements;

(C) The permittee is in compliance with the applicable standards of 40 CFR Part 265 (as referenced in WAC 173-303-400) and Part 266 (as referenced in WAC 173-303-510);

(D) ~~((In the case of Classes 2 and 3 modifications, also submits a complete))~~ The permittee also submits a complete Class 2 or 3 permit modification request within one hundred eighty days ~~((after))~~ of the effective date of the rule listing or identifying the waste, or subjecting the unit to management standards under this chapter; and

(E) In the case of land disposal units, the permittee certifies that each such unit is in compliance with all applicable requirements of 40 CFR Part 265 for ground

water monitoring and financial responsibility ~~((requirements))~~ (as referenced in WAC 173-303-400) on the date twelve months after the effective date of the rule identifying or listing the waste as dangerous, or regulating the unit as a dangerous waste management unit. If the owner or operator fails to ~~((clarify))~~ certify compliance with all these requirements, he or she ~~((shall))~~ will lose authority to operate under this section.

(ii) New wastes or units added to a facility's permit under this subsection do not constitute expansions for the purpose of the twenty-five percent capacity expansion limit for Class 2 modifications.

(h) Permit modification list. The department must maintain a list of all approved permit modifications and must publish a notice once a year in a state-wide newspaper that an updated list is available for review.

APPENDIX I
Modifications

Class

A. General Permit Provisions

- 1. Administrative and informational changes 1
- 2. Correction of typographical errors 1
- 3. Equipment replacement or upgrading with functionally equivalent components (e.g., pipes, valves, pumps, conveyors, controls) 1
- 4. Changes in the frequency of or procedures for monitoring, reporting, sampling, or maintenance activities by the permittee:
 - a. To provide for more frequent monitoring, reporting, sampling, or maintenance 1
 - b. Other changes 2
- 5. Schedule of compliance:
 - a. Changes in interim compliance dates, with prior approval of the Director 11
 - b. Extension of final compliance date 3
- 6. Changes in expiration date of permit to allow earlier permit termination, with prior approval of the Director 11
- 7. Changes in ownership or operational control of a facility, provided the procedures of subsection (2)(b) of this section are followed 11

B. General Facility Standards

- 1. Changes to waste sampling or analysis methods:
 - a. To conform with agency guidance or regulations 1
 - b. To incorporate changes associated with F039 (multi-source leachate) sampling or analysis methods 11
 - c. To incorporate changes associated with underlying dangerous constituents in ignitable or corrosive wastes . . 11
 - d. Other changes 2
- 2. Changes to analytical quality assurance/control plan:
 - a. To conform with agency guidance or regulations 1
 - b. Other changes 2
- 3. Changes in procedures for maintaining the operating record 1
- 4. Changes in frequency or content of inspection schedules 2

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5. Changes in the training plan:
 a. That affect the type or decrease the amount of training given to employees 2
 b. Other changes 1
 6. Contingency plan:
 a. Changes in emergency procedures (i.e., spill or release response procedures) 2
 b. Replacement with functionally equivalent equipment, upgrade, or relocate emergency equipment listed 1
 c. Removal of equipment from emergency equipment list 2
 d. Changes in name, address, or phone number of coordinators or other persons or agencies identified in the plan 1
7. Construction quality assurance plan:
a. Changes that the CQA officer certifies in the operating record will provide equivalent or better certainty that the unit components meet the design specification 1
b. Other changes 2

Note: When a permit modification (such as introduction of a new unit) requires a change in facility plans or other general facility standards, that change (~~shall~~) will be reviewed under the same procedures as the permit modification.

C. Ground Water Protection

1. Changes to wells:
 a. Changes in the number, location, depth, or design of upgradient or downgradient wells of permitted ground water monitoring system 2
 b. Replacement of an existing well that has been damaged or rendered inoperable, without change to location, design, or depth of the well 1
 2. Changes in ground water sampling or analysis procedures or monitoring schedule, with prior approval of the Director 1
 3. Changes in statistical procedure for determining whether a statistically significant change in ground water quality between upgradient and downgradient wells has occurred, with prior approval of the Director 1
 4. Changes in point of compliance 1
 5. Changes in indicator parameters, hazardous constituents, or concentration limits (including ACLs):
 a. As specified in the ground water protection standard 3
 b. As specified in the detection monitoring program 2
 6. Changes to a detection monitoring program as required by WAC 173-303-645 (9)(j), unless otherwise specified in this appendix 2
 7. Compliance monitoring program:
 a. Addition of compliance monitoring program as required by WAC 173-303-645 (9)(h)(iv) and (10) 3
 b. Changes to a compliance monitoring program as required by WAC 173-303-645 (10)(k), unless otherwise specified in this appendix 2
 8. Corrective action program:
 a. Addition of a corrective action program as required by WAC 173-303-645 (10)(i)(ii) and (11) 3
 b. Changes to a corrective action program as required by WAC 173-303-645 (11)(h), unless otherwise specified in this appendix 2

D. Closure

1. Changes to the closure plan:
 a. Changes in estimate of maximum extent of operations or maximum inventory of waste on-site at any time during the active life of the facility, with prior approval of the Director 1
 b. Changes in the closure schedule for any unit, changes in the final closure schedule for the facility, or extension of the closure period, with prior approval of the Director 1
 c. Changes in the expected year of final closure, where other permit conditions are not changed, with prior approval of the Director 1
 d. Changes in procedures for decontamination of facility equipment or structures, with prior approval of the Director 1
 e. Changes in approved closure plan resulting from unexpected events occurring during partial or final closure, unless otherwise specified in this appendix 2
 f. Extension of the closure period to allow a landfill, surface impoundment, or land treatment unit to receive nondangerous wastes after final receipt of dangerous wastes under WAC 173-303-610 (4)(d) and (e) 2
 2. Creation of a new landfill unit as part of closure 3
 3. Addition of the following new units to be used temporarily for closure activities:
 a. Surface impoundments 3
 b. Incinerators 3
 c. Waste piles that do not comply with WAC 173-303-660 (1)(c) 3
 d. Waste piles that comply with WAC 173-303-660 (1)(c) 2
 e. Tanks or containers (other than specified below) 2
 f. Tanks used for neutralization, dewatering, phase separation, or component separation, with prior approval of the Director 1

E. Post-Closure

1. Changes in name, address, or phone number of contact in post-closure plan 1
 2. Extension of post-closure care period 2
 3. Reduction in the post-closure care period 3
 4. Changes to the expected year of final closure, where other permit conditions are not changed 1
 5. Changes in post-closure plan necessitated by events occurring during the active life of the facility, including partial and final closure 2

F. Containers

1. Modification or addition of container units:
 a. Resulting in greater than 25% increase in the facility's container storage capacity, except as provided in F (1)(c) and F (4)(a) below 3
 b. Resulting in up to 25% increase in the facility's container storage capacity, except as provided in F (1)(c) and F (4)(a) below 2
 c. Or treatment processes necessary to treat wastes that are restricted from land disposal to meet some or all of the applicable treatment standards or to treat wastes to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8 (a)(2)(ii), with prior approval of

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the department. This modification may also involve addition of new waste codes or narrative descriptions of wastes. It is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028) 11

- 2:
- a. Modification of a container unit without increasing the capacity of the unit 2
- b. Addition of a roof to a container unit without alteration of the containment system 1
- 3. Storage of different wastes in containers:
 - a. That require additional or different management practices from those authorized in the permit, except as provided in F(4) below 3
 - b. That do not require additional or different management practices from those authorized in the permit 2

Note: See (g) of this subsection for modification procedures to be used for the management of newly listed or identified wastes.

- 4. Storage of treatment of different wastes in containers:
 - a. That require addition of units or change in treatment process or management standards, provided that the wastes are restricted from land disposal and are to be treated to meet some or all of the applicable treatment standards, or that are to be treated to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8 (a)(2)(ii). This modification is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028) 1
 - b. That do not require the addition of units or a change in the treatment process or management standards, and provided that the units have previously received wastes of the same type (e.g., incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028) 11
- G. Tanks

- 1:
- a. Modification or addition of tank units resulting in greater than 25% increase in the facility's tank capacity, except as provided in G (1)(c), G (1)(d), and G (1)(e) below 3
- b. Modification or addition of tank units resulting in up to 25% increase in the facility's tank capacity, except as provided in G (1)(d) and G (1)(e) below 2
- c. Addition of a new tank that will operate for more than 90 days using any of the following physical or chemical treatment technologies: neutralization, dewatering, phase separation, or component separation 2
- d. After prior approval of the department, addition of a new tank that will operate for up to 90 days using any of the following physical or chemical treatment technologies: neutralization, dewatering, phase separation, or component separation 11
- e. Modification or addition of tank units or treatment processes necessary to treat wastes that are restricted from land disposal to meet some or all of the applicable treatment standards or to treat wastes to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8 (a)(2)(ii), with prior approval of the department. This modification may also involve addition of new waste

- codes. It is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028) 11
- 2. Modification of a tank unit or secondary containment system without increasing the capacity of the unit 2
- 3. Replacement of a tank with a tank that meets the same design standards and has a capacity within +/- 10% of the replaced tank provided 1
 - The capacity difference is no more than 1500 gallons,
 - The facility's permitted tank capacity is not increased, and
 - The replacement tank meets the same conditions in the permit.
- 4. Modification of a tank management practice . . . 2
- 5. Management of different wastes in tanks:
 - a. That require additional or different management practices, tank design, different fire protection specifications, or significantly different tank treatment process from that authorized in the permit, except as provided in G (5)(c) below 3
 - b. That do not require additional or different management practices, tank design, different fire protection specifications, or significantly different tank treatment process than authorized in the permit, except as provided in G (5)(d) 2
 - c. That require addition of units or change in treatment processes or management standards, provided that the wastes are restricted from land disposal and are to be treated to meet some or all of the applicable treatment standards or that are to be treated to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8 (a)(2)(ii). The modification is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028) 11
 - (d) That do not require the addition of units or a change in the treatment process or management standards, and provided that the units have previously received waste of the same type (e.g., incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028) 1

Note: See (g) of this subsection for modification procedures to be used for the management of newly listed or identified wastes.

- H. Surface Impoundments
 - 1. Modification or addition of surface impoundment units that result in increasing the facility's surface impoundment storage or treatment capacity 3
 - 2. Replacement of a surface impoundment unit . . . 3
 - 3. Modification of a surface impoundment unit without increasing the facility's surface impoundment storage or treatment capacity and without modifying the unit's liner, leak detection system, or leachate collection system . . . 2
 - 4. Modification of a surface impoundment management practice 2
 - 5. Treatment, storage, or disposal of different wastes in surface impoundments:
 - a. That require additional or different management practices or different design of the liner or leak detection system than authorized in the permit 3
 - b. That do not require additional or different management practices or different design of the liner or leak detection system than authorized in the permit 2

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c. That are wastes restricted from land disposal that meet the applicable treatment standards or that are treated to satisfy the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8 (a)(2)(ii), and provided that the unit meets the minimum technological requirements stated in 40 CFR 268.5 (h)(2). This modification is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028) 1

d. That are residues from wastewater treatment or incineration, provided that disposal occurs in a unit that meets the minimum technological requirements stated in 40 CFR 268.5 (h)(2), and provided further that the surface impoundment has previously received wastes of the same type (for example, incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028) 1

6. Modifications of unconstructed units to comply with WAC 173-303-650 (2)(j), (10), (11), and (4)(d) *1

7. Changes in response action plan:

a. Increase in action leakage rate 3

b. Change in a specific response reducing its frequency or effectiveness 3

c. Other changes 2

Note: See (g) of this subsection for modification procedures to be used for the management of newly listed or identified wastes.

I. Enclosed Waste Piles. For all waste piles except those complying with WAC 173-303-660 (1)(c), modifications are treated the same as for a landfill. The following modifications are applicable only to waste piles complying with WAC 173-303-660 (1)(c).

1. Modification or addition of waste pile units:

a. Resulting in greater than 25% increase in the facility's waste pile storage or treatment capacity 3

b. Resulting in up to 25% increase in the facility's waste pile storage or treatment capacity 2

2. Modification of waste pile unit without increasing the capacity of the unit 2

3. Replacement of a waste pile unit with another waste pile unit of the same design and capacity and meeting all waste pile conditions in the permit 1

4. Modification of a waste pile management practice 2

5. Storage or treatment of different wastes in waste piles:

a. That require additional or different management practices or different design of the unit 3

b. That do not require additional or different management practices or different design of the unit 2

6. Conversion of an enclosed waste pile to a containment building unit 2

Note: See (g) of this subsection for modification procedures to be used for the management of newly listed or identified wastes.

J. Landfills and Unenclosed Waste Piles

1. Modification or addition of landfill units that result in increasing the facility's disposal capacity 3

2. Replacement of a landfill 3

3. Addition or modification of a liner, leachate collection system, leachate detection system, run-off control, or final cover system 3

4. Modification of a landfill unit without changing a liner, leachate collection system, leachate detection system, run-off control, or final cover system 2

5. Modification of a landfill management practice 2

6. Landfill different wastes:

a. That require additional or different management practices, different design of the liner, leachate collection system, or leachate detection system 3

b. That do not require additional or different management practices, different design of the liner, leachate collection system, or leachate detection system 2

c. That are wastes restricted from land disposal that meet the applicable treatment standards or that are treated to satisfy the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8 (a)(2)(ii), and provided that the landfill unit meets the minimum technological requirements stated in 40 CFR 268.5 (h)(2). This modification is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028) 1

d. That are residues from wastewater treatment or incineration, provided that disposal occurs in a landfill unit that meets the minimum technological requirements stated in 40 CFR 268.5 (h)(2), and provided further that the landfill has previously received wastes of the same type (for example, incinerator ash). This modification is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028) 1

7. Modifications of unconstructed units to comply with WAC 173-303-660 (2)(j), (11), (12), (5)(c), 173-303-665 (2)(h), (8), (4)(c), and (9). *1

8. Changes in response action plan:

a. Increase in action leakage rate 3

b. Change in a specific response reducing its frequency or effectiveness. 3

c. Other changes 2

Note: See (g) of this subsection for modification procedures to be used for the management of newly listed or identified wastes.

K. Land Treatment

1. Lateral expansion of or other modification of a land treatment unit to increase areal extent 3

2. Modification of run-on control system 2

3. Modify run-off control system 3

4. Other modifications of land treatment unit component specifications or standards required in permit 2

5. Management of different wastes in land treatment units:

a. That require a change in permit operating conditions or unit design specifications 3

b. That do not require a change in permit operating conditions or unit design specifications 2

Note: See (g) of this subsection for modification procedures to be used for the management of newly listed or identified wastes.

6. Modification of a land treatment unit management practice to:

a. Increase rate or change method of waste application 3

b. Decrease rate of waste application 2

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- 7. Modification of a land treatment unit management practice to change measures of pH or moisture content, or to enhance microbial or chemical reactions 2
- 8. Modification of a land treatment unit management practice to grow food chain crops, to add to or replace existing permitted crops with different food chain crops, or to modify operating plans for distribution of animal feeds resulting from such crops 3
- 9. Modification of operating practice due to detection of releases from the land treatment unit pursuant to WAC 173-303-655 (6)(g)(ii) 3
- 10. Changes in the unsaturated zone monitoring system, resulting in a change to the location, depth, number of sampling points, or replace unsaturated zone monitoring devices or components of devices with devices or components that have specifications different from permit requirements 3
- 11. Changes in the unsaturated zone monitoring system that do not result in a change to the location, depth, number of sampling points, or that replace unsaturated zone monitoring devices or components of devices with devices or components having specifications different from permit requirements 2
- 12. Changes in background values for hazardous constituents in soil and soil-pore liquid 2
- 13. Changes in sampling, analysis, or statistical procedure 2
- 14. Changes in land treatment demonstration program prior to or during the demonstration 2
- 15. Changes in any condition specified in the permit for a land treatment unit to reflect results of the land treatment demonstration, provided performance standards are met, and the Director's prior approval has been received 2
- 16. Changes to allow a second land treatment demonstration to be conducted when the results of the first demonstration have not shown the conditions under which the wastes can be treated completely, provided the conditions for the second demonstration are substantially the same as the conditions for the first demonstration and have received the prior approval of the Director 2
- 17. Changes to allow a second land treatment demonstration to be conducted when the results of the first demonstration have not shown the conditions under which the wastes can be treated completely, where the conditions for the second demonstration are not substantially the same as the conditions for the first demonstration 3
- 18. Changes in vegetative cover requirements for closure 2

L. Incinerators, Boilers, and Industrial Furnaces

- 1. Changes to increase by more than 25% any of the following limits authorized in the permit: A thermal feed rate limit, a ~~((waste feed rate limit, or an organic chlorine feed rate limit))~~ feedstream feed rate limit, a chlorine/chloride feed rate limit, a metal feed rate limit, or an ash feed rate limit. The ~~((Director))~~ department will require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means 3
- 2. Changes to increase by up to 25% any of the following limits authorized in the permit: A thermal feed rate limit, a ~~((waste feed limit, or an organic chlorine feed rate limit))~~ feedstream feed rate limit, a chlorine/chloride feed

rate limit, a metal feed rate limit, or an ash feed rate limit. The ~~((Director))~~ department will require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means 2

3. Modification of an incinerator, boiler, or industrial furnace unit by changing the internal size or geometry of the primary or secondary combustion units, by adding a primary or secondary combustion unit, by substantially changing the design of any component used to remove ~~((HCl))~~ HCl/Cl₂, metals, or particulate from the combustion gases, or by changing other features of the incinerator, boiler, or industrial furnace that could affect its capability to meet the regulatory performance standards. The ~~((Director))~~ department will require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means 3

4. Modification of an incinerator, boiler, or industrial furnace unit in a manner that would not likely affect the capability of the unit to meet the regulatory performance standards but which would change the operating conditions or monitoring requirements specified in the permit. The ~~((Director))~~ department may require a new trial burn to demonstrate compliance with the regulatory performance standards 2

5. Operating requirements:

a. Modification of the limits specified in the permit for minimum or maximum combustion gas temperature, minimum combustion gas residence time, ~~((or))~~ oxygen concentration in the secondary combustion chamber flue gas carbon monoxide and hydrocarbon concentration, maximum temperature at the inlet to the particulate matter emission control system, or operating parameters for the air pollution control system. The ~~((Director))~~ department will require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means 3

b. Modification of any stack gas emission limits specified in the permit, or modification of any conditions in the permit concerning emergency shutdown or automatic waste feed cutoff procedures or controls 3

c. Modification of any other operating condition or any inspection or recordkeeping requirement specified in the permit 2

6. ~~((Incineration of))~~ Burning different wastes:

a. If the waste contains a POHC that is more difficult to ~~((incinerate))~~ burn than authorized by the permit or if ~~((incineration))~~ burning of the waste requires compliance with different regulatory performance standards than specified in the permit. The ~~((Director))~~ department will require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means 3

b. If the waste does not contain a POHC that is more difficult to ~~((incinerate))~~ burn than authorized by the permit and if ~~((incineration))~~ burning of the waste does not require compliance with different regulatory performance standards than specified in the permit 2

Note: See (g) of this subsection for modification procedures to be used for the management of newly listed or identified wastes.

7. Shakedown and trial burn:

- a. Modification of the trial burn plan or any of the permit conditions applicable during the shakedown period for determining operational readiness after construction, the trial burn period, or the period immediately following the trial burn 2
- b. Authorization of up to an additional 720 hours of waste (~~incineration~~) burning during the shakedown period for determining operational readiness after construction, with the prior approval of the (~~Director~~) department 11
- c. Changes in the operating requirements set in the permit for conducting a trial burn, provided the change is minor and has received the prior approval of the (~~Director~~) department 11
- d. Changes in the ranges of the operating requirements set in the permit to reflect the results of the trial burn, provided the change is minor and has received the prior approval of the (~~Director~~) department 11

8. Substitution of an alternate type of nondangerous fuel that is not specified in the permit 1

M. Containment Buildings

1. Modification or addition of containment building units:

a. Resulting in greater than 25% increase in the facility's containment building storage or treatment capacity. 3

b. Resulting in up to 25% increase in the facility's containment building storage or treatment capacity. 2

2. Modification of a containment building unit or secondary containment system without increasing the capacity of the unit. 2

3. Replacement of a containment building with a containment building that meets the same design standards provided:

a. The unit capacity is not increased. 1

b. The replacement containment building meets the same conditions in the permit. 1

4. Modification of a containment building management practice. 2

5. Storage or treatment of different wastes in containment buildings:

a. That require additional or different management practices. 3

b. That do not require additional or different management practices. 2

N. Corrective Action

1. Approval of a corrective action management unit pursuant to WAC 173-303-646 (4), (5), and (6) 3

2. Approval of a temporary unit or time extension for a temporary unit pursuant to WAC 173-303-646(7) 2

3. Modification to incorporate a corrective action order issued pursuant to MTCA 3

4. Modification or amendment of a corrective action order issued pursuant to MTCA when the MTCA public participation requirements are met and order has already been incorporated by reference into the permit 1

(5) Permit termination. The department (~~shall~~) will follow the applicable procedures in WAC 173-303-840, procedures for decision making, in terminating any permit. The following are causes for terminating a permit during its term or for denying a permit renewal application:

(a) Noncompliance by the permittee with any condition of the permit;

(b) The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time; or

(c) A determination that the permitted activity endangers public health or the environment and can only be regulated to acceptable levels by permit modification or termination.

(6) Schedules of compliance.

(a) General. The permit may, when appropriate, specify a schedule of compliance leading to compliance with chapter 173-303 WAC.

(b) Time for compliance. Any schedules of compliance under this section (~~shall~~) will require compliance as soon as possible.

(c) Interim dates. If a permit establishes a schedule of compliance which exceeds one year from the date of permit issuance, the schedule (~~shall~~) will set forth interim requirements and the dates for their achievement as follows;

(i) The time between interim dates (~~shall~~) will not exceed one year; or

(ii) If the time necessary for completion of any interim requirement (such as the construction of a control facility) is more than one year and is not readily divisible into stages for completion, the permit (~~shall~~) will specify interim dates for the submission of reports of progress toward completion of the interim requirements and indicate a projected completion date.

(d) Reporting. The permit (~~shall~~) will be written to require that no later than fourteen days following each interim date and the final date of compliance, the permittee (~~shall~~) must notify the department in writing of its compliance or noncompliance with the interim or final requirements.

~~(M. Corrective Action~~

~~1. Approval of a corrective action management unit pursuant to WAC 173-303-646 (4), (5), and (6) . . . class 1.~~

~~2. Approval of a temporary unit or time extension for a temporary unit pursuant to WAC 173-303-646(7) class 2.)~~

AMENDATORY SECTION (Amending Order 92-33, filed 12/8/93, effective 1/8/94)

WAC 173-303-840 Procedures for decision making.

(1) Application and completeness.

(a) The department will not begin the processing of a permit until the applicant has fully complied with the application requirements for the permit. Permit applications must comply with the signature and certification requirements of WAC 173-303-810 (12) and (13).

(b) The department (~~shall~~) will review for completeness each application for a permit under this chapter. Each application for a permit should be reviewed for completeness within sixty days of its receipt. Upon completing the review, the department (~~shall~~) will notify the applicant in

¹ Class 1 modifications requiring prior Agency approval.

writing whether or not the application is complete. If the application is incomplete, the department ((shall)) will list the information necessary to make the application complete, and ((shall)) will specify in the notice of deficiency a date for submitting the necessary information. After the application is completed, the department may request additional information from an applicant but only when necessary to clarify, modify, or supplement previously submitted material. Requests for such additional information will not render an application incomplete.

(c) If an applicant fails or refuses to correct deficiencies in the application, the permit may be denied and appropriate enforcement actions may be taken under chapter 70.105 RCW.

(d) If the department decides that a site visit is necessary for any reason in conjunction with the processing of an application, then the department ((shall)) will notify the applicant and a date ((shall)) will be scheduled.

(e) The effective date of an application is the date on which the department notifies the applicant that the application is complete as provided in (b) of this subsection.

(2) Draft permits.

(a) A draft permit is a document prepared by the department indicating the tentative decision to issue, deny, modify, revoke and reissue, or terminate a permit.

(b) When an application is complete, the department ((shall)) will tentatively decide whether to prepare a draft permit, or to deny the application.

(c) If the department tentatively decides to deny the permit application, then the department ((shall)) will issue a notice of intent to deny. A notice of intent to deny the permit application is a type of draft permit which follows the same procedures as any draft permit prepared under this subsection. If the department's final decision is that the tentative decision to deny was incorrect, then the department ((shall)) will withdraw the notice of intent to deny and proceed to prepare a draft permit under this subsection.

(d) If the department decides to prepare a draft permit, it ((shall)) will contain the following information:

(i) All conditions applicable to permits under WAC 173-303-810;

(ii) Applicable conditions under WAC 173-303-830; and

(iii) All applicable standards for storage, treatment and disposal, and other permit conditions.

(e) All draft permits must be accompanied by a fact sheet that is supported by administrative record and made available for public comment.

(f) Fact sheet; statement of basis.

(i) A fact sheet ((shall)) will be prepared for every draft permit for a major dangerous waste management facility, and for every draft permit which the department finds is the subject of wide-spread public interest or raises major issues.

(ii) The fact sheet ((shall)) will briefly set forth the principal facts and the significant factual, legal, methodological, and policy questions considered in preparing the draft permit. The department ((shall)) will send this fact sheet to the applicant and, on request, to any other person.

(iii) The fact sheet ((shall)) will include, when applicable:

(A) A brief description of the type of facility or activity which is the subject of the draft permit;

(B) The type and quantity of wastes, fluids, or pollutants which are proposed to be or are being treated, stored, disposed, injected, emitted, or discharged;

(C) A brief summary of the basis for the draft permit conditions including supporting references;

(D) Reasons why any requested variances or alternatives to required standards do or do not appear justified; and

(E) A description of the procedures for reaching a final decision on the draft permit including:

(I) The beginning and ending dates of the comment period and the address where comments will be received;

(II) Procedures for requesting a hearing and the nature of that hearing;

(III) Any other procedures by which the public may participate in the final decision; and

(IV) Name and telephone number of a person to contact for additional information.

(iv) The department ((shall)) will prepare a statement of basis for every draft permit for which a fact sheet is not prepared. The statement of basis ((shall)) will briefly describe the derivation of the conditions of the draft permit and the reasons for them or, in the case of notices of intent to deny or terminate, reasons supporting the tentative decision. The statement of basis ((shall)) will be sent to the applicant and, on request, to any other person.

(3) Public notice and involvement.

(a) The department ((shall)) will give public notice that the following actions have occurred:

(i) A draft permit has been prepared or an application is tentatively being denied;

(ii) A hearing on a permit has been scheduled; or

(iii) An appeal on a permit has been filed with the pollution control hearings board.

(b) No public notice is required when a request for permit modification, revocation and reissuance, or termination is denied. A written notice of the denial ((shall)) will be given to the person who requested the permit change and to the permittee.

(c) The public notice may describe more than one permit or permit action.

(d) Public notice of the preparation of a draft permit, including a notice of intent to deny a permit application ((shall)) will allow at least forty-five days for public comment. Public notice of a public hearing ((shall)) will be given at least thirty days before the hearing.

(e) Public notice of activities described in this subsection ((shall)) will be given by the following methods:

(i) By mailing a copy of a notice to the following persons (any person otherwise entitled to receive notice under this paragraph may waive his or her rights to receive notice for any classes and categories of permits):

(A) The applicant;

(B) Any other agency which the department knows has issued or is required to issue a permit for the same activity or facility;

(C) Federal and state agencies with jurisdiction over fish, shellfish, and wildlife resources and over coastal zone management plans, the advisory council on historic preservation, state historic preservation officers, and other appropriate government authorities, including any affected states;

(D) Persons on the mailing list developed by:

(I) Including those who request in writing to be on the list;

(II) Soliciting persons for an area list from participants in past permit proceedings in that area; and

(III) Notifying the public of the opportunity to be put on the mailing list through periodic publications in the public press and in appropriate publications of the department;

(E) Any unit of local government having jurisdiction over the area where the facility is proposed to be located, and each state agency having any authority under state law with respect to construction or operation of such facility;

(ii) For major permits, by publication of a notice in a daily or weekly newspaper within the area affected by the facility;

(iii) For all permits, by publication of notice in a daily or weekly major local newspaper of general circulation, and local radio broadcast of the public notice; and

(iv) By any other method reasonably calculated to give notice of the action in question to the persons potentially affected by it, including press releases or any other forum or medium to elicit public participation.

(4) Contents of the public notice.

(a) All public notices issued ~~((shall))~~ will contain the following minimum information:

(i) Name and address of the office processing the permit action for which notice is being given;

(ii) Name and address of the permittee or permit applicant and, if different, of the facility or activity regulated by the permit;

(iii) A brief description of the business conducted at the facility or activity described in the permit application or the draft permit;

(iv) Name, address, and telephone number of a person from whom interested persons may obtain further information, including copies of the draft permit, fact sheet or statement of basis, and the application;

(v) A brief description of the comment procedures and the time and place of any hearing that will be held, including a statement of procedures to request a hearing (unless a hearing has already been scheduled) and other procedures by which the public may participate in the final permit decision;

(vi) And any additional information considered necessary or proper.

(b) In addition to the general public notice described in (a) of this subsection, public notice of a hearing under subsection (5) of this section ~~((shall))~~ will contain the following information:

(i) Date, time, and place of the hearing;

(ii) Reference to the date of the previous public notice relating to the permit; and

(iii) A brief description of the nature and purpose of the hearing including the applicable rules and procedures.

(c) In addition to the general public notice all persons identified in WAC 173-303-840 (3)(e)(i)(A), (B), and (C) ~~((shall))~~ will be mailed a copy of the fact sheet, the permit application (if any), and the draft permit (if any).

(d) Public comments and request for public hearings. During the public comment period any interested person may submit written comments on the draft permit and may request a public hearing, if no hearing has already been scheduled. A request for a public hearing ~~((shall))~~ must be in writing and ~~((shall))~~ must state the nature of the issues

proposed to be raised in the hearing. All comments ~~((shall))~~ will be considered in making the final decision and ~~((shall))~~ will be answered according to WAC 173-303-840(9).

(5) Public hearings.

(a) The department ~~((shall))~~ will hold a public hearing whenever, on the basis of requests, there is a significant degree of public interest in a draft permit or there is written notice of opposition and the director receives a request for a hearing during the forty-five day comment period. The department also may hold a public hearing at its discretion, whenever, for instance, such a hearing might clarify one or more issues involved in the permit decision. Public notice of the hearing ~~((shall))~~ will be given as specified in WAC 173-303-840(3). Whenever possible, the department ~~((shall))~~ will schedule a public hearing under this subsection at a location convenient to the nearest population center to the proposed facility.

(b) Any person may submit oral or written statements and data concerning the draft permit. Reasonable limits may be set upon the time allowed for oral statements, and the submission of statements in writing may be required. The public comment period under WAC 173-303-840(3) ~~((shall))~~ will automatically be extended to the close of any public hearing under this subsection. The hearing officer may also extend the comment period by so stating at the hearing.

(c) A tape recording or written transcript of the hearing ~~((shall))~~ will be made available to the public.

(6) Obligation to raise issues and provide information during the public comment period.

(a) All persons, including applicants, who believe any condition of a draft permit is inappropriate, or that the department's tentative decision to deny an application, terminate a permit, or prepare a draft permit is inappropriate, must raise all reasonably ascertainable issues and submit all reasonably available arguments and factual grounds supporting their position, including all supporting material, by the close of the public comment period (including any public hearing) under WAC 173-303-840(3).

(b) All supporting materials ~~((shall))~~ will be included in full and may not be incorporated by reference, unless they are already part of the administrative record in the same proceeding, or consist of state or federal statutes and regulations, documents of general applicability, or other generally available reference materials. Commenters ~~((shall))~~ must make supporting material not already included in the administrative record available to the department. A comment period longer than thirty days will often be necessary in complicated proceedings to give commenters a reasonable opportunity to comply with the requirements of this subsection. Commenters may request a longer comment period.

(7) Reopening of the public comment period. If any data, information, or arguments submitted during the public comment period, including information or arguments required under subsection (6) of this section, appear to raise substantial new questions concerning a permit, the department may take one or more of the following actions:

(a) Prepare a new draft permit, appropriately modified;

(b) Prepare a revised statement of basis, a fact sheet or revised fact sheet, and reopen the comment period; or

(c) Reopen or extend the comment period to give interested persons an opportunity to comment on the information or arguments submitted.

Comments filed during the reopened comment period ((shall)) will be limited to the substantial new questions that caused its reopening. The public notice ((shall)) will define the scope of the reopening.

(8) Issuance and effective date of permit.

(a) After the close of the public comment period under WAC 173-303-840(5) on a draft permit, the department ((shall)) will issue a final permit decision (or a decision to deny a permit for the active life of a RCRA dangerous waste facility or unit under WAC 173-303-840). The department ((shall)) will notify the applicant and each person who has submitted written comments or requested notice of the final permit decision. For purposes of this section, a final permit means a final decision to issue, deny, modify, revoke and reissue, or terminate a permit.

(b) A final permit decision ((shall)) will become effective thirty days after the service of notice of the decision, unless:

(i) A later effective date is specified in the decision; or

(ii) No comments requested a change in the draft permit, in which case the permit ((shall)) will become effective immediately upon issuance; or

(iii) Review is requested under chapter 43.21B RCW or an evidentiary hearing is requested under RCW 43.21B.160.

(9) Response to comments. At the time that any final permit is issued, the department ((shall)) will issue a response to comments. This response ((shall)) will specify which provisions, if any, of the draft permit have been changed in the final permit decision and the reason for the change, and briefly describe and respond to all significant comments of the draft permit raised during the public comment period or during any hearing. The response to comments shall be available to the public.

(10) Decision-making procedure for modification, revocation and reissuance, or termination of permits.

(a) Permits may be modified, revoked and reissued, or terminated either at the request of any interested person (including the permittee) or upon the department's initiative. However, permits may only be modified or revoked and reissued for the reasons specified in WAC 173-303-830 (3) and (4), or terminated for the reasons specified in WAC 173-303-805 or 173-303-806. All requests ((shall)) must be in writing and ((shall)) must contain facts or reasons supporting the request.

(b) If the department tentatively decides to modify or revoke and reissue a permit under WAC 173-303-830(3), it ((shall)) will prepare the draft permit under WAC 173-303-840(2), incorporating the proposed changes. The department may request additional information and, in the case of a modified permit, may require the submission of an updated permit application. In the case of revoked and reissued permits, the department ((shall)) will require the submission of a new application.

(c) In a permit modification under this section, only those conditions to be modified ((shall)) will be reopened when a new draft permit is prepared. All other aspects of the existing permit ((shall)) will remain in effect for the duration of the unmodified permit. When a permit is revoked and reissued under this section, the entire permit is

reopened just as if the permit had expired and was being reissued. During any revocation and reissuance proceeding the permittee ((shall)) must comply with all conditions of the existing permit until a new final permit is reissued.

(d) "Minor modifications" as defined in WAC 173-303-830(4) are not subject to the requirements of this section.

(e) If the department tentatively decides to terminate an interim status permit under WAC 173-303-805 or a final permit under WAC 173-303-806, it ((shall)) will issue a notice of intent to terminate. A notice of intent to terminate is a type of draft permit which follows the same procedures as any draft permit prepared under WAC 173-303-840(2).

AMENDATORY SECTION (Amending Order 89-25, filed 10/17/89, effective 11/17/89)

WAC 173-303-902 Citizen/proponent negotiations.

(1) Intent and purpose. Successful siting of dangerous waste management facilities depends on public confidence, which requires affected communities to have opportunities to meet with owners/operators of proposed dangerous waste management facilities to resolve concerns about such facilities. RCW 70.105.260 authorizes the department to specify a procedure for conflict resolution activities for dangerous waste management facility proponents, host communities, citizens and citizen groups, and to expend funds to support such activities. The purpose of this section is to set forth a procedure for negotiations between affected communities and the proponent of a facility, and the eligibility criteria for financial assistance.

(2) Applicability.

(a) This section applies to local governments and citizens potentially affected by the siting and permitting of a dangerous waste management facility, owners and operators of proposed facilities, and owners and operators of facilities for which interim or final status permit applications have been submitted to the department prior to the effective date of this section. This section also applies to existing facilities with interim or final status for which the department receives an application for expansion. This section only applies to the expanded portion of the existing facility.

(b) A modified citizen/proponent negotiations (CPN) process ((shall)) will apply to lead local governments who are also proponents of the facility.

(c) This section does not apply to owners/operators of facilities or portions of facilities applying for research, development and demonstration permits, pursuant to section 3005(g) of the Resource Conservation and Recovery Act, codified in 40 CFR Part 270.65. In addition, this section does not apply to mobile facilities for on-site cleanup at treatment, storage, or disposal facilities undergoing closure, facilities operating under an emergency permit pursuant to WAC 173-303-804, or facilities for on-site cleanup of sites under the Comprehensive Environmental Response, Compensation, and Liability Act, or chapters 70.105, 90.48 RCW, and The Model Toxics Control Act.

(3) Relationship to other legislation and administrative rules.

(a) The lead local government receiving a grant under this section, ((shall)) must comply fully with all applicable federal, state, and local laws, orders, regulations, and permits.

(b) Nothing in this section (~~(shall)~~) will influence, affect, or modify department programs, regulations, or enforcement of applicable laws relating to dangerous waste management and disposal.

(c) All grants under this section (~~(shall)~~) will be subject to all existing accounting and auditing requirements of state laws and regulations applicable to the issuance of grant funds.

(4) Definitions. As used in this section:

(a) "Citizen/proponent negotiations (CPN)" means a communication process, as specified in these regulations and associated guidelines, between the proponent of a dangerous waste management facility and potentially affected citizens, to reach an agreement when there are shared and opposing interests.

(b) "Designated zone facility" means any facility that requires an interim or final status permit, located in a land use zone designated for handling hazardous substances and hazardous waste, and is not a preempted facility as defined in this section.

(c) "Environmental impact statement (EIS)" means an environmental document prepared according to the State Environmental Policy Act (SEPA), that provides decision makers and the public with an impartial discussion of probable significant environmental impacts, reasonable alternatives, and mitigation measures that would avoid impacts, minimize adverse impacts, or enhance environmental quality.

(d) "Existing facility," as defined by WAC 173-303-281, means a facility for which an interim or final status permit has been issued by the department pursuant to WAC 173-303-805 or 173-303-806.

(e) "Expansion," as defined by WAC 173-303-281, means the enlargement of the land surface area of an existing facility from that described in an interim status permit, the addition of a new dangerous waste management process, or an increase in the overall design capacity of existing dangerous waste management processes at a facility. However, a process or equipment change within the existing handling code (not to include "other") as defined under WAC 173-303-380 (2)(d) will not be considered a new dangerous waste management process.

(f) "Facilitator" means one who assists at a meeting or group discussion.

(g) "Grant applicant" means the lead local government requesting a citizen/proponent negotiations grant.

(h) "Lead local government" means the city or county in which all or a majority of the proposed dangerous waste management facility would be located, unless the lead local government is a proponent of the project.

(i) "Local negotiating committee" means a committee, appointed by the lead local government, whose membership consists of broad representation from city and county government, citizen groups, academia, business, industry, Indian tribes, and environmental groups potentially affected by the siting of a dangerous waste management facility.

(j) "Mediator" means a neutral person who is accepted voluntarily by opposing parties in a dispute to assist in reaching a settlement.

(k) "Notice of intent," as specified in WAC 173-303-281, means the notice provided by the owner/operator of a facility to the department, local communities, and the public

stating that the siting of a dangerous waste management facility, or the expansion of an existing facility, is being considered.

(l) "Neutral convener" means a nonpartisan person hired by the lead local government to convene and preside over the official public meeting.

(m) "Preempted facility" means any facility that includes as a significant part of its activities any of the following operations: (i) Landfill, (ii) incineration, (iii) land treatment, (iv) surface impoundment to be closed as a landfill, or (v) waste pile to be closed as a landfill.

Local jurisdictions who fail to establish designated land use zones for handling hazardous substances and hazardous waste within eighteen months after the enactment of siting criteria in accordance with RCW 70.105.210 (~~(shall)~~) will be subject to preemptive provisions until such time as zone designations are completed and approved by the department.

(n) "Potentially affected area" means the area within a twenty-mile radius of a proposed dangerous waste management facility or a proposed expansion to an existing facility or, any area of impact larger or smaller than the twenty-mile radius as determined by the department.

(o) "Proponent" means any person applying to the department for a dangerous waste management facility permit or for the expansion of an existing permit under WAC 173-303-805 or 173-303-806.

(p) "Proposed facility" means a facility that does not have interim or final status on the effective date of this section, and for which the owner/operator applies for an interim or final status permit under WAC 173-303-805 or 173-303-806 after the effective date of this section.

(q) "SEPA" means the State Environmental Policy Act, chapter 43.21C RCW, and SEPA rules, chapter 197-11 WAC.

(5) Citizen/proponent negotiations procedures.

(a) Notice of intent. A proponent for a dangerous waste management facility must apply to the department for a dangerous waste management facility permit or for the expansion of an existing permit. In compliance with WAC 173-303-281, the proponent (~~(shall)~~) must submit a notice of intent to the department no less than one hundred fifty days prior to filing an application for a permit or permit revision.

(b) Notice letter.

(i) Within fourteen days of receipt of the notice of intent, the department (~~(shall)~~) will send, by registered mail, a copy of the notice of intent, a copy of the CPN regulation, associated guidelines, and a CPN grant application to the elected officials of the lead local government and all local governments within the potentially affected area.

(ii) The notice letter will alert all communities within the potentially affected area that a notice of intent to file was submitted to the department, the availability of a CPN grant, the procedures for applying for a CPN grant, and the procedures for conducting the CPN process.

(iii) Within thirty days of the effective date of this section, the department (~~(shall)~~) will send, by registered mail, a notice letter to all local governments potentially affected by facilities for which the department has already received a permit application. The notice letter (~~(shall)~~) will contain a copy of the CPN regulation, associated guidelines, and a CPN grant application.

(iv) If the lead local government is also a proponent of the facility, responsibility for CPN ((shall)) will be deferred to a committee comprised of representatives from all incorporated cities and towns, and all the counties in the potentially affected area. This committee ((shall)) must decide, among the government entities represented, who will be the lead local government for the purposes of applying for and administering the CPN grant and selecting members to the negotiating committee as set forth in subsection (6) of this section.

(c) Selection of the neutral convener. Within sixty days of the notice letter, the lead local government and the facility proponent ((shall)) must jointly select a neutral convener, facilitator, or mediator to organize and preside over an official public meeting, assist in selecting the local negotiating committee, and mediate citizen/proponent negotiations.

(d) The public meeting. The purpose of the public meeting ((shall)) will be:

(i) To advise local citizens within the potentially affected area of the CPN procedures, the State Environmental Policy Act (SEPA) requirements, and the dangerous waste management permit process;

(ii) To allow the proponent to present elements of the proposal;

(iii) To take public testimony on whether to agree to participate in the CPN process.

(e) Expenditures by the lead local government for the initial costs of the neutral convener and the official public meeting ((shall)) will be reimbursed by the department through an interagency agreement with the lead local government.

(f) Decision notice. Within forty-five days of the public meeting the lead local government ((shall)) must decide whether to proceed with the negotiations process. The lead local government ((shall)) must forward notice of that decision to the department and the proponent of the facility. Notice to the department of an affirmative decision may include a completed grant application for financial assistance. If the lead local government decides to participate in the negotiations process for preempted facilities, then the proponent ((shall)) will be required to participate. Citizen/proponent negotiations at designated zone facilities will be voluntary for both parties.

(g) Appointment of local negotiating committee. Within thirty days of the decision notice to proceed with CPN, the lead local government and local governments within the potentially affected area ((shall)) must appoint members to a local negotiating committee, as set forth in subsection (6) of this section, and mail notice of those appointments to the department and to the facility proponent.

(h) Organizational meeting. Within twenty-one days of the committee appointments, the committee ((shall)) must hold an organizational meeting to establish the committee goals, set schedules, identify tasks, discuss funding, and identify issues to research.

(i) Negotiations process. The negotiations process may occur in two stages.

(i) Stage 1. Within thirty days of the organizational meeting, the local negotiating committee, with the assistance of the neutral convener, ((shall)) must initiate negotiations and public information and education activities. The local negotiating committee ((shall)) will have one hundred twenty

days, or until completion of the SEPA process, to conduct public information and education activities on dangerous waste management and dangerous waste management facilities and to negotiate emerging issues and concerns.

(ii) Stage 2. Upon completion of the SEPA process, with the assistance of the neutral convener, the local negotiating committee may continue formal negotiations. If no environmental impact statement is required as part of the SEPA process, the local negotiating committee may negotiate for up to one hundred twenty days. If an environmental impact statement is required as part of the SEPA process, negotiations may take place until one hundred twenty days after the issuance of the final environmental impact statement. Upon completion of formal negotiations, all agreements should be submitted to the department for review for applicability to the operating permit.

(iii) Negotiations should focus on the mitigation of impacts identified by persons in the affected area and those impacts identified during the SEPA process, which may include but are not limited to:

(A) Technical aspects of the facility proposal;

(B) Emergency response;

(C) Economic impacts;

(D) Management of the facility;

(E) Site characteristics;

(F) Transportation;

(G) Compliance assurance.

(iv) During each stage of the negotiations process, the committee ((shall)) must, at a minimum:

(A) Arrange public forums at key points in the negotiations to solicit input from the local community and provide public education regarding the issues and elements of the proposed facility or facility expansion.

(B) Arrange smaller community gatherings with the whole committee or subgroups of the committee to supplement the larger meetings and to provide more opportunities for discussion with community members.

(C) Meet with key community leaders to solicit information and opinion.

(D) Prepare a draft of the completed local negotiating committee report and agreements. The draft ((shall)) must be submitted for review and comment to the proponent and local county, city, and town officials who made the committee appointments.

(E) Prepare the final local negotiating committee report and agreements. Final copies ((shall)) must be submitted to the department and distributed to the proponent and local county, city, and town officials who made the committee appointments.

(v) Negotiations may be reopened upon agreement by both parties as long as a draft permit has not been issued.

(j) Agreements. Any specific agreement reached between the local negotiating committee and the proponent, deemed valid and applicable by the department, may be incorporated in the operating permit issued by the department. Any agreements not applicable to the operating permit may be implemented by the proponent and local communities through a contract or other legal means.

(6) Local negotiating committee.

(a) Appointments to the local negotiating committee ((shall)) must be made as follows:

(i) Four members ~~((shall))~~ must be appointed by the lead local government.

If the lead local government is the county, committee appointments will be made by the county executive in charter counties or the board of county commissioners. If the lead local government is an incorporated town or city, committee appointments will be made by the mayor.

(ii) The mayor of each incorporated city or town in the potentially affected area, that is not a lead local government, ~~((shall))~~ must appoint one member to the committee.

(iii) The county executive or the board of county commissioners of each county in the potentially affected area, that is not a lead local government, ~~((shall))~~ must appoint one member to the committee.

(iv) Each federally-recognized Indian tribe located in the potentially affected area ~~((shall))~~ must appoint one member to the committee.

(v) If all or the majority of a facility is located wholly within city limits, the board of county commissioners or county executive of the potentially affected county ~~((shall))~~ must appoint two members to the citizen negotiating committee. If the facility is located wholly within the county, these appointments will not be made.

(b) Local negotiating committees ~~((shall))~~ must have broad representation including but not limited to representation from academia, business and industry, citizen organizations, environmental groups, agricultural groups, health professionals, emergency response organizations, and fire districts.

(c) After the initial committee appointments are made, the neutral convener ~~((shall))~~ must assess the group representation and determine which interest groups are not represented. The committee, with the aid of the neutral convener, will then select up to four additional members to serve on the local negotiating committee. These selections ~~((shall))~~ must be made from interest groups not already represented on the negotiating committee.

(d) Elected officials will not be members of the local negotiating committee.

(7) Modified CPN procedures. Modified CPN procedures ~~((shall))~~ apply to lead local governments who are also proponents of a dangerous waste management facility.

(a) Notice letter. Within fourteen days of the notice of intent or thirty days of the effective date of this section, the department ~~((shall))~~ will notify all local governments in the potentially affected area of applications for proposed facilities or expansions of existing facilities and of the opportunity for formal negotiations under CPN and the availability of a CPN grant.

(b) Decision notice. The local governments ~~((shall))~~ will have forty-five days to form a committee to:

- (i) Determine whether they wish to participate in CPN;
- (ii) Determine who will be the lead local government;
- (iii) Select a neutral convener, facilitator, or mediator;
- (iv) Notify the department and the proponent of those decisions; and

(v) Complete a grant application for financial assistance if a decision is made to proceed with CPN.

(c) Once the lead local government is determined, modified CPN procedures ~~((shall))~~ must follow CPN procedures set forth in subsections (5)(d) through (6)(d) of this section.

(8) Grant eligibility and eligible activities.

(a) Grant applicant eligibility and eligible activities ~~((shall be))~~ are the same for CPN and modified CPN.

(b) Grant applicant eligibility. Grants up to fifty thousand dollars ~~((shall))~~ will be awarded to the lead local government and may be renewed once during the permitting process.

(c) Eligible costs. Eligible costs include direct costs of the activities of the negotiating process. These costs include:

(i) The local committee's expenses such as travel, office space or lodging, supplies, postage, report production costs, and meeting room costs;

(ii) Neutral convener's, facilitator's, or mediator's fees and expenses;

(iii) Technical assistance for the committee; and

(iv) Other costs determined necessary by the department.

(d) Ineligible costs. Grant funds may not be used by the grant applicant to support legal actions against the department, or facility owners/operators.

(9) Grant administration and funding.

(a) A grant application package will be sent to the lead local government with the notice letter. Grant application packages include grant application deadlines, grant guidelines, and application forms.

(b) Completed grant applications will be reviewed by the department. To receive a grant offer, successful applications must include all required elements as outlined in the guidelines.

(c) The obligation of the department to make grant awards and payments is contingent upon the availability of funds through legislative appropriation and allotment, and such other conditions not reasonably foreseeable by the department rendering performance impossible. When the grant crosses over bienniums, the obligation of the department is contingent upon the appropriation of funds during the next biennium.

(d) The department ~~((shall))~~ will fund up to fifty percent of the total grant amount or up to fifty thousand dollars for citizen/proponent negotiations and the proponent of a dangerous waste management facility ~~((shall))~~ must fund up to fifty percent of the total grant amount or up to fifty thousand dollars.

(e) Disbursement of funds. The department ~~((shall))~~ will be responsible for reimbursement of all eligible CPN costs incurred. The proponent ~~((shall))~~ must enter into a contract with the department for the proponent's share of the CPN grant. The department will be responsible for all eligible CPN costs incurred before the decision notice and its share of any eligible CPN costs incurred after the decision notice, up to fifty thousand dollars. The proponent ~~((shall))~~ will be responsible for its share of all remaining eligible CPN costs incurred after the decision notice and after an executed grant award is made to the lead local government, up to fifty thousand dollars.

(f) The department, on at least a biennial basis, will determine the amount of funding available for citizen/proponent negotiation grants.

(g) All grantees ~~((shall))~~ will be held responsible for payment of salaries, consultant's fees, and other overhead costs contracted under a grant awarded to the lead local government.

(h) To the extent that the Constitution and laws of the state of Washington permit, the grantee (~~shall~~) will indemnify and hold the department harmless from and against, any liability for any or all injuries to persons or property arising from the negligent act or omission of the grantee arising out of a grant contract, except for such damage, claim, or liability resulting from the negligent act or omission of the department.

(i) All grants under this chapter (~~shall~~) will be consistent with the provisions of "Financial Guidelines for Grant Management" WDOE 80-6, May 1980, Reprinted March 1982, or subsequent guidelines adopted thereafter.

AMENDATORY SECTION (Amending Order 88-29, filed 9/6/88)

WAC 173-303-905 Response to requests for public records. RCW 42.17.320 requires that the department, when responding to requests for public records make such responses "promptly." The department often receives requests, submitted pursuant to chapter 42.17 RCW, for public records that exist because of the requirements of or actions mandated by this chapter (such public records are referred to as dangerous waste records). When the department receives requests for such dangerous waste records, then the department (~~shall~~) will respond promptly, as required by RCW 42.17.320, and in no event will the response occur later than twenty working days after receipt of the public request submitted pursuant to chapter 42.17 RCW.

AMENDATORY SECTION (Amending Order 92-33, filed 12/8/93, effective 1/8/94)

WAC 173-303-910 Petitions. (1) General petitions.

(a) Any person may petition the department to modify or revoke any provision in this chapter. This subsection sets forth general requirements which apply to all such petitions. The remaining subsections of this section describe additional requirements for specific types of petitions.

(b) Each petition must be submitted to the department by certified mail and must include:

- (i) The petitioner's name and address;
- (ii) A statement of the petitioner's interest in the proposed action;
- (iii) A description of the proposed action, including (where appropriate) suggested regulatory language; and
- (iv) A statement of the need and justification for the proposed action, including any supporting tests, studies, or other information.

(c) The department will make a tentative decision to grant or deny the petition and give public notice of the tentative decision in writing. The notice (~~shall~~) will be distributed to interested persons on a mailing list developed specifically for petitions and persons expressing interest in amendments to this chapter. The public comment period (~~shall~~) will be a minimum of forty-five days.

(d) Upon the written request of any interested person, the director may, at his discretion, hold a conference to consider oral comments on the action proposed in the petition. A person requesting a conference must state the issues to be raised and explain why written comments would not suffice to communicate the person's views. The director

may in any case decide on his own motion to hold a conference.

(e) After evaluating all public comments the department will make a final decision in accordance with RCW 34.05.330 or 34.05.240. The department will either deny the petition in writing (stating its reasons for denial), or grant the petition and, when appropriate, initiate rule-making proceedings in accordance with RCW 34.05.330.

(2) Petitions for equivalent testing or analytical methods.

(a) Any person seeking to add a testing or analytical method to WAC 173-303-110 may petition for a regulatory amendment under this section. To be successful, the person must demonstrate to the satisfaction of the department that the proposed method is equal to or superior to the corresponding method prescribed in WAC 173-303-110, in terms of its sensitivity, accuracy, and precision (i.e., reproducibility).

(b) Each petition must include, in addition to the information required by subsection (1) of this section:

- (i) A full description of the proposed method, including all procedural steps and equipment used in the method;
- (ii) A description of the types of wastes or waste matrices for which the proposed method may be used;
- (iii) Comparative results obtained from using the proposed method with those obtained from using the relevant or corresponding methods prescribed in WAC 173-303-110;
- (iv) An assessment of any factors which may interfere with, or limit the use of, the proposed method; and
- (v) A description of the quality control procedures necessary to ensure the sensitivity, accuracy and precision of the proposed method.

(c) After receiving a petition for an equivalent testing or analytical method, the department may request any additional information on the proposed method which it may reasonably require to evaluate the proposal.

(d) If the department amends the regulations to permit use of a new testing method, the method will be incorporated in a document which will be available from the department.

(3) Petitions for exempting dangerous wastes from a particular generator.

(a) Any generator seeking to exempt his dangerous waste may petition the department for exemption from the requirements of WAC 173-303-070 through 173-303-100.

(b) To be successful, the generator must make the demonstrations required in WAC 173-303-072(3) and, where applicable, (4) and (5).

(c) Each petition must include, in addition to the information required by subsection (1) of this section:

- (i) The name and address of the laboratory facility performing the sampling or tests of the waste;
- (ii) The names and qualifications of the persons sampling and testing the waste;
- (iii) The dates of sampling and testing;
- (iv) The location of the generating facility;
- (v) A description of the manufacturing processes or other operations and feed materials producing the waste and an assessment of whether such processes, operations, or feed materials can or might produce a waste that is not covered by the demonstration;

(vi) A description of the waste and an estimate of the average and maximum monthly and annual quantities of waste covered by the demonstration;

(vii) Pertinent data on and discussion of the factors delineated in WAC 173-303-072(3) and, where applicable, (4) and (5);

(viii) A description of the methodologies and equipment used to obtain the representative samples;

(ix) A description of the sample handling and preparation techniques, including techniques used for extraction, containerization and preservation of the samples;

(x) A description of the tests performed (including results);

(xi) The names and model numbers of the instruments used in performing the tests and the date of the last calibration for instruments which must be calibrated according to manufacturer's instructions; and

(xii) The following statement signed by the generator of the waste or his authorized representative:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this demonstration and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

(d) After receiving a petition for a dangerous waste exemption, the department may request any additional information which it may reasonably require to evaluate the petition.

(e) An exemption will only apply to the waste generated by the particular generator covered by the demonstration and will not apply to waste from any other generator.

(f) The department may exempt only part of the waste for which the demonstration is submitted where there is reason to believe that variability of the waste justifies a partial exemption.

(g) The department may (but ~~((shall))~~ will not be required to) grant a temporary exemption before making a final decision under subsection (1) of this section, whenever it finds that there is a substantial likelihood that an exemption will be finally granted.

(h) Any waste for which an exemption is sought will remain designated and be subject to the applicable requirements of this chapter until the generator of the waste is notified by the department that his waste is exempt.

(4) Petition for exclusion.

(a) Any generators seeking exclusion of a class of similar or identical wastes under WAC 173-303-071, excluded categories of waste, may petition the department for exclusion. To be successful, the generator(s) must make the demonstrations required in WAC 173-303-072(6) for all those wastes generated in the state which might be excluded pursuant to granting a petition submitted under this subsection. No class of wastes will be excluded if any of the wastes are regulated as hazardous waste under 40 CFR Part 261.

(b) Each petition for exclusion must include the information required by subsections (1) and (3)(c) of this section and any other information required by the department.

(c) After receiving a petition for exclusion, the department may request any additional information it deems necessary to evaluate the petition.

(5) Petition for designation change. The provisions of (a)(i) of this subsection do not apply to any dangerous waste which is also designated as a hazardous waste under 40 CFR Part 261 Subpart D.

(a) A generator may petition the department to change the designation of his waste as follows:

(i) A waste which is designated only for toxicity pursuant to WAC 173-303-100 but which is toxic solely because it is highly acidic or basic (i.e., due to high or low pH) may be subject only to the requirements for corrosive dangerous wastes, provided that the generator can demonstrate this fact to the department's satisfaction through information provided under (b) of this subsection; and

(ii) A waste which is designated EHW may be redesignated DW, provided that the generator can demonstrate that such redesignation is appropriate through information provided under (b) of this subsection.

(b) A petition under this subsection must include:

(i) The information required by subsections (1) and (3)(c) of this section; and

(ii) Such other information as required by the department.

(c) A designation change under this subsection will become effective only after the department has approved the change and notified the generator of such approval.

(6) Petitions to allow land disposal of a waste restricted under WAC 173-303-140.

(a) Any person seeking a land disposal restriction exemption allowed under WAC 173-303-140(6) must submit a petition to the department. The petition must include the following general information:

(i) The petitioner's name and address;

(ii) A statement of the petitioner's interest in the proposed action;

(iii) A description of the proposed action;

(iv) A statement of the need and justification for the proposed action;

(v) An identification of the specific waste and the specific land disposal unit for which the exemption is desired;

(vi) A waste analysis to describe fully the chemical and physical characteristics of the subject waste. All waste and environmental sampling, test, and analysis data must be accurate and reproducible to the extent that state-of-the-art techniques allow; and

(vii) A quality assurance and quality control plan that addresses all sampling and testing aspects of the information provided in the petition.

(b) In addition to the general information requirements in subsection (a) of this section, the following specific information must be provided in the petition for individual case-by-case exemptions.

(i) Petition for land disposal exemption for treatment residuals. Petitions for exemption of treatment residuals, as allowed under WAC 173-303-140 (6)(a), must:

(A) Provide the type of waste management or treatment method applied to the waste and the rationale for selecting this method as the best achievable management method; and

(B) Document that the land disposal of the treatment residual would not pose a greater risk to public health and the environment than land disposal of the original wastes, including an analysis of the treatment residuals to fully describe their chemical and physical characteristics; and

(C) Provide the management alternatives for the treatment residuals and the factors which, if an exemption is not granted, would prevent the utilization of the best achievable management method for the original dangerous waste.

(ii) Petition for economic hardship exemption. Petitions for exemption on the basis of economic hardship, as allowed under WAC 173-303-140 (6)(b), must:

(A) Supply the current management costs and the projected management costs to comply with the requirements of WAC 173-303-140; and

(B) Provide the source of information utilized in determining the economic estimates; and

(C) Provide a discussion of how the projected compliance costs would impose an unreasonable economic burden.

(iii) Petition for leachable inorganic waste exemption. Petitions for exemption of leachable inorganic wastes, as allowed under WAC 173-303-140 (6)(c), must:

(A) Provide information demonstrating that the stabilization of the dangerous waste is less protective of public health and the environment than landfilling; or

(B) Provide a list of stabilization facilities that could accept the dangerous waste and information demonstrating that they do not have available capacity to stabilize the waste; or

(C) Provide information describing the types of stabilization utilized which did not reduce the solubility and mobility of the dangerous waste constituents and describe any other stabilization methods that have been considered but not utilized.

(iv) Petition for organic/carbonaceous waste exemption. Petitions for exemption of organic/carbonaceous wastes, as allowed under WAC 173-303-140 (6)(d), must:

(A) Provide information demonstrating that recycling, treatment and incineration facilities are unavailable for the waste, including a map marked both with the point of waste generation and the point(s) of the nearest treatment, recycling and incineration facility(s) that could manage the dangerous waste; or

(B) Provide information demonstrating that the alternative management methods for organic/carbonaceous waste are less protective of public health and the environment than stabilization and landfilling; or

(C) Provide information demonstrating that:

(I) Recycling and treatment facilities are unavailable for the waste, including a map marked both with the point of waste generation and the point(s) of the nearest treatment, recycling and incineration facility(s) that could manage the dangerous waste; and

(II) The organic/carbonaceous waste has a heat content less than 3,000 BTU/LB or a moisture content greater than sixty-five percent.

(c) Each petition must include the following statement signed by the petitioner or an authorized representative:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this petition and all attached docu-

ments, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

(d) Each petition must be submitted to:

Department of Ecology
 ((~~Hazardous Waste Land~~
~~Disposal Exemption~~
~~Mailstop PV 11~~
~~Olympia, WA 98504-8711~~))
HWTR Program
ATTN Land Disposal Exemption
PO BOX 47600
Olympia, WA 98504-7600

(e) After receiving a petition, the department may request any additional information that reasonably may be required to evaluate the petition and accompanying demonstration, such as a comprehensive characterization of the disposal unit site including an analysis of background air, soil, and water quality. Simulation models must be calibrated for the specific waste and site conditions, and verified for accuracy by comparison with actual measurements.

(f)(i) The department will make a tentative decision to grant or deny the petition and give public notice of the tentative decision in writing. The notice (~~(shall)~~ will) will be distributed to interested persons on a mailing list developed specifically for petitions and persons expressing interest in amendments to this chapter. The public comment period (~~(shall)~~ will) be a minimum of forty-five days.

(ii) Upon the written request of any interested person, the department may, at its discretion, hold a conference to consider oral comments on the action proposed in the petition. A person requesting a conference must state the issues to be raised and explain why written comments would not suffice to communicate the person's views. The department may in any case decide on its own motion to hold a conference.

(iii) After evaluating all public comments the department will make a final decision in accordance with RCW 34.04.060 or 34.04.080. The department will either deny the petition in writing (stating its reasons for denial), or grant the petition.

(g) Prior to the department's decision, the applicant is required to comply with all restrictions on land disposal under WAC 173-303-140. The department should respond to a petition within ninety days.

(h) If an exemption is granted, the department may include specific conditions as deemed necessary by the department to protect public health and the environment.

(i) If granted, the exemption will apply to land disposal of the specific restricted waste at the individual disposal unit described in the petition and accompanying demonstration. The exemption will not apply to any other restricted waste at that disposal unit, nor will it apply to that specific restricted waste at any other disposal unit.

(j) If an exemption is granted, the department may withdraw the exemption on the following bases:

- (i) If there is a threat to public health and the environment; or
 - (ii) If there is migration of dangerous waste (~~(constituents)~~) constituents from the land disposal unit or site for as long as the waste remains dangerous; or
 - (iii) If the department finds reason to believe that the information submitted in a petition is inaccurate or has been falsified such that the petition should have been denied.
- (k) The term of an exemption granted under this subsection will be established by the department at the time of issuance.

- (l) Any exemption granted by the department does not relieve the petitioner of his responsibilities in the management of dangerous waste under chapter 173-303 WAC.
- (m) The department may (but ~~(shall)~~) will not be required to grant a temporary exemption before making a final decision, whenever it finds that there is a substantial likelihood that an exemption will be finally granted. Temporary exemptions (~~(shall)~~) will not be subject to the procedures of (f) of this subsection. Temporary exemptions (~~(shall)~~) will not be a cause of delaying final decision making on the petition request.

AMENDATORY SECTION (Amending Order 92-33, filed 12/8/93, effective 1/8/94)

WAC 173-303-9903 Discarded chemical products list.

(DISCARDED CHEMICAL PRODUCTS LIST)

Dangerous Waste No.	CAS No.	Substance	WDOE Hazard Designation	Reason for Designation*
ACUTELY DANGEROUS CHEMICAL PRODUCTS				
P023	107-20-0	Acetaldehyde, chloro	EHW	B-H
U001	75-07-0	Acetaldehyde	EHW	C
U034	75-87-6	Acetaldehyde, trichloro	EHW	H
P002	591-08-2	Acetamide, N-(aminothioxomethyl)	EHW	B
P057	640-19-7	Acetamide, 2-fluoro	EHW	B-H
U240	94-75-7	Acetic acid, (2,4-dichlorophenoxy)O, salts & esters	EHW	CH
P058	67-74-8	Acetic acid, fluoro-, sodium salt	EHW	A-H
U144	301-04-2	Acetic acid, lead (2+) salt	EHW	D-TC
P066	16752-77-5	Acetimidic acid, N-[(methylcarbamoyl)oxy]thio-, methyl-ester	EHW	B
U003	75-05-8	Acetonitrile	EHW	C-I
P001	81-81-2	3-(alpha-Acetonyl-benzyl)-4-hydroxycoumarin and salts	EHW	A
P002	591-08-2	1-Acetyl-2-thiourea	EHW	B
U006	75-36-5	Acetyl chloride	EHW	CHOR
P003	107-02-8	Aerolein	EHW	X-I
U007	79-06-1	Acrylamide	EHW	C
U008	79-10-7	Acrylic acid	EHW	C-O-I
U009	107-13-1	Acrylonitrile	EHW	C-I
P070	116-06-3	Aldicarb	EHW	B
P004	309-00-2	Aldrin	EHW	X-H
P005	107-18-6	Allyl alcohol	EHW	B-I
P006	20859-73-8	Aluminum phosphide (R,T)	EHW	B-R
P007	2763-96-4	5-(Aminomethyl)-3-isoxazolol	EHW	B
P008	504-24-5	4-alpha-Aminopyridine	EHW	B
P009	131-74-8	Ammonium picrate	EHW	R
P119	7803-55-6	Ammonium vanadate	EHW	B
U012	62-53-3	Aniline	EHW	C-I
P099	506-61-6	Argentate(I-), bis(cyano-C), potassium	EHW	BR
P010	7778-39-4	Arsenic acid	EHW	B
P012	1327-53-3	Arsenic (III) oxide	EHW	B-
P011	1303-28-2	Arsenic (V) oxide	EHW	B
P011	1303-28-2	Arsenic pentoxide	EHW	B
P012	1327-53-3	Arsenic trioxide	EHW	B-
P038	692-42-2	Arsine, diethyl	EHW	B
P036	696-28-6	Arsinous dichloride, phenyl	EHW	?
U015	115-02-6	Azaserine	EHW	C
P054	151-56-4	Aziridine	EHW	B-
P067	75-55-8	Aziridine, 2-methyl	EHW	I
U010	50-07-7	Azirino(2',3':3,4)pyrrolo(1,2a)-indole-4,7-dione, 6-amino-8-(((aminocarbonyloxy)methyl)-1-, 1a,2,8,8a,8b-hexahydro-8a-methoxy-5-methyl-[[1a5-(1alpha,8beta,8alpha)]]	EHW	B-
P013	542-62-1	Barium cyanide	EHW	A

PERMANENT

U157	56 49 5	Benz[f]aceanthrylene, -1,2 dihydro-3-methyl-	EHW	H P
U017	98 87 3	Benzal chloride	EHW	D H
U018	56 55 3	Benz[a]anthracene	EHW	P
U018	56 55 3	1,2-Benzanthracene	EHW	P
U094	57 97 6	1,2-Benzanthracene, 7,12-dimethyl	EHW	C P
U012	62 53 3	Benzenamine	EHW	C I
P024	106 47 8	Benzenamine, 4-chloro	EHW	C H
U049	3165 93 3	Benzenamine, 4-chloro-2-methyl, -hydrochloride	EHW	H
U093	60 11 7	Benzenamine, N, N-dimethyl-4 -(phenylazo)-	EHW	C
U158	101 14 4	Benzenamine, 4,4-methylenebis -(2-chloro-	EHW	H
P077	100 01 6	Benzenamine, 4-nitro	EHW	D ?
P028	100 44 7	Benzene, (chloromethyl)	EHW	B H
U019	71 43 2	Benzene	EHW	C I
U038	510 15 6	Benzeneacetic acid, -4-chloro-alpha (4-chlorophenyl) -alpha-hydroxy, ethylester	EHW	H
U030	101 55 3	Benzene, 1-bromo-4-phenoxy	EHW	H
U035	305 03 3	Benzenebutanoic acid, 4-[bis(2-chloroethyl)amino]	EHW	H
U037	108 90 7	Benzene, chloro	EHW	B H I
U190	85 44 9	1,2-Benzenedicarboxylic acid -anhydride	EHW	C
U070	95 50 1	Benzene, 1,2-dichloro	EHW	B H
U071	541 73 1	Benzene, 1,3-dichloro	EHW	B H
U072	106 46 7	Benzene, 1,4-dichloro	EHW	B H
U017	98 87 3	Benzene, (dichloromethyl)	EHW	D H
U223	26471 45 8	Benzene, 1,3-diisocyanatomethyl	EHW	B R
U239	1330 20 7	Benzene, dimethyl	EHW	C I
U201	108 46 3	1,3-Benzenediol	EHW	C
P046	122 09 8	Benzeneethanamine, alpha, alpha-dimethyl	EHW	?
U127	118 74 1	Benzene, hexachloro	EHW	H
U056	110 82 7	Benzene, hexahydro	EHW	C I
U188	108 95 2	Benzene, hydroxy	EHW	C
U220	108 88 3	Benzene, methyl	EHW	C I
U105	121 14 2	Benzene, 1-methyl-2,4-dinitro	EHW	C
U106	606 20 2	Benzene, -2-Methyl-1,3-dinitro-	EHW	C
U055	98 82 8	Benzene, (1-methylthyl)	EHW	C I
U169	98 95 3	Benzene, nitro	EHW	C I
U183	608 93 5	Benzene, pentachloro	EHW	H
U185	82 68 8	Benzene, pentachloronitro	EHW	D H
U020	98 09 9	Benzenesulfonic acid-chloride	EHW	D H O R
U020	98 09 9	Benzenesulfonyl chloride	EHW	D H O R
U207	95 94 3	Benzene, 1,2,4,5-tetrachloro	EHW	D H
U247	72 43 5	Benzene, 1,1'-(2,2,2-trichloroethylidene) -bis[4-methoxy-H	EHW	D H
U023	98 07 7	Benzene, (trichloromethyl)	EHW	H O R
P042	51 43 4	1,2-Benzenediol, 4-[1-hydroxy-2 -(methyl-amino)ethyl]-	EHW	B
P014	108 98 5	Benzenethiol	EHW	A
U021	97 87 5	Benzidine	EHW	B
U064	189 55 9	Benzo[rs]pentaphene	EHW	P
P001	81 81 2	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1 -phenylbutyl), & salts, when present at concentrations greater than 0.3%	EHW	B
U022	50 32 8	Benzo[a]pyrene	EHW	P
U022	50 32 8	3,4-Benzopyrene	EHW	P
U197		p-Benzoquinone	EHW	C
U023	98 07 7	Benzotrichloride	EHW	H O R
U050	218 01 9	1,2-Benzphenanthrene	EHW	P
P028	100 44 7	Benzyl chloride	EHW	B H
P015	7440 41 7	Beryllium	EHW	C
U085	1464 53 5	2,2'-Bioxirane	EHW	B I
U021	97 87 5	(1,1"-Biphenyl) 4,4'-diamine	EHW	B
U073	91 94 1	(1,1'-Biphenyl) 4,4'-diamine, 3,3' -dichloro-	EHW	H
U095	119 93 7	(1,1'-Biphenyl) 4,4'-diamine, -3,3'-dimethyl-	EHW	C
U024	111 91 1	Bis(2-chloroethoxy) methane	EHW	C H
U027	108 60 1	Bis(2-chloroisopropyl) ether	EHW	C H O
P016	542 88 1	Bis(chloromethyl) ether	EHW	B H
U246	506 68 3	Bromine cyanide	EHW	C H
P017	598 31 2	Bromoacetone	EHW	C H

U225	75-25-2	Bromoform	EHW	H
U030	101-55-3	4-Bromophenyl phenyl ether	EHW	H
P018	357-57-3	Brucine	EHW	A
U128	87-68-3	1,3-Butadiene, 1,1,2,3,4,4-hexachloro-	EHW	C-H
U035	305-03-3	Butanoic acid, 4-[bis(2-chloroethyl)-amino]-benzene-	EHW	H-
P045	39196-18-4	2-Butanone, 3,3-dimethyl-1-(methylthio)-O-[methylamino]carbonyl] oxime	EHW	B
U160	1338-23-4	2-Butanone peroxide	EHW	B-R
U053	4170-30-3	2-Butenal	EHW	B-I
U074	764-41-0	2-Butene, 1,4-dichloro	EHW	C-H-I
U143	303-34-4	2-Butanoic acid, 2-methyl-, 7-[[2,3-dihydroxy-2-(1-methoxyethyl)-3-methyl-1-oxobutoxy]methyl]-2,3,5,7a-tetrahydro-1H-pyrrolizin-1-yl ester, [1S-[1alpha(Z),7(2S*,3R*),7aalpha]]-	EHW	C
U032	13765-19-0	Calcium chromate	EHW	C-TC
P021	592-01-8	Calcium cyanide	EHW	B
P021	592-01-8	Calcium cyanide Ca(CN) ₂	EHW	R
P123	8001-35-2	Camphene, octachloro	EHW	X-H
U178	615-53-2	Carbamic acid, methylnitroso-, ethylester	EHW	C-
U176	759-73-9	Carbamide, N-ethyl-N-nitroso	EHW	C-
U177	684-93-5	Carbamide, N-methyl-N-nitroso	EHW	C-
U219	62-56-6	Carbamide, thio	EHW	C-
P103	630-10-4	Carbamimidoseleonic acid	EHW	B
U062	2303-16-4	Carbamothioic acid, bis-(1-methylethyl)-, S-(2,3-dichloro-2-propenyl)ester	EHW	C-H
U097	79-44-7	Carbamoyl chloride, dimethyl	EHW	D-H
P022	75-15-0	Carbon bisulfide	EHW	D-I?
P022	75-15-0	Carbon disulfide	EHW	D-I?
U156	79-22-1	Carbonechloridic acid, methyl ester	EHW	B-H-I
U033	353-50-4	Carbon oxyfluoride	EHW	B-H-R
U211	56-23-5	Carbon tetrachloride	EHW	C-H
P095	75-44-5	Carbonic dichloride	EHW	B-H
U033	353-50-4	Carbonic difluoride	EHW	BH
U033	353-50-4	Carbonyl fluoride	EHW	B-H-R
U035	305-03-3	Chlorambucil	EHW	H-
U036	57-74-9	Chlordane, alpha and gamma isomers	EHW	X-H
P033	506-77-4	Chlorine cyanide	EHW	A-H
U026	494-03-1	Chloromethazine	EHW	H-
P023	107-20-0	Chloroacetaldehyde	EHW	B-H
P024	106-47-8	p-Chloroaniline	EHW	C-H
U037	108-90-7	Chlorobenzene	EHW	B-H-I
U038	510-15-6	Chlorobenzilate	EHW	DH
U039	59-50-7	p-Chloro-m-cresol	EHW	H
U041	106-89-8	1-Chloro-2,3-epoxypropane	EHW	C-H-I
U042	110-75-8	2-Chloroethyl vinyl ether	EHW	C-H
U044	67-66-3	Chloroform	EHW	C-H
U046	107-30-2	Chloromethyl methyl ether	EHW	D-H-I
U047	91-58-7	beta-Chloronaphthalene	EHW	DH
U048	95-57-8	o-Chlorophenol	EHW	DH
P026	5344-82-1	1-(o-Chlorophenyl)thiourea	EHW	A-H
P027	542-76-7	3-Chloropropionitrile	EHW	B-H
U049	3165-93-3	4-Chloro-o-toluidine, hydrochloride	EHW	H
U032	13765-19-0	Chromic acid, calcium salt	EHW	C-TC
U050	218-01-9	Chrysene	EHW	P-
P029	544-92-3	Copper cyanide Cu(CN)	EHW	R
P029	544-92-3	Copper cyanides	EHW	B
U052	1319-77-3	Cresols	EHW	B
U052	1319-77-3	Cresylic acid	EHW	B
U053	4170-30-3	Crotonaldehyde	EHW	B-I
U055	98-82-8	Cummene	EHW	C-I
P030	xx-xx-x	Cyanides (soluble cyanide salts), not elsewhere specified	EHW	A
P031	460-19-5	Cyanogen	EHW	B-I
U246	506-68-3	Cyanogen bromide	EHW	C-H
P033	506-77-4	Cyanogen chloride	EHW	A-H
U197	106-51-4	2,5-Cyclohexadiene 1,4-dione	EHW	C
U056	110-82-7	Cyclohexane	EHW	C-I
U129	58-89-9	Cyclohexane, 1,2,3,4,5,6-hexachloro-(1alpha,2alpha,3beta,4alpha,5alpha,6beta)-	EHW	C-H
U057	108-94-1	Cyclohexanone	EHW	C-I
P034	131-89-5	2-Cyclohexyl-4,6-dinitrophenol	EHW	C
U130	77-47-4	1,3-Cyclopentadiene, 1,2,3,4,5,5-hexa-chloro-	EHW	X-H

U058	50 18 0	Cyclophosphamide	EHW	C H I
U240	94 75 7	2,4 D, salts and esters	EHW	B H
U060	72 54 8	DDD	EHW	C H
U061	50 29 3	DDT	EHW	X H
U142	143 50 0	Decachlorocotahydro 1,3,4 metheno -2H cyclobuta[e,d] pentalen 2 one	EHW	X H
U062	2303 16 4	Diallate	EHW	C H
U133	302 01 2	Diamine	EHW	B R
U063	55 70 3	Dibenz[a,h]anthracene	EHW	A P
U063	55 70 3	1,2:5,6 Dibenzoanthracene	EHW	P A
U064	189 55 9	1,2:7,8 Dibenzoptyrene	EHW	P
U064	189 55 9	Dibenz[a,i]pyrene	EHW	P
U066	96 12 8	1,2 Dibromo 3 chloropropane	EHW	C H
U062	2303 16 4	S (2,3 Dichloroallyl) -diisopropylthiocarbamate	EHW	C H
U070	95 50 1	o Dichlorobenzene	EHW	B H
U071	541 73 1	m Dichlorobenzene	EHW	B H
U072	106 46 7	p Dichlorobenzene	EHW	B H
U073	91 94 1	3,3' Dichlorobenzidine	EHW	H
U074	764 41 0	1,4 Dichloro 2 butene	EHW	C H I
U075	75 71 8	Dichlorodifluoromethane	EHW	H
U060	72 54 8	Dichloro diphenyl dichloroethane	EWH	C H
U061	50 29 3	Dichloro diphenyl trichloroethane	EWH	X H
U078	75 35 4	1,1 Dichloroethylene	EHW	C H
U079	156 60 5	1,2 Dichloroethylene	EHW	D H
U025	111 44 4	Dichloroethyl ether	EHW	C H
U027	108 60 1	Dichloroisopropyl ether	EHW	CHR
P016	542 88 1	Dichloromethyl ether	EHW	HI
U081	120 83 2	2,4 Dichlorophenol	EHW	D H
U082	87 65 0	2,6 Dichlorophenol	EHW	D H
U240	94 75 7	2,4 Dichlorophenoxyacetic -acid, salts and esters	EHW	B H
P036	696 28 6	Dichlorophenylarsine	EHW	B H
U083	78 87 5	1,2 Dichloropropane	EHW	C H I
U084	542 75 6	1,3 Dichloropropene	EHW	C H
P037	60 57 1	Dieldrin	EHW	X H
U085	1464 53 5	1,2:3,4 Diepoxybutane	EHW	B I
P038	692 42 2	Diethylarsine	EHW	B
P039	298 04 4	O,O Diethyl S [2 (ethylthio)ethyl] -phosphorodithioate	EHW	A
U087	3288 58 2	O,O Diethyl S methyl dithiophosphate	EHW	B
P041	311 45 5	Diethyl p nitrophenyl phosphate	EHW	A
P040	297 97 2	O,O Diethyl O pyrazinyl -phosphorothioate	EHW	A
P043	55 91 4	Diisopropyl fluorophosphate	EHW	B H
P004	309 00 2	1,4,5,8 Dimethanonaphthalene, 1,2,3,4,10, -10 hexachloro 1,4,4a,5,8,8a, hexahydro, (1alpha, 4alpha, -4abeta, 5alpha, 8alpha, 8abeta)	EHW	B H
P060	465 73 6	1,4,5,8 Dimethanonaphthalene, 1,2,3,4,10,10 hexachloro 1,4,4a,5,8,8a hexahydro, (1alpha, 4alpha, -4abeta, 5beta, 8beta, 8abeta)	EHW	B H
P037	60 57 1	2,7:3,6 Dimethanonaphth [2,3 b]oxirene, 3,4,5,6, -9, 9 hexachloro 1a,2,2a,3,6,6a,7,7a octahydro, (1alpha, -2beta, 2alpha, 3beta, 6beta, 6alpha, 7beta, 7alpha)	EHW	B H
P051	72 20 8	2,7:3,6 Dimethanonaphth [2,3 b]oxirene, -3,4,5,6,9, 9 hexachloro 1a,2,2a,3,6,6a,7,7a octahydro, (1alpha, -2beta, 2abeta, 3alpha, 6alpha, 6abeta, 7beta, 7alpha) - & metabolites	EHW	B H
P044	60 51 5	Dimethoate	EHW	A
U092	124 40 3	Dimethylamine	EHW	C I
U093	60 11 7	P Dimethylaminoazobenzene	EHW	C
U094	57 97 6	7,12 Dimethylbenz[a]anthracene	EWH	C P
U095	119 93 7	3,3' Dimethylbenzidine	EHW	C
U096	80 15 9	alpha,alpha Dimethylbenzylhydro -peroxide	EHW	C R
U097	79 44 7	Dimethylcarbamoyl chloride	EHW	D H
U099	540 73 8	1,2 Dimethylhydrazine	EHW	C I
P045	39196 18 4	3,3 Dimethyl 1 (methylthio) 2 -butanone,O [(methylamino) -carbonyl] oxime	EHW	B
P071	298 00 0	O,O Dimethyl O p nitrophenyl -phosphorothioate	EHW	A
P082	62 75 9	Dimethylnitrosamine	EHW	B
P046	122 09 8	alpha, alpha Dimethylphenethylamine	EHW	C
U103	77 78 1	Dimethyl sulfate	EHW	C O
P047	534 52 1	4,6 Dinitro o cresol and salts	EHW	B

P034	131-89-5	4,6-Dinitro-o-cyclohexylphenol	EHW	C
P048	51-28-5	2,4-Dinitrophenol	EHW	B
U105	121-14-2	2,4-Dinitrotoluene	EHW	C
U106	606-20-2	2,6-Dinitrotoluene	EHW	C
P020	88-85-7	Dinoseb	EHW	B
U109	122-66-7	1,2-Diphenylhydrazine	EHW	C
P085	152-16-9	Diphosphoramido, octamethyl	EHW	?
P111	107-49-3	Diphosphoric acid, tetraethyl ester	EHW	A
U110	142-84-7	Dipropylamine	EHW	C-I
U111	621-64-7	Di-n-propylnitrosamine	EHW	C
P039	298-04-4	Disulfoton	EHW	A
P049	541-53-7	Dithiobiuret	EHW	A
P109	3689-24-5	Dithiopyrophosphoric acid, — tetraethyl ester	EHW	A
P050	115-29-7	Endosulfan	EHW	X-H
P088	145-73-3	Endothall	EHW	B
P051	72-20-8	Endrin	EHW	X-H
P051	72-20-8	Endrin, & metabolites	EHW	B-H
U041	106-89-8	Epichlorhydrin	EHW	B-I-R
P042	51-43-4	Epinophrine	EHW	B
U001	75-07-0	Ethanal	EHW	C
U174	55-18-4	Ethanamine, N-ethyl-N-nitroso	EHW	C
P046	122-09-8	Ethanamine, 1,1-dimethyl-2-phenyl	EHW	C
U067	106-93-4	Ethane, 1,2-dibromo	EHW	C-H
U076	75-34-3	Ethane, 1,1-dichloro	EHW	D-H
U077	107-06-2	Ethane, 1,2-dichloro	EHW	D-H
P031	460-19-5	Ethanedinitrite	EHW	R
U114	111-54-6	1,2-Ethanediyldithiocarbamodithioic — acid	EHW	B
U131	67-72-1	Ethane, hexachloro-	EHW	H
U024	111-91-1	Ethane, 1,1'-(methylenebis(oxy)) — bis[2-chloro-	EHW	C-H
U247	72-43-5	Ethane, 1,1,1-trichloro-2,2- — bis(p-methoxy-phenyl)	EHW	D-H
U003	75-05-8	Ethanenitrile	EHW	C
U025	111-44-4	Ethane, 1,1'-oxybis[2-chloro	EHW	C-H
U184	76-01-7	Ethane, pentachloro	EHW	A-H
U208	630-20-6	Ethane, 1,1,1,2-tetrachloro	EHW	H
U209	79-34-5	Ethane, 1,1,2,2-Tetrachloro	EHW	H
U227	79-00-5	Ethane, 1,1,2-trichloro	EHW	C-H
P066	16752-77-5	Ethanimidothioic acid, N-[(methylamino) carbonyl]oxy], methyl ester	EHW	B
P084	4549-40-0	Ethanamine, N-methyl-N-nitroso	EHW	B-
U043	75-01-4	Ethene, chloro	EHW	D-H
U042	110-75-8	Ethene, 2-chloroethoxy	EHW	C-H
U078	75-35-4	Ethene, 1,1-dichloro	EHW	C-H
U079	156-60-5	Ethene, 1,2-dichloro, (E)	EHW	D-H
U210	127-18-4	Ethene, tetrachloro	EHW	C-H
U006	75-36-5	Ethanoyl chloride	EHW	C-H-O-R
P101	107-12-0	Ethyl cyanide	EHW	B
U038	510-15-6	Ethyl 4,4'-dichlorobenzilate	EHW	D-H
U114	111-54-6	Ethylenebis(dithiocarbamic acid), — salts and esters	EHW	B
U067	106-93-4	Ethylene dibromide	EHW	C-H
U077	75-34-3	Ethylene dichloride	EHW	D-H
U115	75-21-8	Ethylene oxide	EHW	C-I
P054	151-56-4	Ethylenimine	EHW	B
U076	75-34-3	Ethylidene dichloride	EHW	D-H
P097		Famphur	EHW	A
P056	7782-41-4	Fluorine	EHW	B
P057	640-19-7	Fluoroacetamide	EHW	B-H
P058	62-74-8	Fluoroacetic acid, sodium salt	EHW	A-H
U122	50-00-0	Formaldehyde	EHW	C
P065	628-86-4	Fulminic acid, mercury (II) salt	EHW	R-?
U125	98-01-1	2-Furancarboxaldehyde	EHW	C-I
U147	108-31-6	2,5-Furandione	EHW	C
U125	98-01-1	Furfural	EHW	C-I
U126	765-34-4	Glycidylaldehyde	EHW	C
U163	70-25-7	Guanidine, N-methyl-N'-nitro-N-nitroso	EHW	C
P059	76-44-8	Heptachlor	EHW	X-H
U127	118-74-1	Hexachlorobenzene	EHW	H
U128	87-68-3	Hexachlorobutadiene	EHW	C-H
U129	58-89-9	Hexachlorocyclohexane (gamma isomer)	EHW	H
U130	77-47-4	Hexachlorocyclopentadiene	EHW	X-H

P051	72-20-8	1,2,3,4,10,10 Hexachloro 6,7 epoxy 1,4,4a,5,6,7,8,8a octahydro endo, endo 1,4,5,8 dimethanonaphthalene	EHW	X H
P037	60-57-1	1,2,3,4,10,10 Hexachloro 6,7 epoxy 1,4,4a,5,6,7,8,8a octahydro endo, exo 1,4,5,8 dimethanonaphthalene	EHW	X H
U131	67-72-1	Hexachloroethane	EHW	H
P060	465-73-6	1,2,3,4,10,10 Hexachloro 1,4,4a,5, 8,8a hexahydro 1,4,5,8 endo, endo dimethanonaphthalene	EHW	B H
P004	309-00-2	1,2,3,4,10,10 Hexachloro 1,4,4a,5, 8,8a hexahydro 1,4,5,8 endo, exodimethanonaphthalene	EHW	B H
P060	465-73-6	Hexachlorohexahydro endo, endo dimethanonaphthalene	EHW	B H
U132	70-30-4	Hexachlorophene	EHW	C H
U243	1888-71-7	Hexachloropropene	EHW	H
P062	757-58-4	Hexaethyl tetraphosphate	EHW	B
U133	302-01-2	Hydrazine	EHW	B R
P116	79-19-6	Hydrazinocarbothioamide	EHW	B
U099	540-73-8	Hydrazine, 1,2 dimethyl	EHW	C I
U109	122-66-7	Hydrazine, 1,2 diphenyl	EHW	C
P068	60-34-4	Hydrazine, methyl	EHW	A I
P063	74-90-8	Hydrocyanic acid	EHW	A
P063	74-90-8	Hydrogen cyanide	EHW	A
P096	7803-51-2	Hydrogen phosphide	EHW	B I
U135	7782-06-4	Hydrogen sulfide	EHW	B I
U096	80-15-9	Hydroperoxide, 1 methyl 1 phenylethyl	EHW	C R
U245	53-86-1	Indomethacin	EHW	B H
P064	624-83-9	Isoocyanic acid, methyl ester	EHW	I ?
P060	465-73-6	Isodrin	EHW	B H
P007	2763-96-4	3(2H) Isoxazolone, 5 (aminomethyl)	EHW	B
U142	143-50-0	Kepon	EHW	X H
U143	303-34-4	Lasiocarpine	EHW	C
U144	301-04-2	Lead acetate	EHW	D TC
U129	58-89-9	Lindane	EHW	H
U163	70-25-7	MNNG	EHW	C
U147	108-31-6	Maleic anhydride	EHW	C
U149	109-77-3	Malononitrile	EHW	C
U151	7439-97-6	Mercury	EHW	TC
P092	62-38-4	Mercury, (acetato O)phenyl	EHW	B
P065	628-86-4	Mercury fulminate	EHW	R ?
U152	126-98-7	Methacrylonitrile	EHW	B I
U092	124-40-3	Methanamine, N methyl	EHW	C I
P082	62-75-9	Methanamine, N methyl N nitroso	EHW	?
P016	542-88-1	Methane, oxybis(chloro)	EHW	B H
P112	509-14-8	Methane, tetrannitro	EHW	A R
U029	74-83-9	Methane, bromo	EHW	H
U045	74-87-3	Methane, chloro	EHW	H I
U046	107-30-2	Methane, chloromethoxy	EHW	D H I
U068	74-95-3	Methane, dibromo	EHW	C H
U080	75-09-2	Methane, dichloro	EHW	C H
U075	75-71-8	Methane, dichlorodifluoro	EHW	H
U138	74-88-4	Methane, iodo	EHW	H
P064	624-83-9	Methane isocyanate	EHW	C I R
U211	56-23-5	Methane, tetrachloro	EHW	C H
P118	75-70-7	Methanethiol, trichloro	EHW	H
U153	74-93-1	Methanethiol	EHW	B I
U225	75-25-2	Methane, tribromo	EHW	H
U121	75-69-4	Methane, trichlorofluoro	EHW	H
U044	67-66-3	Methane, trichloro	EHW	C H
P050	115-29-7	6,9 Methano 2,4,3 benzodioxathiepin, 6,7,8,9,10,10 hexachloro 1,5,5a,6,9,9a hexahydro ,3 oxide	EHW	B H
P059	76-44-8	4,7 Methano 1H indene, 1,4,5,6,7, 8,8 heptachloro 3a,4,7,7a tetrahydro	EHW	X H
U036	57-74-9	4,7 Methano 1H indene, 1,2,4,5,6,7,8,8 octachloro 2,3,3a,4,7,7a hexahydro	EHW	X H
U142	143-50-0	1,3,4 Metheno 2H cyclobuta[ed]pentalen 2 one, 1,1a,2,3a,4,5,5a,5b,6 decachlorooctahydro	EHW	C H
P066	16752-77-5	Methomyl	EHW	B
U247	72-43-5	Methoxychlor	EHW	D H
P067	75-55-8	2 Methylaziridine	EHW	B I
P068	60-34-4	Methyl hydrazine	EHW	A I
P064	624-83-9	Methyl isocyanate	EHW	I ?
P069	75-86-5	2 Methylactonitrilo	EHW	A

PERMANENT

P071	298 00 0	Methyl parathion	EHW	A
U029	74 82 9	Methyl bromide	EHW	H
U045	74 87 3	Methyl chloride	EHW	H I
U156	79 22 1	Methyl chloroacetate	EHW	B H I
U226	71 55 6	Methylenechloroform	EHW	C H
U157	56 49 5	3-Methylcholanthrene	EHW	H P
U158	101 14 4	4,4'-Methylenbis(2-chloroaniline)	EHW	H
U132	70 30 4	2,2'-Methylenbis(3,4,6-trichlorophenol)	EHW	C H
U068	74 95 3	Methylene bromide	EHW	C H
U080	75 09 2	Methylene chloride	EHW	C H
U122	50 00 0	Methylene oxide	EHW	C
U160	1338 23 4	Methyl ethyl ketone peroxide	EHW	B R
U138	74 88 4	Methyl iodide	EHW	H
U163	70 25 7	N-Methyl N'-nitro-N-nitrosoguanidine	EHW	C R
U010	50 07 7	Mitomycin C	EHW	B
U165	91 20 3	Naphthalene	EHW	B
U047	91 58 7	Naphthalene, 2-chloro	EHW	D H
U166	130 15 4	1,4-Naphthalenedione	EHW	C
U236	72 57 1	2,7-Naphthalenedisulfonic acid, 3,3'-[(3,3'-dimethyl-(1,1'-biphenyl)-4,4'-diyl)]bis-(azo)bis(5-amino-4-hydroxy)-tetrasodium salt	EHW	H
U166	130 15 4	1,4-Naphthoquinone	EHW	C
U167	134 32 7	1-Naphthalenamine	EHW	B
U168	91 59 8	2-Naphthalenamine	EHW	B
U167	134 32 7	alpha-Naphthalenamine	EHW	B
U168	91 59 8	beta-Naphthalenamine	EHW	B
U026	494 03 1	2-Naphthalenamine, N,N-bis(2-chloroethyl)	EHW	H
P072	86 88 4	alpha-Naphthylthiourea	EHW	B
P073	13463 39 3	Nickel carbonyl	EHW	B
P073	13463 39 3	Nickel carbonyl Ni(CO) ₄ , (T-4)	EHW	I
P074	557 19 7	Nickel cyanide	EHW	D R ?
P074	557 19 7	Nickel (II) cyanide	EHW	D R ?
P073	13463 39 3	Nickel tetracarbonyl	EHW	B
P075	54 11 5	Nicotine and salts	EHW	B
U217	10102 45 1	Nitric acid, thallium(1+) salt	EHW	?
P076	10102 43 9	Nitric oxide	EHW	B
P077	100 01 6	p-Nitroaniline	EHW	D ?
U169	98 95 3	Nitrobenzene	EHW	C I
P078	10102 44 0	Nitrogen dioxide	EHW	A
P076	10102 43 9	Nitrogen (II) oxide	EHW	B
P078	10102 44 0	Nitrogen (IV) oxide	EHW	A
P081	55 63 0	Nitroglycerine	EHW	R ?
U170	100 02 7	p-Nitrophenol	EHW	C
U171	79 46 9	2-Nitropropane	EHW	C I
U174	55 18 4	N-Nitrosodiethylamine	EHW	C
P082	62 75 9	N-Nitrosodimethylamine	EHW	B
U176	759 73 9	N-Nitroso-N-ethylurea	EHW	C
U177	684 93 5	N-Nitroso-N-methylurea	EHW	C
U178	615 53 2	N-Nitroso-N-methylurethane	EHW	C
P084	4549 40 0	N-Nitrosomethylvinylamine	EHW	B
U179	100 75 4	N-Nitrosopiperidine	EHW	C
U111	621 64 7	N-Nitroso-n-propylamine	EWH	C
P050	115 29 7	5-Norbornene 2,3, dimethanol, 1,4,5,6,7,7-hexachloro, cyclic sulfite	EHW	X H
P085	152 16 9	Octamethylpyrophosphoramide	EHW	A
P087	20816 12 0	Osmium oxide	EHW	B
P087	20816 12 0	Osmium tetroxide	EHW	B
P088	145 73 3	7-Oxabicyclo[2.2.1]heptane 2,3-dicarboxylic acid	EHW	B
U058	62 74 8	2H-1,3,2-Oxazaphosphorine 2-amine, N,N-bis(2-chloroethyl)tetrahydro-2-oxide	EHW	C H I
U115	75 21 8	Oxirane	EWH	C I
U041	106 89 8	Oxirane, (chloromethyl)	EHW	C H I
P089	56 38 2	Parathion	EHW	X
U183	608 93 5	Pentachlorobenzene	EHW	H
U184	76 01 7	Pentachloroethane	EHW	A H
U185	82 68 8	Pentachloronitrobenzene (PCNB)	EHW	D H
See F027		Pentachlorophenol	EHW	A H
U188	108 95 2	Phenol	EHW	C
P034	131 89 5	Phenol, 2-cyclohexyl 4,6-dinitro	EHW	C
P048	51 28 5	Phenol, 2,4-dinitro	EHW	B

P047	534 52 1	Phenol, 2 methyl 4,6 dinitro , —and salts	EHW	B
P020	88 85 7	Phenol, 2,4 dinitro 6 (1 methylpropyl)	EHW	B
P020	88 85 7	Phenol, 2 (1 methylpropyl) 4,6 dinitro	EHW	B I
P009	131 74 8	Phenol, 2,4,6 trinitro , —ammonium salt	EHW	R
U048	95 57 8	Phenol, 2 chloro	EHW	D H
U039	59 50 7	Phenol, 4 chloro 3 methyl	EHW	H
U081	120 83 2	Phenol, 2,4 dichloro	EHW	D H
U082	87 65 0	Phenol, 2,6 dichloro	EHW	D H
U132	70 30 4	Phenol, 2,2' methylenebis[3,4,6 trichloro	EHW	C H I
U170	100 02 7	Phenol, 4 nitro	EHW	C
See				
P027	87 86 5	Phenol, pentachloro	EHW	A H
See				
P027	58 90 2	Phenol, 2,3,4,6 tetrachloro	EHW	C H
See				
P027	95 95 4	Phenol, 2,4,5 trichloro	EHW	A H
See				
P027	88 06 2	Phenol, 2,4,6 trichloro	EHW	A H
U150	148 82 3	L Phenylalanine, 4 [bis(2 chloroethyl)amino]	EHW	B H
P036	696 28 6	Phenyl dichloroarsine	EHW	B H
P092	62 38 4	Phenylmercury acetate	EHW	B
P093	103 85 5	Phenylthiourea	EHW	A
P094	298 02 2	Phorate	EHW	X
P095	75 44 5	Phosgene	EHW	B H
P096	7803 51 2	Phosphine	EHW	B I
P041	311 45 5	Phosphoric acid, diethyl —p nitrophenyl ester	EHW	A
P039	298 04 4	Phosphorodithioic acid, O,O diethyl S [2 (ethylthio)ethyl] ester	EHW	A
P044	60 51 5	Phosphorodithioic acid, O,O dimethyl —S [2 (methylamino) 2 oxoethyl] —ester	EHW	A
P043	55 91 4	Phosphorofluoric acid, —bis(1 methyl ethyl)ester	EHW	B H
P094	298 02 2	Phosphorothioic acid, O,O diethyl —S (ethylthio)methyl ester	EHW	X
P097	52 85 7	Phosphorothioic acid, O,O dimethyl —O [p ((dimethylamino) sulfonyl) —phenyl]ester	EHW	A
P071	298 00 0	Phosphorothioic acid, O,O dimethyl O (4 nitrophenyl) ester	EHW	B I
P089	56 38 2	Phosphorothioic acid, O,O diethyl —O (p nitrophenyl)ester	EHW	X
P040	297 97 2	Phosphorothioic acid, O,O diethyl —O pyra ziny] ester	EHW	A
U189	1314 80 3	Phosphorus sulfide	EHW	B I R
U190	85 44 9	Phthalic anhydride	EHW	C
U191	109 06 8	2 Picoline	EHW	C
U179	100 75 4	Piperidine, 1 nitroso	EHW	C
P110	78 00 2	Plumbane, tetraethyl	EHW	A
P098	150 50 8	Potassium cyanide	EHW	A
P098	151 50 8	Potassium cyanide K(CN)	EHW	B R
P099	506 61 6	Potassium silver cyanide	EHW	A
P070	116 06 3	Propanal, 2 methyl 2(methylthio) —O ((methylamino)carbonyl)oxime	EHW	B
U194	107 10 8	1 Propanamine	EHW	C I
U111	621 64 7	1 Propanamine, N nitroso N propyl	EHW	C
U110	142 84 7	1 Propanamine, N propyl	EHW	C I
U066	96 12 8	Propane, 1,2 dibromo 3 chloro	EHW	C H
U149	109 77 3	Propanedinitrile	EHW	C
P101	107 12 0	Propanenitrile	EHW	B
P027	542 76 7	Propanenitrile, 3 chloro	EHW	B H
P069		Propanenitrile, 2 hydroxy 2 methyl	EHW	A
U083	78 87 5	Propane, 1,2 dichloro	EHW	D H I
U171	79 46 9	Propane, 2 nitro	EHW	C I
U027	108 60 1	Propane, 2,2'oxybis[2 chloro	EHW	C H O
P081	55 63 0	1,2,3 Propanetriol, trinitrate	EHW	R ?
U235	126 72 7	1 Propanol, 2,3 dibromo , phosphate (3:1)	EHW	D H
U126	765 34 4	1 Propanol, 2,3 epoxy	EHW	C
P017	598 31 2	2 Propanone, 1 bromo	EHW	C H
P102	107 19 7	Propargyl alcohol	EHW	X
P003	107 02 8	2 Propenal	EHW	X

U007	79 06 1	2 Propenamido	EHW	C
U084	542 75 6	Propene, 1,3-dichloro	EHW	C H
U243	1888 71 7	1 Propene, 1,1,2,3,3,3-hexachloro	EHW	H
U009	107 13 1	2 Propenenitrile	EHW	C I
U152	126 98 7	2 Propenenitrile, 2-methyl	EHW	B I
U008	79 10 7	2 Propenoic acid	EHW	C O I
P005	107 18 6	2 Propen-1-ol	EHW	B I
U194	107 10 8	n Propylamine	EHW	C I
U083	78 87 5	Propylene dichloride	EHW	C H I
P067	75 55 8	1,2 Propylenimine	EHW	B I
P102	107 19 7	2 Propyn-1-ol	EHW	X
P008	504 24 5	4 Pyridinamine	EHW	B
P075	54 11 5	Pyridine, (S)-3-(1-methyl-2-pyrrolidinyl), and salts	EHW	B
U196	110 86 1	Pyridine	EHW	C I
U170	100 75 4	Pyridine, hexahydro-N-nitroso	EHW	C
U191	109 06 8	Pyridine, 2-methyl	EHW	C
U237	66 75 1	2,4-(1H,3H)-Pyrimidinedione, 5-[(bis(2-chloroethyl)amino)-	EHW	B H
P111	107 49 3	Pyrophosphoric acid, tetraethyl-ester	EHW	A
U201	108 46 3	Resorcinol	EHW	C
P114	12039 52 0	Selenious acid, dithallium (1+) salt	EHW	?
U205	7488 56 4	Selenium sulfide SeS ₂	EHW	C
P103	630 10 4	Selenourea	EHW	B
U015	115 02 6	L-Serine, diazoacetate (ester)	EHW	C
See	F027	Silvex		
P104	506 64 9	Silver cyanide	EHW	C
P104	506 64 9	Silver cyanide AG(CN)	EHW	C R
P105	26628 22 8	Sodium azide	EHW	A
P106	143 33 9	Sodium cyanide	EHW	A
P106	143 33 9	Sodium cyanide NA(CN)	EHW	B R
P107	1314 96 1	Strontium sulfide	EHW	R
P108	57 24 9	Strychnidin-10-one, and salts	EHW	B
P018	357 57 3	Strychnidin-10-one, 2,3-dimethoxy	EHW	A
P108	57 24 9	Strychnine and salts	EHW	B
U135	7783 06 4	Sulfur hydride	EHW	B I
U102	77 78 1	Sulfuric acid, dimethyl ester	EHW	C O
P115	7446 18 6	Sulfuric acid, thallium (I) salt	EHW	B
U189	1314 80 3	Sulfur phosphide	EHW	B I R
See				
F027	93 76 5	2,4,5-T	EHW	B H
U207	95 94 3	1,2,4,5-Tetrachlorobenzene	EHW	D H
U208	630 20 8	1,1,1,2-Tetrachloroethane	EHW	H
U209	79 34 5	1,1,2,2-Tetrachloroethane	EHW	H
U210	127 18 4	Tetrachloroethylene	EHW	C H
U212	58 90 2	2,3,4,6-Tetrachlorophenol	EHW	C H
P109	3689 24 5	Tetraethylthiopyrophosphate	EHW	A
P110	78 00 2	Tetraethyl lead	EHW	A
P111	107 49 3	Tetraethylpyrophosphate	EHW	A
P112	509 14 8	Tetranitromethane	EHW	A R
P062	757 58 4	Tetraphosphoric acid, hexaethyl-ester	EHW	B
P113	1314 32 5	Thallic oxide	EHW	B
P113	1314 32 5	Thallium (III) oxide	EHW	B
P114	12039 52 0	Thallium (I) selenide	EHW	C
P115	7446 18 6	Thallium (I) sulfate	EHW	B
P109	3689 24 5	Thiodiphosphoric acid, tetraethyl ester	EHW	B
P045	39196 18 6	Thiofanox	EHW	B
P049	541 53 7	Thioimidodicarbonic diamide	EHW	A
U153	74 93 1	Thiomethanol	EHW	B I
P014	108 98 5	Thiophenol	EHW	A
P116	79 19 6	Thiosemicarbazide	EHW	B H
U219	62 56 6	Thiourea	EHW	C
P036	5344 82 1	Thiourea, (2-chlorophenyl)	EHW	A H
P072	86 88 4	Thiourea, 1-naphthalenyl	EHW	B
P093	103 85 5	Thiourea, phenyl	EHW	A
U220	108 88 3	Toluene	EHW	C I
U223	26471 62 5	Toluene diisocyanate	EHW	B R
P123	8001 35 2	Toxaphene	EHW	X H
U226	71 55 6	1,1,1-Trichloroethane	EHW	C H
U227	79 00 5	1,1,2-Trichloroethane	EHW	C H
U228	79 01 6	Trichloroethene	EHW	C H
U228	79 01 6	Trichloroethylene	EHW	C H
P118	75 70 7	Trichloromethanethiol	EHW	H
U121	75 69 4	Trichloromonofluoromethane	EHW	H

See F027	95 95 4	2,4,5 Trichlorophenol	EHW	A H
See F027	88 06 2	2,4,6 Trichlorophenol	EHW	A H
U232	93 76 4	2,4,5 Trichlorophenoxy -acetic acid, salts and esters	EHW	B H
U233	93 72 1	2,4,5 Trichlorophenoxy -propionic acid, salts and esters	EHW	B H
U234	99 35 4	1,3,5 Trinitrobenzene	EHW	C
U235	126 72 7	Tris(2,3 dibromopropyl) phosphate	EHW	D H
U236	72 57 1	Trypan blue	EHW	H
U237	66 75 1	Uracil, 5[bis(2 chloroethyl)amino]	EHW	B H
U237	66 75 1	Uracil mustard	EHW	B H
U176	759 73 9	Urea, N ethyl N nitroso	EHW	C
U176	684 93 5	Urea, N methyl N nitroso	EHW	C
P119	7803 55 6	Vanadic acid, ammonium salt	EHW	B
P120	1314 62 1	Vanadium pentoxide	EHW	B
P120	1314 62 1	Vanadium (V) oxide	EHW	B
P084	4549 40 0	Vinylamine, N methyl N nitroso	EHW	B
U043	75 01 4	Vinyl chloride	EHW	D H
P001	81 81 2	Warfarin	EHW	A
U239	1330 20 7	Xylene	EHW	C I
P121	557 21 1	Zinc cyanide	EHW	C
P122	1314 84 7	Zinc phosphide when present at concentrations greater than 10%	EHW	B R

MODERATELY DANGEROUS CHEMICAL PRODUCTS

U187	62 44 2	Acetamide, N (4 ethoxyphenyl)	DW	D
U005	53 96 3	Acetamide, N 9H fluoren 2 yl	DW	?
U112	141 78 6	Acetic acid, ethyl ester	DW	D I
U214	563 68 8	Acetic acid, thallium(I) salt	DW	?
U002	67 64 1	Acetone	DW	D I
U004	98 86 2	Acetophenone	DW	D
U005	53 96 3	2 Acetylaminofluorene	DW	?
U150	148 82 3	Alanine, 3 [p bis(2 chloroethyl) -amino] phenyl, L	DW	
U328	95 53 4	2 Amino 1 methylbenzene	DW	D
U353	106 49 0	4 Amino 1 methylbenzene	DW	D
U011	61 82 5	Amitrole	DW	D
U126	75 60 5	Arsinic acid, dimethyl	DW	D
U014	492 80 8	Auramine	DW	
U016	225 51 4	Benz[e]acridine	DW	
U016	225 51 4	3,4 Benzaeridine	DW	
U192	23950 58 5	Benzamide, 3,5 dichloro N (1,1 dimethyl 2 propynyl)-	DW	?
U014	492 80 8	Benzenamine, 4,4 carbonimidoylbis (N,N dimethyl)-	DW	
U328	95 53 4	Benzenamine, 2 methyl	DW	D
U353	106 49 0	Benzenamine, 4 methyl	DW	D
U222	636 21 5	Benzenamine, 2 methyl, -hydrochloride	DW	D
U181	99 55 8	Benzenamine, 2 methyl 5 nitro	DW	D
U221	25376 45 8	Benzenediamine, ar methyl	DW	?
U028	117 81 7	1,2 Benzenedicarboxylic acid, -[bis(2 ethyl hexyl)] ester	DW	?
U069	84 74 2	1,2 Benzenedicarboxylic acid, -dibutyl ester	DW	D
U088	84 66 2	1,2 Benzenedicarboxylic acid, -diethyl ester	DW	?
U102	131 11 3	1,2 Benzenedicarboxylic acid, -dimethyl ester	DW	?
U107	117 84 0	1,2 Benzenedicarboxylic acid, di n -oetyl ester	DW	?
U203	94 59 7	Benzene, 1,2 methylenedioxy 4 allyl	DW	D
U141	120 58 1	Benzene, 1,2 methylenedioxy 4 -propenyl	DW	D
U090	94 58 6	Benzene, 1,2 methylenedioxy 4 -propyl	DW	D
U234	99 35 4	Benzene, 1,3,5 trinitro	DW	D R
U202	81 07 2	1,2 Benzisothiazilin 3 one, 1, -1 dioxide, and salts	DW	
U203	94 59 7	1,3 Benzodioxole, 5 (2 propenyl)	DW	D
U141	120 58 1	1,3 Benzodioxole, 5 (1 propenyl)	DW	D
U090	94 58 6	1,3 Benzodioxole, 5 propyl	DW	D
U120	206 44 0	Benzo[j,k]fluoreno	DW	D

PERMANENT

U248	81 81 2	2H 1 Benzopyran 2 one, 4 hydroxy 3 (3-oxo-1-phenyl-butyl), & salts, when present at concentrations of 0.3% or less	DW	?
U091	119 90 4	(1,1'-Biphenyl) 4'-diamine, 3,3'- dimethoxy	DW	D
U244		Bis(dimethylthiocarbonyl) disulfide	DW	D
U028	117 81 7	Bis(2-ethoxyethyl) phthalate	DW	?
U172	924 16 3	1-Butanamine, N-butyl-N-nitroso	DW	D
U031	71 36 3	1-Butanol	DW	D-I
U159	78 93 3	2-Butanone	DW	D-I
U031	71 36 3	n-Butyl alcohol	DW	D-I
U136	75 60 5	Caecodylic acid	DW	D
U238	51 79 6	Carbamio acid, ethyl ester	DW	
U114	111 54 6	Carbamodithioic acid, 1,2-ethanediybis, salts & esters	DW	?
U215	6533 73 9	Carbonic acid, dithallium(I) salt	DW	?
U034	75 87 6	Chloral	DW	?
U051		Creosote	DW	D
U059	20830 81 3	Daunomycin	DW	
U221	25376 45 8	Diaminotoluene	DW	?
U069	84 74 2	Dibutyl phthalate	DW	D
U192	23950 58 5	3,5-Dichloro-N-(1,1-dimethyl-2- propynyl)benzamide	DW	?
U024	111 19 1	Dichloromethoxy ethane	DW	?
U108	123 91 1	1,4-Diethylene dioxide	DW	D
U028	117 81 7	Diethylhexyl phthalate	DW	?
U086	1615 80 1	N,N-Diethylhydrazine	DW	
U088	84 66 2	Diethyl phthalate	DW	?
U089	56 53 1	Diethylstilbestrol	DW	
U148	123 33 1	1,2-Dihydro-3,6-pyridizinedione	DW	D
U090	94 58 6	Dihydroaafrole	DW	D
U091	119 90 4	3,3'-Dimethoxybenzidine	DW	D
U098	57 14 7	1,1-Dimethylhydrazine	DW	I
U101	105 67 9	2,4-Dimethylphenol	DW	D
U102	131 11 3	Dimethyl phthalate	DW	?
U107	117 84 0	Di-n-octyl phthalate	DW	?
U108	123 91 1	1,4-Dioxane	DW	D
U155	91 80 5	1,2-Eethanediamine, N,N-dimethyl-N'-2-pyridinyl-N'-(2-thienylmethyl)	DW	?
U117	60 29 7	Ethane, 1,1'-oxybis	DW	D-I
U218	65 55 5	Ethanethioamide	DW	
U226	71 55 6	Ethane, 1,1,1-trichloro	DW	D
U173	1116 54 7	Ethanol, 2,2-(nitrosoimino)bis	DW	
U259	110 80 5	Ethanol, 2-ethoxy	DW	D-I
U004	98 86 2	Ethanone, 1-phenyl	DW	D
U228	79 01 6	Ethene, trichloro	DW	I
U112	141 78 6	Ethyl acetate	DW	D-I
U113	140 88 5	Ethyl acrylate	DW	D-I
U238	51 79 6	Ethyl carbamate (urethan)	DW	
U259	110 80 5	Ethylene glycol monoethyl ether	DW	D-I
U116	96 45 7	Ethylene thiourea	DW	D
U117	60 29 7	Ethyl ether	DW	D-I
U118	97 63 2	Ethyl methacrylate	DW	I
U119	62 50 0	Ethyl methanesulfonate	DW	
U120	206 44 0	Fluoranthene	DW	D
U123	64 18 6	Formic Acid	DW	D-O
U124	110 00 9	Furan	DW	I
U213	109 99 9	Furan, tetrahydro	DW	I
U124	110 00 9	Furfuran	DW	I
U206	18883 66 4	D-Glucopyranose, 2-deoxy-2-(3- methyl-3-nitrosoureido)-	DW	
U206		D-Glucose, 2-deoxy-2- (3-methyl-3-nitrosoureido)-, D-	DW	
U086	1615 80 1	Hydrazine, 1,2-diethyl	DW	
U098	57 14 7	Hydrazine, 1,1-dimethyl	DW	I
U134	7664 39 3	Hydrofluoric acid	DW	D-O
U134	7664 39 3	Hydrogen fluoride	DW	D-O
U135	7783 06 4	Hydrogen sulfide H2S	DW	?
U136	75 60 5	Hydroxydimethylarsine oxide	DW	D
U190	85 44 9	1,3-Ibenzofurandione	DW	D
U116	96 45 7	2-Imidazolidinethione	DW	D
U137	193 39 5	Indeno[1,2,3-cd]pyrene	DW	
U139		Iron dextran	DW	
U140	78 83 1	Isobutyl alcohol	DW	D-I
U141	120 58 1	Isosafrole	DW	D
U146	1335 32 6	Lead, bis(acetato-O)tetrahydroxytri	DW	?

U145	7446 27 7	Lead phosphate	DW	
U146	1235 32 6	Lead subacetate	DW	
U148	123 33 1	Maleic hydrazide	DW	D
U150	148 82 3	Melphalan	DW	
U119	62 50 0	Methanesulfonic acid, ethyl ester	DW	
U123	64 18 6	Methanoic acid	DW	D O
U154	67 56 1	Methanol	DW	D I
U155	91 80 5	Methapyrilene	DW	D
U154	67 56 1	Methyl alcohol	DW	D I
U186	504 60 9	1 Methylbutadiene	DW	D I
U159	78 93 3	Methyl ethyl ketone (MEK)	DW	D I
U161	108 10 1	Methyl isobutyl ketone	DW	D I
U162	80 62 6	Methyl methacrylate	DW	D I
U161	108 10 1	4 Methyl 2 pentanone	DW	
U164	56 04 2	Methylthiouracil	DW	
U059	20830 81 3	5,12 Naphthaeenedione, 8 acetyl 10 [(3 amino 2, 3,6 trideoxy) alpha L lyxo hexopyranosyl]oxy] 7,8,9, 10 tetrahydro 6,8,11 trihydroxy 1 methoxy, (8S cis)	DW	?
U172	924 16 3	N Nitrosodi n butylamine	DW	D
U173	1116 54 7	N Nitrosodiethanolamine	DW	
U180	930 55 2	N Nitrosopyrrolidine	DW	D
U181	99 55 8	5 Nitro o toluidine	DW	D
U193	1120 71 4	1,2 Oxathiolane, 2,2 dioxide	DW	
U126	765 34 4	Oxirane carboxyaldehyde	DW	D I
U182	123 63 7	Paraldehyde	DW	D I
U186	504 60 9	1,3 Pentadiene	DW	D I
U161	108 10 1	Pentanol, 4 methyl	DW	D I
U187	62 44 2	Phenacetin	DW	D
U101	105 67 9	Phenol, 2,4 dimethyl	DW	D
U052	1319 77 3	Phenol, methyl	DW	D
U137	193 39 5	1,10 (1,2 Phenylene)pyrene	DW	
U145	7446 27 7	Phosphoric acid, lead (2+) salt (2:3)	DW	
U087	3288 58 2	Phosphorodithioic acid, O,O - diethyl, S methyl ester	DW	?
U192	23950 58 5	Pronamide	DW	?
U193	1120 71 4	1,3 Propano sulfone	DW	
See				
F027		Propionic acid, 2 (2,4,5 trichlorophenoxy)		
U140	78 83 1	1 Propanol, 2 methyl	DW	D I
U002	67 64 1	2 Propanone	DW	D I
U113	140 88 5	2 Propenoic acid, ethyl ester	DW	D I
U118	97 63 2	2 Propenoic acid, 2 methyl, ethyl - ester	DW	I
U162	80 62 6	2 Propenoic acid, 2 methyl, methyl - ester	DW	D I
U148	123 33 1	3,6 Pyridazinedione, 1, dihydro	DW	D
U155	91 80 5	Pyridine, 2 [(2dimethylamino) - ethyl] 2 phenylamino		
U164	56 04 2	4(1H) Pyrimidinone, 2,3 dihydro 6 - methyl 2 thioxo	DW	
U180	930 55 2	Pyrrolidine, 1 nitroso	DW	D
U200	50 55 5	Reserpine	DW	?
U202	81 07 2	Saccharin and salts	DW	
U203	94 59 7	Safrole	DW	D
U204	7783 00 8	Selenious acid	DW	O
U204	7783 00 8	Selenium dioxide	DW	O
U205	7488 56 4	Selenium sulfide	DW	R
U089	56 53 1	4,4' Stilbenediol, alpha, alpha' - diethyl	DW	
U206	18883 66 4	Streptozotocin	DW	
U205	7488 56 4	Sulfur selenide	DW	R
U213	109 99 9	Tetrahydrofuran	DW	I
U214	563 68 8	Thallium(1) acetate	DW	?
U215	6523 73 9	Thallium(1) carbonate	DW	?
U216	7791 12 0	Thallium(1) chloride	DW	?
U216	7791 12 0	Thallium chloride TlCl	DW	?
U217	10102 45 1	Thallium(1) nitrate	DW	?
U218	62 55 5	Thioacetamide	DW	
U244	137 26 8	Thioperoxydicarbonic diamide	DW	D
U244	137 26 8	Thiram	DW	D
U244	137 26 8	Thiran	DW	D
U221	25376 45 8	Toluenediamine	DW	?
U328	95 53 4	o Toluidine	DW	D
U353	106 49 0	p Toluidine	DW	D

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U222	636-21-5	o-Toluidine hydrochloride	DW	D
U011	61-82-5	1H-1,2,4-Triazol-3-amine	DW	D
U224	99-25-4	sym-Trinitrobenzene	DW	D-R
U182	123-63-7	1,3,5-Trioxane, 2,4,6-trimethyl-	DW	D-I
U248		Warfarin, & salts, when present at concentrations of 0.3% or less		
U200	50-55-5	Yohimban-16-carboxylic acid, 11, -17-di-methoxy-18-[(3,4,5-trimethoxy-benzoyloxy)-methyl ester (3beta, 16-beta, 17-alpha, 18-beta, 20-alpha)-	DW	?
U249		Zinc phosphide Zn3P2, when present at concentrations of 10% or less		

- * **EHW** = Extremely Hazardous Waste
- DW** = Dangerous Waste
- X** = Toxic, Category X
- A** = Toxic, Category A
- B** = Toxic, Category B
- C** = Toxic, Category C
- D** = Toxic, Category D
- ?** = Toxic, Category not determined
- H** = Persistent, Halogenated Hydrocarbon
- O** = Corrosive
- P** = Persistent, Polycyclic Aromatic Hydrocarbon
- I** = Ignitable
- R** = Reactive
- TC** = Toxicity Characteristic(s)

Discarded Chemical Products List

"P" Chemical Products

Comment: For the convenience of the regulated community, the primary hazardous properties of these materials have been indicated by the letters T (Toxicity), and R (Reactivity). Absence of a letter indicates that the compound is only listed for acute toxicity.

The "P" wastes and their corresponding Dangerous Waste Numbers are:

Dangerous Waste No.	Chemical Abstracts No.	Substance
P023	107-20-0	Acetaldehyde, chloro-
P002	591-08-2	Acetamide, N-(aminothioxomethyl)-
P057	640-19-7	Acetamide, 2-fluoro-
P058	62-74-8	Acetic acid, fluoro-, sodium salt
P002	591-08-2	1-Acetyl-2-thiourea
P003	107-02-8	Acrolein
P070	116-06-3	Aldicarb
P004	309-00-2	Aldrin
P005	107-18-6	Allyl alcohol
P006	20859-73-8	Aluminum phosphide (R,T)
P007	2763-96-4	5-(Aminomethyl)-3-isoxazolol
P008	504-24-5	4-Aminopyridine
P009	131-74-8	Ammonium picrate (R)
P119	7803-55-6	Ammonium vanadate
P099	506-61-6	Argentate(1-), bis(cyano-C)-, potassium
P010	7778-39-4	Arsenic acid H ₃ AsO ₄
P012	1327-53-3	Arsenic oxide As ₂ O ₃
P011	1303-28-2	Arsenic oxide As ₂ O ₅
P011	1303-28-2	Arsenic pentoxide
P012	1327-53-3	Arsenic trioxide
P038	692-42-2	Arsine, diethyl-
P036	696-28-6	Arsonous dichloride, phenyl-
P054	151-56-4	Aziridine
P067	75-55-8	Aziridine, 2-methyl-
P013	542-62-1	Barium cyanide
P024	106-47-8	Benzenamine, 4-chloro-
P077	100-01-6	Benzenamine, 4-nitro-

P028	100-44-7	Benzene, (chloromethyl)-
P042	51-43-4	1,2-Benzenediol, 4-[1-hydroxy-2-(methylamino)ethyl]-, (R)-
P046	122-09-8	Benzenethanamine, alpha,alpha-dimethyl-
P014	108-98-5	Benzenethiol
P001	181-81-2	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, & salts, when present at concentrations greater than 0.3%
P028	100-44-7	Benzyl chloride
P015	7440-41-7	Beryllium
P017	598-31-2	Bromoacetone
P018	357-57-3	Brucine
P045	39196-18-4	2-Butanone, 3,3-dimethyl-1-(methylthio)-, O-[methylamino)carbonyl] oxime
P021	592-01-8	Calcium cyanide
P021	592-01-8	Calcium cyanide Ca(CN) ₂
P022	75-15-0	Carbon disulfide
P095	75-44-5	Carbonic dichloride
P023	107-20-0	Chloroacetaldehyde
P024	106-47-8	p-Chloroaniline
P026	5344-82-1	1-(o-Chlorophenyl)thiourea
P027	542-76-7	3-Chloropropionitrile
P029	544-92-3	Copper cyanide
P029	544-92-3	Copper cyanide Cu(CN)
P030		Cyanides (soluble cyanide salts), not otherwise specified
P031	460-19-5	Cyanogen
P033	506-77-4	Cyanogen chloride
P033	506-77-4	Cyanogen chloride (CN)Cl
P034	131-89-5	2-Cyclohexyl-4,6-dinitrophenol
P016	542-88-1	Dichloromethyl ether
P036	696-28-6	Dichlorophenylarsine
P037	60-57-1	Dieldrin
P038	692-42-2	Diethylarsine
P041	311-45-5	Diethyl-p-nitrophenyl phosphate
P040	297-97-2	O,O-Diethyl O-pyrazinyl phosphorothioate
P043	55-91-4	Diisopropylfluorophosphate (DFP)
P004	309-00-2	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexa-chloro-1,4,4a,5,8,8a,-hexahydro-, (1alpha,4alpha,4beta,5alpha,8alpha,8beta)-
P060	465-73-6	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexa-chloro-1,4,4a,5,8,8a,-hexahydro-, (1alpha,4alpha,4beta,5beta,8beta,8beta)-
P037	60-57-1	2,7,3,6-Dimethanonaphth[2,3-b]oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1alpha,2beta,2alpha,3beta,6beta,6alpha,7beta,7alpha)-
P051	172-20-8	2,7,3,6-Dimethanonaphth[2,3-b]oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-,

PERMANENT

		(1alpha,2beta,2beta,3alpha,6alpha,6beta,7beta,7alpha)-, & metabolites	P087	20816-12-0	Osmium tetroxide
P044	60-51-5	Dimethoate	P088	145-73-3	7-Oxabicyclo[2.2.1]heptane-2,3-dicarboxylic acid
P046	122-09-8	alpha,alpha-Dimethylphenethylamine	P089	56-38-2	Parathion
P047	1534-52-1	4,6-Dinitro-o-cresol, & salts	P034	131-89-5	Phenol, 2-cyclohexyl-4,6-dinitro-
P048	51-28-5	2,4-Dinitrophenol	P048	51-28-5	Phenol, 2,4-dinitro-
P020	88-85-7	Dinoseb	P047	1534-52-1	Phenol, 2-methyl-4,6-dinitro-, & salts
P085	152-16-9	Diphosphoramidate, octamethyl-	P020	88-85-7	Phenol, 2-(1-methylpropyl)-4,6-dinitro-
P111	107-49-3	Diphosphoric acid, tetraethyl ester	P009	131-74-8	Phenol, 2,4,6-trinitro-, ammonium salt (R)
P039	298-04-4	Disulfoton	P092	62-38-4	Phenylmercury acetate
P049	541-53-7	Dithiobiuret	P093	103-85-5	Phenylthiourea
P050	115-29-7	Endosulfan	P094	298-02-2	Phorate
P088	145-73-3	Endothall	P095	75-44-5	Phosgene
P051	72-20-8	Endrin	P096	7803-51-2	Phosphine
P051	72-20-8	Endrin, & metabolites	P041	311-45-5	Phosphoric acid, diethyl 4-nitrophenyl ester
P042	51-43-4	Epinephrine	P039	298-04-4	Phosphorodithioic acid, O,O-diethyl S-[2-(ethylthio)ethyl] ester
P031	460-19-5	Ethanedinitrile	P094	298-02-2	Phosphorodithioic acid, O,O-diethyl S-[(ethylthio)methyl] ester
P066	16752-77-5	Ethanimidothioic acid, N-[[[(methylamino)carbonyl]oxy]-, methyl ester	P044	60-51-5	Phosphorodithioic acid, O,O-dimethyl S-[2-(methylamino)-2-oxoethyl] ester
P101	107-12-0	Ethyl cyanide	P043	55-91-4	Phosphorofluoridic acid, bis(1-methylethyl) ester
P054	151-56-4	Ethyleneimine	P089	56-38-2	Phosphorothioic acid, O,O-diethyl O-(4-nitrophenyl) ester
P097	52-85-7	Famphur	P040	297-97-2	Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester
P056	7782-41-4	Fluorine	P097	52-85-7	Phosphorothioic acid, O-[4-[(dimethylamino)sulfonyl]phenyl] O,O-dimethyl ester
P057	640-19-7	Fluoroacetamide	P110	78-00-2	Phosphorothioic acid, O,O-dimethyl O-(4-nitrophenyl) ester
P058	62-74-8	Fluoroacetic acid, sodium salt	P098	151-50-8	Plumbane, tetraethyl-
P065	628-86-4	Fulminic acid, mercury(2+) salt (R,T)	P098	151-50-8	Potassium cyanide
P059	76-44-8	Heptachlor	P099	506-61-6	Potassium cyanide K(CN)
P062	757-58-4	Hexaethyl tetraphosphate	P070	116-06-3	Potassium silver cyanide
P116	79-19-6	Hydrazinecarbothioamide	P101	107-12-0	Propanal, 2-methyl-2-(methylthio)-, O-[[[(methylamino)carbonyl]oxime
P068	60-34-4	Hydrazine, methyl-	P027	542-76-7	Propanenitrile
P063	74-90-8	Hydrocyanic acid	P069	75-86-5	Propanenitrile, 3-chloro-
P063	74-90-8	Hydrogen cyanide	P081	55-63-0	Propanenitrile, 2-hydroxy-2-methyl-
P096	7803-51-2	Hydrogen phosphide	P017	598-31-2	1,2,3-Propanetriol, trinitrate (R)
P060	465-73-6	Isodrin	P102	107-19-7	2-Propanone, 1-bromo-
P007	2763-96-4	3(2H)-Isoxazalone, 5-(aminomethyl)-	P003	107-02-8	Propargyl alcohol
P092	62-38-4	Mercury, (acetato-O)phenyl-	P005	107-18-6	2-Propenal
P065	628-86-4	Mercury fulminate (R,T)	P067	75-55-8	2-Propen-1-ol
P082	62-75-9	Methanamine, N-methyl-N-nitroso-	P102	107-19-7	1,2-Propylenimine
P064	624-83-9	Methane, isocyanato-	P008	504-24-5	2-Propyn-1-ol
P016	542-88-1	Methane, oxybis(chloro-	P075	154-11-5	4-Pyridinamine
P112	509-14-8	Methane, tetranitro- (R)	P114	12039-52-0	Pyridine, 3-(1-methyl-2-pyrrolidinyl)-, (S)-, & salts
P118	75-70-7	Methanethiol, trichloro-	P103	630-10-4	Selenious acid, dithallium(1+) salt
P050	115-29-7	6,9-Methano-2,4,3-benzodioxathiepin, 6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-, 3-oxide	P104	506-64-9	Selenourea
P059	76-44-8	4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-	P104	506-64-9	Silver cyanide
P066	16752-77-5	Methomyl	P105	26628-22-8	Silver cyanide Ag(CN)
P068	60-34-4	Methyl hydrazine	P106	143-33-9	Sodium azide
P064	624-83-9	Methyl isocyanate	P106	143-33-9	Sodium cyanide
P069	75-86-5	2-Methylactonitrile	P108	157-24-9	Sodium cyanide Na(CN)
P071	298-00-0	Methyl parathion	P018	357-57-3	Strychnidin-10-one, & salts
P072	86-88-4	alpha-Naphthylthiourea	P108	157-24-9	Strychnidin-10-one, 2,3-dimethoxy-
P073	13463-39-3	Nickel carbonyl	P115	7446-18-6	Strychnine, & salts
P073	13463-39-3	Nickel carbonyl Ni(CO) ₄ , (T-4)-	P109	3689-24-5	Sulfuric acid, dithallium(1+) salt
P074	557-19-7	Nickel cyanide	P110	78-00-2	Tetraethylidithiopyrophosphate
P074	557-19-7	Nickel cyanide Ni(CN) ₂	P111	107-49-3	Tetraethyl lead
P075	154-11-5	Nicotine, & salts	P112	509-14-8	Tetraethyl pyrophosphate
P076	10102-43-9	Nitric oxide	P062	757-58-4	Tetranitromethane (R)
P077	100-01-6	p-Nitroaniline			Tetraphosphoric acid, hexaethyl ester
P078	10102-44-0	Nitrogen dioxide			
P076	10102-43-9	Nitrogen oxide NO			
P078	10102-44-0	Nitrogen oxide NO ₂			
P081	55-63-0	Nitroglycerine (R)			
P082	62-75-9	N-Nitrosodimethylamine			
P084	4549-40-0	N-Nitrosomethylvinylamine			
P085	152-16-9	Octamethylpyrophosphoramidate			
P087	20816-12-0	Osmium oxide OsO ₄ , (T-4)-			

P113	1314-32-5	Thallic oxide	U157	56-49-5	Benz[j]aceanthrylene, 1,2-dihydro-3-methyl-
P113	1314-32-5	Thallium oxide Tl_2O_3			Benz[c]acridine
P114	12039-52-0	Thallium(I) selenite	U016	225-51-4	Benzal chloride
P115	7446-18-6	Thallium(I) sulfate	U017	98-87-3	Benzamide, 3,5-dichloro-N-(1,1-dimethyl-2-propenyl)-
P109	3689-24-5	Thiodiphosphoric acid, tetraethyl ester	U192	23950-58-5	Benz[a]anthracene
PO45	39196-18-4	Thiofanox	U018	56-55-3	Benz[a]anthracene, 7,12-dimethyl-
PO49	541-53-7	Thioimidodicarbonic diamide	U094	57-97-6	Benzenamine (I,T)
		$[(H_2N)C(S)]_2NH$	U012	62-53-3	Benzenamine, 4,4'-carbonimidoylbis[N,N-dimethyl-
PO14	108-98-5	Thiophenol	U014	492-80-8	Benzenamine, 4-chloro-2-methyl-, hydrochloride
P116	79-19-6	Thiosemicarbazide			Benzenamine, N,N-dimethyl-4-(phenylazo)-
PO26	5344-82-1	Thiourea, (2-chlorophenyl)-	U049	3165-93-3	Benzenamine, 2-methyl-
PO72	86-88-4	Thiourea, 1-naphthalenyl-			Benzenamine, 4-methyl-
PO93	103-85-5	Thiourea, phenyl-	U093	60-11-7	Benzenamine, 4,4'-methylenebis[2-chloro-
P123	8001-35-2	Toxaphene			Benzenamine, 2-methyl-, hydrochloride
P118	75-70-7	Trichloromethanethiol	U328	95-53-4	Benzenamine, 2-methyl-5-nitro-
P119	7803-55-6	Vanadic acid, ammonium salt	U353	106-49-0	Benzene (I,T)
P120	1314-62-1	Vanadium oxide V_2O_5	U158	101-14-4	Benzeneacetic acid, 4-chloro-
P120	1314-62-1	Vanadium pentoxide			alpha-(4-chlorophenyl)-alpha-hydroxy-, ethyl ester
PO84	4549-40-0	Vinylamine, N-methyl-N-nitroso-	U222	636-21-5	Benzene, 1-bromo-4-phenoxy-
PO01	181-81-2	Warfarin, & salts, when present at concentrations greater than 0.3%	U181	99-55-8	Benzenbutanoic acid, 4-[bis(2-chloroethyl)amino]-
		Zinc cyanide	U019	71-43-2	Benzene, chloro-
P121	557-21-1	Zinc cyanide $Zn(CN)_2$	U038	510-15-6	Benzenediamine, ar-methyl-
P121	557-21-1	Zinc phosphide Zn_3P_2 , when present at concentrations greater than 10% (R,T)	U030	101-55-3	1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester
P122	1314-84-7		U035	305-03-3	1,2-Benzenedicarboxylic acid, dibutyl ester
			U037	108-90-7	1,2-Benzenedicarboxylic acid, diethyl ester
			U221	25376-45-8	1,2-Benzenedicarboxylic acid, dimethyl ester
			U028	117-81-7	1,2-Benzenedicarboxylic acid, dioctyl ester
			U069	84-74-2	Benzene, 1,2-dichloro-
			U088	84-66-2	Benzene, 1,3-dichloro-
			U102	131-11-3	Benzene, 1,4-dichloro-
			U107	117-84-0	Benzene, 1,1'-(2,2-dichloroethylidene)bis[4-chloro-
			U070	95-50-1	Benzene, (dichloromethyl)-
			U071	541-73-1	Benzene, 1,3-diisocyanatomethyl-
			U072	106-46-7	(R,T)
			U060	72-54-8	Benzene, dimethyl- (I,T)
			U017	98-87-3	1,3-Benzenediol
			U223	26471-62-5	Benzene, hexachloro-
			U239	1330-20-7	Benzene, ethylhydro- (I)
			U201	108-46-3	Benzene, methyl-
			U127	118-74-1	Benzene, 1-methyl-2,4-dinitro-
			U056	110-82-7	Benzene, 2-methyl-1,3-dinitro-
			U220	108-88-3	Benzene, (1-methylethyl)- (I)
			U105	121-14-2	Benzene, nitro-
			U106	606-20-2	Benzene, pentachloro-
			U055	98-82-8	Benzene, pentachloronitro-
			U169	98-95-3	Benzenesulfonic acid chloride (C,R)
			U183	608-93-5	Benzenesulfonyl chloride (C,R)
			U185	82-68-8	Benzene, 1,2,4,5-tetrachloro-
			U020	98-09-9	Benzene, 1,1'-(2,2,2-trichloroethylidene)bis[4-chloro-
			U020	98-09-9	Benzene, 1,1'-(2,2,2-trichloroethylidene)bis[4-chloro-
			U207	95-94-3	Benzene, 1,1'-(2,2,2-trichloroethylidene)bis[4-methoxy-
			U061	50-29-3	Benzene, (trichloromethyl)-
			U247	72-43-5	Benzene, 1,3,5-trinitro-
			U023	98-07-7	Benzenidine
			U234	99-35-4	1,2-Benzisothiazol-3(2H)-one,
			U021	92-87-5	1,1-dioxide, & salts
			U202	181-07-2	1,3-Benzodioxole, 5-(2-propenyl)-
			U203	94-59-7	1,3-Benzodioxole, 5-(1-propenyl)-
			U141	120-58-1	

FOOTNOTE: ¹CAS Number given for parent compound only.

"U" Chemical Products

Comment: For the convenience of the regulated community, the primary hazardous properties of these materials have been indicated by the letters T (Toxicity), R (Reactivity), I (Ignitability) and C (Corrosivity). Absence of a letter indicates that the compound is only listed for toxicity.

The "U" wastes and their corresponding Dangerous Waste Numbers are:

Hazardous Waste No.	Chemical Abstracts No.	Substance
U001	75-07-0	Acetaldehyde (I)
U034	75-87-6	Acetaldehyde, trichloro-
U187	62-44-2	Acetamide, N-(4-ethoxyphenyl)-
U005	53-96-3	Acetamide, N-9H-fluorene-2-yl-
U240	194-75-7	Acetic acid, (2,4-dichlorophenoxy)-, salts & esters
U112	141-78-6	Acetic acid ethyl ester (I)
U144	301-04-2	Acetic acid, lead(2+) salt
U214	563-68-8	Acetic acid, thallium(1+) salt
See F027	93-76-5	Acetic acid, (2,4,5-trichlorophenoxy)-
U002	67-64-1	Acetone (I)
U003	75-05-8	Acetonitrile (I,T)
U004	98-86-2	Acetophenone
U005	53-96-3	2-Acetylaminofluorene
U006	75-36-5	Acetyl chloride (C,R,T)
U007	79-06-1	Acrylamide
U008	79-10-7	Acrylic acid (I)
U009	107-13-1	Acrylonitrile
U011	61-82-5	Amitrole
U012	62-53-3	Aniline (I,T)
U136	75-60-5	Arsinic acid, dimethyl-
U014	492-80-8	Auramine
U015	115-02-6	Azaserine
U010	50-07-7	Azirino[2',3':3,4]pyrrolo[1,2-a]indole-4,7-dione, 6-amino-8-[[[aminocarbonyl]oxy]methyl]-1,1a,2,8,8a,8b-hexahydro-8a-methoxy-5-methyl-, [1aS-(1alpha,8beta,8alpha,8beta)]-

<u>U090</u>	<u>94-58-6</u>	<u>1,3-Benzodioxole, 5-propyl-</u>	<u>U056</u>	<u>110-82-7</u>	<u>Cyclohexane (I)</u>
<u>U064</u>	<u>189-55-9</u>	<u>Benzo[rs]pentaphene</u>	<u>U129</u>	<u>58-89-9</u>	<u>Cyclohexane, 1,2,3,4,5,6-</u>
<u>U248</u>	<u>181-81-2</u>	<u>2H-1-Benzopyran-2-one, 4-</u>			<u>hexachloro-, (1alpha,2alpha,</u>
		<u>hydroxy-3-(3-oxo-1-phenyl-</u>			<u>3beta,4alpha,5alpha,6beta)-</u>
		<u>butyl)-, & salts, when present at</u>	<u>U057</u>	<u>108-94-1</u>	<u>Cyclohexanone (I)</u>
		<u>concentrations of 0.3% or less</u>	<u>U130</u>	<u>77-47-4</u>	<u>1,3-Cyclopentadiene, 1,2,3,4,5,5-</u>
<u>U022</u>	<u>50-32-8</u>	<u>Benzo[al]pyrene</u>			<u>hexachloro-</u>
<u>U197</u>	<u>106-51-4</u>	<u>p-Benzoquinone</u>	<u>U058</u>	<u>50-18-0</u>	<u>Cyclophosphamide</u>
<u>U023</u>	<u>98-07-7</u>	<u>Benzotrichloride (C,R,T)</u>	<u>U240</u>	<u>194-75-7</u>	<u>2,4-D, salts & esters</u>
<u>U085</u>	<u>1464-53-5</u>	<u>2,2'-Bioxirane</u>	<u>U059</u>	<u>20830-81-3</u>	<u>Daunomycin</u>
<u>U021</u>	<u>92-87-5</u>	<u>[1,1'-Biphenyl]-4,4'-diamine</u>	<u>U060</u>	<u>72-54-8</u>	<u>DDD</u>
<u>U073</u>	<u>91-94-1</u>	<u>[1,1'-Biphenyl]-4,4'-diamine,</u>	<u>U061</u>	<u>50-29-3</u>	<u>DDT</u>
		<u>3,3'-dichloro-</u>	<u>U062</u>	<u>2303-16-4</u>	<u>Diallate</u>
<u>U091</u>	<u>119-90-4</u>	<u>[1,1'-Biphenyl]-4,4'-diamine,</u>	<u>U063</u>	<u>53-70-3</u>	<u>Dibenz[a,h]anthracene</u>
		<u>3,3'-dimethoxy-</u>	<u>U064</u>	<u>189-55-9</u>	<u>Dibenzof[a,i]pyrene</u>
<u>U095</u>	<u>119-93-7</u>	<u>[1,1'-Biphenyl]-4,4'-diamine,</u>	<u>U066</u>	<u>96-12-8</u>	<u>1,2-Dibromo-3-chloropropane</u>
		<u>3,3'-dimethyl-</u>	<u>U069</u>	<u>84-74-2</u>	<u>Dibutyl phthalate</u>
<u>U225</u>	<u>75-25-2</u>	<u>Bromoform</u>	<u>U070</u>	<u>95-50-1</u>	<u>o-Dichlorobenzene</u>
<u>U030</u>	<u>101-55-3</u>	<u>4-Bromophenyl phenyl ether</u>	<u>U071</u>	<u>541-73-1</u>	<u>m-Dichlorobenzene</u>
<u>U128</u>	<u>87-68-3</u>	<u>1,3-Butadiene, 1,1,2,3,4,4-</u>	<u>U072</u>	<u>106-46-7</u>	<u>p-Dichlorobenzene</u>
		<u>hexachloro-</u>	<u>U073</u>	<u>91-94-1</u>	<u>3,3'-Dichlorobenzidine</u>
<u>U172</u>	<u>924-16-3</u>	<u>1-Butanamine, N-butyl-N-nitroso-</u>	<u>U074</u>	<u>764-41-0</u>	<u>1,4-Dichloro-2-butene (I,T)</u>
<u>U031</u>	<u>71-36-3</u>	<u>1-Butanol (I)</u>	<u>U075</u>	<u>75-71-8</u>	<u>Dichlorodifluoromethane</u>
<u>U159</u>	<u>78-93-3</u>	<u>2-Butanone (I,T)</u>	<u>U078</u>	<u>75-35-4</u>	<u>1,1-Dichloroethylene</u>
<u>U160</u>	<u>1338-23-4</u>	<u>2-Butanone, peroxide (R,T)</u>	<u>U079</u>	<u>156-60-5</u>	<u>1,2-Dichloroethylene</u>
<u>U053</u>	<u>4170-30-3</u>	<u>2-Butenal</u>	<u>U025</u>	<u>111-44-4</u>	<u>Dichloroethyl ether</u>
<u>U074</u>	<u>764-41-0</u>	<u>2-Butene, 1,4-dichloro- (I,T)</u>	<u>U027</u>	<u>108-60-1</u>	<u>Dichloroisopropyl ether</u>
<u>U143</u>	<u>303-34-4</u>	<u>2-Butenoic acid, 2-methyl-, 7-</u>	<u>U024</u>	<u>111-91-1</u>	<u>Dichloromethoxy ethane</u>
		<u>[[2,3-dihydroxy-2-(1-</u>	<u>U081</u>	<u>120-83-2</u>	<u>2,4-Dichlorophenol</u>
		<u>methoxyethyl)-3-methyl-1-</u>	<u>U082</u>	<u>87-65-0</u>	<u>2,6-Dichlorophenol</u>
		<u>oxobutoxy]methyl]-2,3,5,7a-</u>	<u>U084</u>	<u>542-75-6</u>	<u>1,3-Dichloropropene</u>
		<u>tetrahydro-1H-pyrrolizin-1-yl</u>	<u>U085</u>	<u>1464-53-5</u>	<u>1,2,3,4-Diepoxybutane (I,T)</u>
		<u>ester, [1S-[1alpha(Z),7(2S*,3R*),</u>	<u>U108</u>	<u>123-91-1</u>	<u>1,4-Diethyleneoxide</u>
		<u>7aalpha)]-</u>	<u>U028</u>	<u>117-81-7</u>	<u>Diethylhexyl phthalate</u>
<u>U031</u>	<u>71-36-3</u>	<u>n-Butyl alcohol (I)</u>	<u>U086</u>	<u>1615-80-1</u>	<u>N,N'-Diethylhydrazine</u>
<u>U136</u>	<u>75-60-5</u>	<u>Cacodylic acid</u>	<u>U087</u>	<u>3288-58-2</u>	<u>O,O-Diethyl S-methyl</u>
<u>U032</u>	<u>13765-19-0</u>	<u>Calcium chromate</u>			<u>dithiophosphate</u>
<u>U238</u>	<u>51-79-6</u>	<u>Carbamic acid, ethyl ester</u>	<u>U088</u>	<u>84-66-2</u>	<u>Diethyl phthalate</u>
<u>U178</u>	<u>615-53-2</u>	<u>Carbamic acid, methylnitroso-</u>	<u>U089</u>	<u>56-53-1</u>	<u>Diethylstilbesterol</u>
		<u>ethyl ester</u>	<u>U090</u>	<u>94-58-6</u>	<u>Dihydrosoafrole</u>
<u>U097</u>	<u>79-44-7</u>	<u>Carbamic chloride, dimethyl-</u>	<u>U091</u>	<u>119-90-4</u>	<u>3,3'-Dimethoxybenzidine</u>
<u>U114</u>	<u>111-54-6</u>	<u>Carbamodithioic acid, 1,2-</u>	<u>U092</u>	<u>124-40-3</u>	<u>Dimethylamine (I)</u>
		<u>ethanediybis-, salts & esters</u>	<u>U093</u>	<u>60-11-7</u>	<u>p-Dimethylaminoazobenzene</u>
<u>U062</u>	<u>2303-16-4</u>	<u>Carbamothioic acid, bis(1-</u>	<u>U094</u>	<u>57-97-6</u>	<u>7,12-Dimethylbenz[a]anthracene</u>
		<u>methyllethyl)-, S-(2,3-dichloro-2-</u>	<u>U095</u>	<u>119-93-7</u>	<u>3,3'-Dimethylbenzidine</u>
		<u>propenyl) ester</u>	<u>U096</u>	<u>80-15-9</u>	<u>alpha,alpha-</u>
<u>U215</u>	<u>6533-73-9</u>	<u>Carbonic acid, dithallium(1+) salt</u>			<u>Dimethylbenzylhydroperoxide (R)</u>
<u>U033</u>	<u>353-50-4</u>	<u>Carbonic difluoride</u>	<u>U097</u>	<u>79-44-7</u>	<u>Dimethylcarbamoyl chloride</u>
<u>U156</u>	<u>79-22-1</u>	<u>Carbonochloridic acid, methyl</u>	<u>U098</u>	<u>57-14-7</u>	<u>1,1-Dimethylhydrazine</u>
		<u>ester (I,T)</u>	<u>U099</u>	<u>540-73-8</u>	<u>1,2-Dimethylhydrazine</u>
<u>U033</u>	<u>353-50-4</u>	<u>Carbon oxyfluoride (R,T)</u>	<u>U101</u>	<u>105-67-9</u>	<u>2,4-Dimethylphenol</u>
<u>U211</u>	<u>56-23-5</u>	<u>Carbon tetrachloride</u>	<u>U102</u>	<u>131-11-3</u>	<u>Dimethyl phthalate</u>
<u>U034</u>	<u>75-87-6</u>	<u>Chloral</u>	<u>U103</u>	<u>77-78-1</u>	<u>Dimethyl sulfate</u>
<u>U035</u>	<u>305-03-3</u>	<u>Chlorambucil</u>	<u>U105</u>	<u>121-14-2</u>	<u>2,4-Dinitrotoluene</u>
<u>U036</u>	<u>57-74-9</u>	<u>Chlordane, alpha & gamma</u>	<u>U106</u>	<u>606-20-2</u>	<u>2,6-Dinitrotoluene</u>
		<u>isomers</u>	<u>U107</u>	<u>117-84-0</u>	<u>Di-n-octyl phthalate</u>
<u>U026</u>	<u>494-03-1</u>	<u>Chlornaphazin</u>	<u>U108</u>	<u>123-91-1</u>	<u>1,4-Dioxane</u>
<u>U037</u>	<u>108-90-7</u>	<u>Chlorobenzene</u>	<u>U109</u>	<u>122-66-7</u>	<u>1,2-Diphenylhydrazine</u>
<u>U038</u>	<u>510-15-6</u>	<u>Chlorobenzilate</u>	<u>U110</u>	<u>142-84-7</u>	<u>Dipropylamine (I)</u>
<u>U039</u>	<u>59-50-7</u>	<u>p-Chloro-m-cresol</u>	<u>U111</u>	<u>621-64-7</u>	<u>Di-n-propylnitrosamine</u>
<u>U042</u>	<u>110-75-8</u>	<u>2-Chloroethyl vinyl ether</u>	<u>U041</u>	<u>106-89-8</u>	<u>Epichlorohydrin</u>
<u>U044</u>	<u>67-66-3</u>	<u>Chloroform</u>	<u>U001</u>	<u>75-07-0</u>	<u>Ethanal (I)</u>
<u>U046</u>	<u>107-30-2</u>	<u>Chloromethyl methyl ether</u>	<u>U174</u>	<u>55-18-5</u>	<u>Ethanamine, N-ethyl-N-nitroso-</u>
<u>U047</u>	<u>91-58-7</u>	<u>beta-Chloronaphthalene</u>	<u>U155</u>	<u>91-80-5</u>	<u>1,2-Ethanediamine, N,N-</u>
<u>U048</u>	<u>95-57-8</u>	<u>o-Chlorophenol</u>			<u>dimethyl-N'-2-pyridinyl-N'-(2-</u>
<u>U049</u>	<u>3165-93-3</u>	<u>4-Chloro-o-toluidine,</u>			<u>thienylmethyl)-</u>
		<u>hydrochloride</u>	<u>U067</u>	<u>106-93-4</u>	<u>Ethane, 1,2-dibromo-</u>
<u>U032</u>	<u>13765-19-0</u>	<u>Chromic acid H₂CrO₄, calcium</u>	<u>U076</u>	<u>75-34-3</u>	<u>Ethane, 1,1-dichloro-</u>
		<u>salt</u>	<u>U077</u>	<u>107-06-2</u>	<u>Ethane, 1,2-dichloro-</u>
<u>U050</u>	<u>218-01-9</u>	<u>Chrysene</u>	<u>U131</u>	<u>67-72-1</u>	<u>Ethane, hexachloro-</u>
<u>U051</u>		<u>Cresote</u>	<u>U024</u>	<u>111-91-1</u>	<u>Ethane, 1,1'-</u>
<u>U052</u>	<u>1319-77-3</u>	<u>Cresol (Cresylic acid)</u>			<u>[methylenebis(oxy)]bis[2-chloro-</u>
<u>U053</u>	<u>4170-30-3</u>	<u>Crotonaldehyde</u>	<u>U117</u>	<u>60-29-7</u>	<u>Ethane, 1,1'-oxybis-(I)</u>
<u>U055</u>	<u>98-82-8</u>	<u>Cumene (I)</u>	<u>U025</u>	<u>111-44-4</u>	<u>Ethane, 1,1'-oxybis[2-chloro-</u>
<u>U246</u>	<u>506-68-3</u>	<u>Cyanogen bromide (CN)Br</u>	<u>U184</u>	<u>76-01-7</u>	<u>Ethane, pentachloro-</u>
<u>U197</u>	<u>106-51-4</u>	<u>2,5-Cyclohexadiene-1,4-dione</u>	<u>U208</u>	<u>630-20-6</u>	<u>Ethane, 1,1,1,2-tetrachloro-</u>

U209	79-34-5	<u>Ethane, 1,1,2,2-tetrachloro-</u>	U148	123-33-1	<u>Maleic hydrazide</u>
U218	62-55-5	<u>Ethanethioamide</u>	U149	109-77-3	<u>Malononitrile</u>
U226	71-55-6	<u>Ethane, 1,1,1-trichloro-</u>	U150	148-82-3	<u>Melphalan</u>
U227	79-00-5	<u>Ethane, 1,1,2-trichloro-</u>	U151	7439-97-6	<u>Mercury</u>
U359	110-80-5	<u>Ethanol, 2-ethoxy-</u>	U152	126-98-7	<u>Methacrylonitrile (I, T)</u>
U173	1116-54-7	<u>Ethanol, 2,2'-(nitrosoimino)bis-</u>	U092	124-40-3	<u>Methanamine, N-methyl- (I)</u>
U004	98-86-2	<u>Ethanone, 1-phenyl-</u>	U029	74-83-9	<u>Methane, bromo-</u>
U043	75-01-4	<u>Ethene, chloro-</u>	U045	74-87-3	<u>Methane, chloro- (I, T)</u>
U042	110-75-8	<u>Ethene, (2-chloroethoxy)-</u>	U046	107-30-2	<u>Methane, chloromethoxy-</u>
U078	75-35-4	<u>Ethene, 1,1-dichloro-</u>	U068	74-95-3	<u>Methane, dibromo-</u>
U079	156-60-5	<u>Ethene, 1,2-dichloro-, (E)-</u>	U080	75-09-2	<u>Methane, dichloro-</u>
U210	127-18-4	<u>Ethene, tetrachloro-</u>	U075	75-71-8	<u>Methane, dichlorodifluoro-</u>
U228	79-01-6	<u>Ethene, trichloro-</u>	U138	74-88-4	<u>Methane, iodo-</u>
U112	141-78-6	<u>Ethyl acetate (I)</u>	U119	62-50-0	<u>Methanesulfonic acid, ethyl ester</u>
U113	140-88-5	<u>Ethyl acrylate (I)</u>	U211	56-23-5	<u>Methane, tetrachloro-</u>
U238	51-79-6	<u>Ethyl carbamate (urethane)</u>	U153	74-93-1	<u>Methanethiol (I, T)</u>
U117	60-29-7	<u>Ethyl ether (I)</u>	U225	75-25-2	<u>Methane, tribromo-</u>
U114	1111-54-6	<u>Ethylenebisdithiocarbamic acid, salts & esters</u>	U044	67-66-3	<u>Methane, trichloro-</u>
U067	106-93-4	<u>Ethylene dibromide</u>	U121	75-69-4	<u>Methane, trichlorofluoro-</u>
U077	107-06-2	<u>Ethylene dichloride</u>	U036	57-74-9	<u>4,7-Methano-1H-indene, 1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro-</u>
U359	110-80-5	<u>Ethylene glycol monoethyl ether</u>	U154	67-56-1	<u>Methanol (I)</u>
U115	75-21-8	<u>Ethylene oxide (I,T)</u>	U155	91-80-5	<u>Methapyrilene</u>
U116	96-45-7	<u>Ethylenethiourea</u>	U142	143-50-0	<u>1,3,4-Metheno-2H-cyclobuta[cd]pentalen-2-one, 1,1a,3,3a,4,5,5a,5b,6-decachlorooctahydro-</u>
U076	75-34-3	<u>Ethylidene dichloride</u>	U247	72-43-5	<u>Methoxychlor</u>
U118	97-63-2	<u>Ethyl methacrylate</u>	U154	67-56-1	<u>Methyl alcohol (I)</u>
U119	62-50-0	<u>Ethyl methanesulfonate</u>	U029	74-83-9	<u>Methyl bromide</u>
U120	206-44-0	<u>Fluoranthene</u>	U186	504-60-9	<u>1-Methylbutadiene (I)</u>
U122	50-00-0	<u>Formaldehyde</u>	U045	74-87-3	<u>Methyl chloride (I,T)</u>
U123	64-18-6	<u>Formic acid (C,T)</u>	U156	79-22-1	<u>Methyl chlorocarbonate (I,T)</u>
U124	110-00-9	<u>Furan (I)</u>	U226	71-55-6	<u>Methyl chloroform</u>
U125	98-01-1	<u>2-Furancarboxaldehyde (I)</u>	U157	56-49-5	<u>3-Methylcholanthrene</u>
U147	108-31-6	<u>2,5-Furandione</u>	U158	101-14-4	<u>4,4'-Methylenebis(2-chloroaniline)</u>
U213	109-99-9	<u>Furan, tetrahydro-(I)</u>	U068	74-95-3	<u>Methylene bromide</u>
U125	98-01-1	<u>Furfural (I)</u>	U080	75-09-2	<u>Methylene chloride</u>
U124	110-00-9	<u>Furfuran (I)</u>	U159	78-93-3	<u>Methyl ethyl ketone (MEK) (I,T)</u>
U206	18883-66-4	<u>Glucopyranose, 2-deoxy-2-(3-methyl-3-nitrosoureido)-, D-</u>	U160	1338-23-4	<u>Methyl ethyl ketone peroxide (R,T)</u>
U206	18883-66-4	<u>D-Glucose, 2-deoxy-2-[[[(methylnitrosoamino)-carbonyl]amino]-glycidylaldehyde</u>	U138	74-88-4	<u>Methyl iodide</u>
U126	765-34-4	<u>Guanidine, N-methyl-N'-nitro-N-nitroso-</u>	U161	108-10-1	<u>Methyl isobutyl ketone (I)</u>
U163	70-25-7	<u>Hexachlorobenzene</u>	U162	80-62-6	<u>Methyl methacrylate (I,T)</u>
U127	118-74-1	<u>Hexachlorobutadiene</u>	U161	108-10-1	<u>4-Methyl-2-pentanone (I)</u>
U128	87-68-3	<u>Hexachlorocyclopentadiene</u>	U164	56-04-2	<u>Methylthiouracil</u>
U130	77-47-4	<u>Hexachloroethane</u>	U010	50-07-7	<u>Mitomycin C</u>
U131	67-72-1	<u>Hexachlorophene</u>	U059	20830-81-3	<u>5,12-Naphthacenedione, 8-acetyl-10-[(3-amino-2,3,6-trideoxy)-alpha-L-lyxo-hexopyranosyl]oxy]-7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy-, (8S-cis)-1-Naphthalenamine</u>
U132	70-30-4	<u>Hexachloropropene</u>	U167	134-32-7	<u>2-Naphthalenamine</u>
U243	1888-71-7	<u>Hydrazine (R,T)</u>	U168	91-59-8	<u>Naphthalenamine, N,N'-bis(2-chloroethyl)-</u>
U133	302-01-2	<u>Hydrazine, 1,2-diethyl-</u>	U026	494-03-1	<u>Naphthalene</u>
U086	1615-80-1	<u>Hydrazine, 1,1-dimethyl-</u>	U165	91-20-3	<u>Naphthalene, 2-chloro-</u>
U098	57-14-7	<u>Hydrazine, 1,2-dimethyl-</u>	U047	91-58-7	<u>1,4-Naphthalenedione</u>
U099	540-73-8	<u>Hydrazine, 1,2-diphenyl-</u>	U166	130-15-4	<u>2,7-Naphthalenedisulfonic acid, 3,3'-[(3,3'-dimethyl[1,1'-biphenyl]-4,4'-diyl)bis(azo)bis[5-amino-4-hydroxy]-, tetrasodium salt</u>
U109	122-66-7	<u>Hydrofluoric acid (C,T)</u>	U236	72-57-1	<u>1,4-Naphthoquinone</u>
U134	7664-39-3	<u>Hydrogen fluoride (C,T)</u>	U166	130-15-4	<u>alpha-Naphthylamine</u>
U134	7664-39-3	<u>Hydrogen sulfide</u>	U167	134-32-7	<u>beta-Naphthylamine</u>
U135	7783-06-4	<u>Hydrogen sulfide H₂S</u>	U168	91-59-8	<u>Nitric acid, thallium(1+) salt</u>
U135	7783-06-4	<u>Hydroperoxide, 1-methyl-1-phenylethyl- (R)</u>	U169	10102-45-1	<u>Nitrobenzene (I,T)</u>
U096	80-15-9	<u>2-Imidazolidinethione</u>	U170	98-95-3	<u>p-Nitrophenol</u>
U116	96-45-7	<u>Indeno[1,2,3-cd]pyrene</u>	U171	100-02-7	<u>2-Nitropropane (I,T)</u>
U137	193-39-5	<u>1,3-Isobenzofurandione</u>	U172	79-46-9	<u>N-Nitrosodi-n-butylamine</u>
U190	85-44-9	<u>Isobutyl alcohol (I,T)</u>	U173	924-16-3	<u>N-Nitrosodiethanolamine</u>
U140	78-83-1	<u>Isosafrole</u>	U174	1116-54-7	<u>N-Nitrosodiethylamine</u>
U141	120-58-1	<u>Kepone</u>	U166	130-15-4	
U142	143-50-0	<u>Lasiocarpine</u>	U167	134-32-7	
U143	303-34-4	<u>Lead acetate</u>	U168	91-59-8	
U144	301-04-2	<u>Lead, bis(acetato-O)tetrahydroxytri-</u>	U217	10102-45-1	
U146	1335-32-6	<u>Lead phosphate</u>	U169	98-95-3	
U145	7446-27-7	<u>Lead subacetate</u>	U170	100-02-7	
U146	1335-32-6	<u>Lindane</u>	U171	79-46-9	
U129	58-89-9	<u>MNNG</u>	U172	924-16-3	
U163	70-25-7	<u>Maleic anhydride</u>	U173	1116-54-7	
U147	108-31-6		U174	55-18-5	

U176	759-73-9	N-Nitroso-N-ethylurea	U194	107-10-8	n-Propylamine (I,T)
U177	684-93-5	N-Nitroso-N-methylurea	U083	78-87-5	Propylene dichloride
U178	615-53-2	N-Nitroso-N-methylurethane	U148	123-33-1	3,6-Pyridazinedione, 1,2-dihydro-
U179	100-75-4	N-Nitrosopiperidine	U196	110-86-1	Pyridine
U180	930-55-2	N-Nitrosopyrrolidine	U191	109-06-8	Pyridine, 2-methyl-
U181	99-55-8	5-Nitro-o-toluidine	U237	66-75-1	2,4-(1H,3H)-Pyrimidinedione, 5-
U193	1120-71-4	1,2-Oxathiolane, 2,2-dioxide			[bis(2-chloroethyl)amino]-
U058	50-18-0	2H-1,3,2-Oxazaphosphorin-2-amine, N,N-bis(2-chloroethyl)tetrahydro-, 2-oxide	U164	56-04-2	4(1H)-Pyrimidinone, 2,3-dihydro-
		Oxirane (I,T)	U180	930-55-2	6-methyl-2-thioxo-
U115	75-21-8	Oxiranecarboxyaldehyde	U200	50-55-5	Pyrrolidine, 1-nitroso-
U126	765-34-4	Oxirane, (chloromethyl)-	U201	108-46-3	Reserpine
U041	106-89-8	Paraldehyde	U202	181-07-2	Resorcinol
U182	123-63-7	Pentachlorobenzene	U203	94-59-7	Saccharin, & salts
U183	608-93-5	Pentachloroethane	U204	7783-00-8	Safrole
U184	76-01-7	Pentachloronitrobenzene (PCNB)	U205	7488-56-4	Selenious acid
U185	82-68-8	Pentachlorophenol	U205	7488-56-4	Selenium dioxide
See F027	87-86-5	Pentanol, 4-methyl-	U015	115-02-6	Selenium sulfide
U161	108-10-1	1,3-Pentadiene (I)	See F027	93-72-1	Selenium sulfide SeS ₂ (R,T)
U186	504-60-9	Phenacetin	U206	18883-66-4	L-Serine, diazoacetate (ester)
U187	62-44-2	Phenol	U103	77-78-1	Silvex (2,4,5-TP)
U188	108-95-2	Phenol, 2-chloro-	U189	1314-80-3	Streptozotocin
U048	95-57-8	Phenol, 4-chloro-3-methyl-	See F027	93-76-5	Sulfuric acid, dimethyl ester
U039	59-50-7	Phenol, 2,4-dichloro-	U207	95-94-3	Sulfur phosphide (R)
U081	120-83-2	Phenol, 2,6-dichloro-	U208	630-20-6	2,4,5-T
U082	87-65-0	Phenol, 4,4'-(1,2-diethyl-1,2-ethenediyl)bis-, (E)-	U209	79-34-5	1,2,4,5-Tetrachlorobenzene
U089	56-53-1	Phenol, 2,4-dimethyl-	U210	127-18-4	1,1,1,2-Tetrachloroethane
U101	105-67-9	Phenol, methyl-	See F027	58-90-2	1,1,2,2-Tetrachloroethane
U052	1319-77-3	Phenol, 2,2'-methylenebis[3,4,6-trichloro-	U213	109-99-9	Tetrachloroethylene
U132	70-30-4	Phenol, 4-nitro-	U214	563-68-8	2,3,4,6-Tetrachlorophenol
U170	100-02-7	Phenol, pentachloro-	U215	6533-73-9	Tetrahydrofuran (I)
See F027	87-86-5	Phenol, 2,3,4,6-tetrachloro-	U216	7791-12-0	Thallium(I) acetate
See F027	58-90-2	Phenol, 2,4,5-trichloro-	U216	7791-12-0	Thallium(I) carbonate
See F027	95-95-4	Phenol, 2,4,6-trichloro-	U217	10102-45-1	Thallium(I) chloride
See F027	88-06-2	L-Phenylalanine, 4-[bis(2-chloroethyl)amino]-	U218	62-55-5	Thallium chloride TlCl
U150	148-82-3	Phosphoric acid, lead(2+) salt (2:3)	U153	74-93-1	Thallium(I) nitrate
U145	7446-27-7	Phosphorodithioic acid, O,O-diethyl S-methyl ester	U244	137-26-8	Thioacetamide
U087	3288-58-2	Phosphorus sulfide (R)	U219	62-56-6	Thiomethanol (I,T)
U189	1314-80-3	Phthalic anhydride	U244	137-26-8	Thioperoxydicarbonic diamide [(H ₂ N)C(S) ₂] ₂ , tetramethyl-
U190	85-44-9	2-Picoline	U220	108-88-3	Thiourea
U191	109-06-8	Piperidine, 1-nitroso-	U221	25376-45-8	Thiram
U179	100-75-4	Pronamide	U223	26471-62-5	Toluene
U192	23950-58-5	1-Propanamine (I,T)	U328	95-53-4	Toluenediamine
U194	107-10-8	1-Propanamine, N-nitroso-N-propyl-	U353	106-49-0	Toluene diisocyanate (R,T)
U111	621-64-7	1-Propanamine, N-propyl- (I)	U222	636-21-5	o-Toluidine
U110	142-84-7	Propane, 1,2-dibromo-3-chloro-	U011	61-82-5	p-Toluidine
U066	96-12-8	Propane, 1,2-dichloro-	U227	79-00-5	o-Toluidine hydrochloride
U083	78-87-5	Propanedinitrile	U228	79-01-6	1H-1,2,4-Triazol-3-amine
U149	109-77-3	Propane, 2-nitro- (I,T)	U121	75-69-4	1,1,2-Trichloroethane
U171	79-46-9	Propane, 2,2'-oxybis[2-chloro-	See F027	95-95-4	Trichloroethylene
U027	108-60-1	1,3-Propane sultone	See F027	88-06-2	Trichloromonofluoromethane
U193	1120-71-4	Propanoic acid, 2-(2,4,5-trichlorophenoxy)-	U234	99-35-4	2,4,5-Trichlorophenol
See F027	93-72-1	1-Propanol, 2,3-dibromo-, phosphate (3:1)	U182	123-63-7	2,4,6-Trichlorophenol
U235	126-72-7	1-Propanol, 2-methyl- (I,T)	U235	126-72-7	1,3,5-Trinitrobenzene (R,T)
U140	78-83-1	2-Propanone (I)	U236	72-57-1	1,3,5-Trioxane, 2,4,6-trimethyl-
U002	67-64-1	2-Propanamide	U237	66-75-1	Tris(2,3-dibromopropyl) phosphate
U007	79-06-1	1-Propene, 1,3-dichloro-	U176	759-73-9	Trypan blue
U084	542-75-6	1-Propene, 1,1,2,3,3,3-hexachloro-	U177	684-93-5	Uracil mustard
U243	1888-71-7	2-Propenenitrile	U043	75-01-4	Urea, N-ethyl-N-nitroso-
U009	107-13-1	2-Propenenitrile, 2-methyl- (I,T)	U248	181-81-2	Urea, N-methyl-N-nitroso-
U152	126-98-7	2-Propenoic acid (I)	U239	1330-20-7	Vinyl chloride
U008	79-10-7	2-Propenoic acid, ethyl ester (I)	U200	50-55-5	Warfarin, & salts, when present at concentrations of 0.3% or less
U113	140-88-5	2-Propenoic acid, 2-methyl-, ethyl ester			Xylene (I)
U118	97-63-2	2-Propenoic acid, 2-methyl-, methyl ester (I,T)	U249	1314-84-7	Yohimban-16-carboxylic acid, 11,17-dimethoxy-18-[(3,4,5-trimethoxybenzoyl)oxy]-, methyl ester, (3beta,16beta,17alpha,18beta,20alpha)-
U162	80-62-6				Zinc phosphide Zn ₃ P ₂ , when present at concentrations of 10% or less

FOOTNOTE: ¹CAS Number given for parent compound only.

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 92-33, filed 12/8/93, effective 1/8/94)

WAC 173-303-9904 Dangerous waste sources list. The following Hazard Codes are used to indicate the basis EPA used for listing the classes or types of wastes listed in this section:

- Ignitable Waste (I)
- Corrosive Waste (C)
- Reactive Waste (R)
- Toxicity Characteristic Waste (E)
- Acute Hazardous Waste (H)
- Toxic Waste (T)

DANGEROUS WASTE SOURCES LIST

Dangerous Waste No.	Sources
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Nonspecific Sources

Generic:

- F001** The following spent halogenated solvents used in degreasing: Tetrachloroethylene, trichloroethylene, methylene chloride, 1,1,1-trichloroethane, carbon tetrachloride, and chlorinated fluorocarbons; ~~((and sludges from the recovery of these solvents in degreasing operations. (See footnote 1, below.)))~~ all spent solvent mixtures/blends used in degreasing containing, before use, a total of ten percent or more (by volume) of one or more of the above halogenated solvents or those solvents listed in F002, F004, and F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures. (T)
- F002** The following spent halogenated solvents: Tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, chlorobenzene, 1,1,2-trichloro- 1,2,2-trifluoroethane, ortho-dichlorobenzene, trichlorofluoromethane and 1,1,2 trichloroethane; ~~((and the still bottoms from the recovery of these solvents))~~ all spent solvent mixtures/blends containing, before use, a total of ten percent or more (by volume) of one or more of the above halogenated solvents or those listed in F001, F004, or F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures. ((See footnote 1, below.))) (T)
- F003** The following spent ~~((nonhalogenated))~~ non-halogenated solvents: Xylene, acetone, ethyl acetate, ethyl benzene, ethyl ether, methyl isobutyl ketone, n-butyl alcohol, cyclohexanone, and methanol; ~~((and the still bottoms from the recovery of these solvents))~~ all spent solvent mixtures/blends containing, before use, only the above spent non-halogenated solvents; and all spent solvent mixtures/blends containing, before use, one or more of the

above non-halogenated solvents, and, a total of ten percent or more (by volume) of one or more of those solvents listed in F001, F002, F004, and F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures. (I)

- F004** The following spent ~~((nonhalogenated))~~ non-halogenated solvents: Cresols and cresylic acid, nitrobenzene; ~~((and the still bottoms from the recovery of these solvents))~~ all spent solvent mixtures/blends containing, before use, a total of ten percent or more (by volume) of one or more of the above nonhalogenated solvents or those solvents listed in F001, F002, and F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures. (T)
- F005** The following spent ~~((nonhalogenated))~~ non-halogenated solvents: Toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, benzene, 2-ethoxyethanol, and 2-nitropropane; ~~((and the still bottoms from the recovery of these solvents))~~ all spent solvent mixtures/blends containing, before use, a total of ten percent or more (by volume) of one or more of the above non-halogenated solvents or those solvents listed in F001, F002, or F004; and still bottoms from the recovery of these spent solvents and spent solvent mixtures. (I,T)
- F006** Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum. (T)
- F007** Spent cyanide plating bath solutions from electroplating operations. (R,T)
- F008** Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process. (R,T)
- F009** Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process. (R,T)
- F010** Quenching bath residues from oil baths from metal heat treating operations where cyanides are used in the process. (R,T)
- F011** Spent cyanide solutions from salt bath pot cleaning from metal heat treating operations. (R,T)
- F012** Quenching wastewater treatment sludges from metal heat-treating operations where cyanides are used in the process. (T)
- F019** Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process. (T)

PERMANENT

- F020** Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tri- or tetrachlorophenol, or of intermediates used to produce their pesticide derivatives. (This listing does not include wastes from the production of hexachlorophene from highly purified 2,4,5-trichlorophenol.) (See footnote ((2)) 1, below.) (H)
- F021** Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of pentachlorophenol, or of intermediates used to produce its derivatives. (See footnote ((2)) 1, below.) (H)
- F022** Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tetra-, penta-, or hexachlorobenzenes under alkaline conditions. (See footnote ((2)) 1, below.) (H)
- F023** Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tri- and tetrachlorophenols. (See footnote ((2)) 1, below.) (This listing does not include wastes from equipment used only for the production or use of hexachlorophene from highly purified 2,4,5-trichlorophenol.) (H)
- F024** Process wastes, including but not limited to, distillation residues, heavy ends, tars, and reactor cleanout wastes from the production of certain chlorinated aliphatic hydrocarbons by radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. ((See footnote 1, below.)) (This listing does not include wastewaters, wastewater treatment sludges, spent catalysts, and wastes listed under specific sources, below.) (T)
- F025** Condensed light ends, spent filters and filter aids, and spent desiccant wastes from the production of certain chlorinated aliphatic hydrocarbons, by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. (T)
- F026** Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tetra-, penta-, or hexachlorobenzene under alkaline conditions. (See footnote ((2)) 1, below.) (H)
- F027** Discarded unused formulations containing tri-, tetra-, or pentachlorophenol or discarded unused formulations containing compounds derived from these chlorophenols. (See footnote ((2)) 1, below.) (This listing does not include formulations containing hexachlorophene synthesized from prepurified 2,4,5-trichlorophenol as the sole component.) (H)
- F028** Residues resulting from the incineration or thermal treatment of soil contaminated with nonspecific sources wastes F020, F021, F022, F023, F026 and F027. (T)
- F032** Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that currently use or have previously used chlorophenolic formulations (except potentially cross-contaminated wastes that have had the F032 waste code deleted in accordance with WAC 173-303-083 or potentially cross-contaminated wastes that are otherwise currently regulated as dangerous wastes (i.e., F034 or F035), and where the generator does not resume or initiate use of chlorophenolic formulations). This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote and/or pentachlorophenol. (T)
- F034** Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that use creosote formulations. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote and/or pentachlorophenol. (T)
- F035** Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that use inorganic preservatives containing arsenic or chromium. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote and/or pentachlorophenol. (T)
- F037** Petroleum refinery primary oil/water/solids separation sludge-Any sludge generated from the gravitational separation of oil/water/solids during the storage or treatment of process wastewaters and oily cooling wastewaters from petroleum refineries. Such sludges include, but are not limited to, those generated in: Oil/water/solids separators; tanks and impoundments; ditches and other conveyances; sumps; and stormwater units receiving dry weather flow. Sludge generated in stormwater units that do not receive dry weather flow, sludges generated

from noncontact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges generated in aggressive biological treatment units as defined in footnote 2, below (including sludges generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units) and K051 wastes are not included in this listing. (T)

F038 Petroleum refinery secondary (emulsified) oil/water/solids separation sludge-Any sludge and/or float generated from the physical and/or chemical separation of oil/water/solids in process wastewaters and oily cooling wastewaters from petroleum refineries. Such wastes include, but are not limited to, all sludges and floats generated in: Induced air flotation (IAF) units, tanks and impoundments, and all sludges generated in DAF units. Sludges generated in stormwater units that do not receive dry weather flow, sludges generated from noncontact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges and floats generated in aggressive biological treatment units as defined in footnote 2, below (including sludges and floats generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units) and F037, K048, and K051 wastes are not included in this listing. (T)

F039 Leachate (liquids that have percolated through land disposed wastes) resulting from the disposal of more than one restricted waste classified as dangerous under WAC 173-303-9903, 173-303-9904, and 173-303-9905. (Leachate resulting from the disposal of one or more of the following dangerous wastes, and no other dangerous wastes, retains its Dangerous Waste Number(s): F020, F021, F022, F026, F027, and/or F028.) (T)

Specific Sources

Wood Preservation:

K001 Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote and/or pentachlorophenol. (~~See footnote 1, below.~~) (T)

Inorganic Pigments:

K002 Wastewater treatment sludge from the production of chrome yellow and orange pigments. (T)

K003 Wastewater treatment sludge from the production of molybdate orange pigments. (T)

K004 Wastewater treatment sludge from the production of zinc yellow pigments. (T)

K005 Wastewater treatment sludge from the production of chrome green pigments. (T)

K006 Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated). (T)

K007 Wastewater treatment sludge from the production of iron blue pigments. (T)

K008 Oven residue from the production of chrome oxide green pigments. (T)

Organic Chemicals:

K009 Distillation bottoms from the production of acetaldehyde from ethylene. (T)

K010 Distillation side cuts from the production of acetaldehyde from ethylene. (T)

K011 Bottom stream from the wastewater stripper in the production of acrylonitrile. (R,T)

K013 Bottom stream from the acetonitrile column in the production of acrylonitrile. (R,T)

K014 Bottoms from the acetonitrile purification column in the production of acrylonitrile. (T)

K015 Still bottoms from the distillation of benzyl chloride. (~~See footnote 1, below.~~) (T)

K016 Heavy ends or distillation residues from the production of carbon tetrachloride. (~~See footnote 1, below.~~) (T)

K017 Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin. (~~See footnote 1, below.~~) (T)

K018 Heavy ends from the fractionation column in ethyl chloride production. (~~See footnote 1, below.~~) (T)

K019 Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production. (~~See footnote 1, below.~~) (T)

K020 Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production. (~~See footnote 1, below.~~) (T)

K021 Aqueous spent antimony catalyst waste from fluoromethanes production. (~~See footnote 1, below.~~) (T)

K022 Distillation bottom tars from the production of phenol/acetone from cumene. (T)

K023 Distillation light ends from the production of phthalic anhydride from naphthalene. (T)

K024 Distillation bottoms from the production of phthalic anhydride from naphthalene. (T)

K093 Distillation light ends from the production of phthalic anhydride from ortho-xylene. (T)

K094 Distillation bottoms from the production of phthalic anhydride from ortho-xylene. (T)

K025 Distillation bottoms from the production of nitrobenzene by the nitration of benzene. (T)

K026 Stripping still tails from the production of methyl ethyl pyridines. (T)

K027 Centrifuge and distillation residues from toluene diisocyanate production. (R,T)

- K028** Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane. (~~See footnote 1, below.~~) (T)
- K029** Waste from the product steam stripper in the production of 1,1,1-trichloroethane. (~~See footnote 1, below.~~) (T)
- K095** Distillation bottoms from the production of 1,1,1-trichloroethane. (~~See footnote 1, below.~~) (T)
- K096** Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane. (~~See footnote 1, below.~~) (T)
- K030** Column bottoms or heavy ends from the combined production of trichloroethylene and perchloroethylene. (~~See footnote 1, below.~~) (T)
- K083** Distillation bottoms from aniline production. (T)
- K103** Process residues from aniline extraction from the production of aniline. (T)
- K104** Combined wastewater streams generated from nitrobenzene/aniline production. (T)
- K085** Distillation of fractionation column bottoms from the production of chlorobenzenes. (~~See footnote 1, below.~~) (T)
- K105** Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes. (~~See footnote 1, below.~~) (T)
- K107** Column bottoms from product separation from the production of 1,1-dimethyl-hydrazine (UDMH) from carboxylic acid hydrazines. (C,T)
- K108** Condensed column overheads from product separation and condensed reactor vent gases from the production of 1,1-dimethylhydrazine (UDMH) from the carboxylic acid hydrazides. (I,T)
- K109** Spent filter cartridges from product purification from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides. (T)
- K110** Condensed column overheads from intermediate separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides. (T)
- K111** Product washwaters from the production of dinitrotoluene via nitration of toluene. (C,T)
- K112** Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene. (T)
- K113** Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene. (T)
- K114** Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene. (T)
- K115** Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene. (T)
- K116** Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine. (~~See footnote 1, below.~~) (T)
- K117** Wastewater from the reactor vent gas scrubber in the production of ethylene dibromide via bromination of ethene. (T)
- K118** Spent adsorbent solids from purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene. (T)
- K136** Still bottoms from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene. (T)
- K149** Distillation bottoms from the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups. (This waste does not include still bottoms from the distillation of benzyl chloride.) (T)
- K150** Organic residuals, excluding spent carbon adsorbent, from the spent chlorine gas and hydrochloric acid recovery processes associated with the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups. (T)
- K151** Wastewater treatment sludges, excluding neutralization and biological sludges, generated during the treatment of wastewaters from the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups. (T)
- Explosives:**
- K044** Wastewater treatment sludges from the manufacturing and processing of explosives. (R)
- K045** Spent carbon from the treatment of wastewater containing explosives. (R)
- K046** Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds. (T)
- K047** Pink/red water from TNT operations. (R)
- Inorganic Chemicals:**
- K071** Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used. (T)
- K073** Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production. (~~See footnote 1, below.~~) (T)
- K106** Wastewater treatment sludge from the mercury cell process in chlorine production. (T)

Petroleum Refining:

- K048 Dissolved air flotation (DAF) float from the petroleum refining industry. (T)
- K049 Slop oil emulsion solids from the petroleum refining industry. (T)
- K050 Heat exchanger bundle cleaning sludge from the petroleum refining industry. (T)
- K051 API separator sludge from the petroleum refining industry. (T)
- K052 Tank bottoms (leaded) from the petroleum refining industry. (T)

Iron and Steel:

- K061 Emission control dust/sludge from the primary production of steel in electric furnaces. (T)
- K062 Spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry (SIC Codes 331 and 332). (C,T)

Pesticides:

- K031 Byproduct salts generated in the production of MSMA and cacodylic acid. (T)
- K032 Wastewater treatment sludge from the production of chlordane. (T)
- K033 Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane. (T)
- K034 Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane. (T)
- K097 Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane. (T)
- K035 Wastewater treatment sludges generated in the production of creosote. (T)
- K036 Still bottoms from toluene reclamation distillation in the production of disulfoton. (T)
- K037 Wastewater treatment sludges from the production of disulfoton. (T)
- K038 Wastewater from the washing and stripping of phorate production. (T)
- K039 Filter cake from the filtration of diethylphosphorodithioic acid in the production of phorate. (T)
- K040 Wastewater treatment sludge from the production of phorate. (T)
- K041 Wastewater treatment sludge from the production of toxaphene. (T)
- K098 Untreated process wastewater from the production of toxaphene. (T)

- K042 Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T. (T)
- K043 2,6-Dichlorophenol waste from the production of 2,4-D. (T)
- K099 Untreated wastewater from the production of 2,4-D. (T)
- K123 Process wastewater (including supernates, filtrates, and wastewaters) from the production of ethylenebisdithiocarbamic acid and its salts. (T)
- K124 Reactor vent scrubber water from the production of ethylenebisdithiocarbamic acid and its salts. (C,T)
- K125 Filtration, evaporation, and centrifugation solids from the production of ethylenebisdithiocarbamic acid and its salts. (T)
- K126 Baghouse dust and floor sweepings in milling and packaging operations from the production or formulation of ethylenebisdithiocarbamic acid and its salts. (T)
- K131 Wastewater from the reactor and spent sulfuric acid from the acid dryer from the production of methyl bromide. (C,T)
- K132 Spent absorbent and wastewater separator solids from the production of methyl bromide. (T)

Primary Copper:

- K064 Acid plant blowdown slurry/sludge resulting from the thickening of blowdown slurry from primary copper production. (T)

Primary Lead:

- K065 Surface impoundment solids contained in and dredged from surface impoundments at primary lead smelting facilities. (T)

Primary Zinc:

- K066 Sludge from treatment of process wastewater and/or acid plant blowdown from primary zinc production. (T)

Primary Aluminum:

- K088 Spent potliners from primary aluminum reduction. (T)

Ferroalloys:

- K090 Emission control dust or sludge from ferrochromium-silicon production. (T)
- K091 Emission control dust or sludge from ferrochromium production. (T)

Secondary Lead:

- K069 Emission control dust/sludge from secondary lead smelting. (T)
- K100 Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting. (T)

Veterinary Pharmaceuticals:

- K084 Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds. (T)
- K101 Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds. (T)
- K102 Residue from the use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds. (T)

Ink Formulation:

- K086 Solvent washes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, driers, soaps, and stabilizers containing chromium and lead. (T)

Coking:

- K060 Ammonia still-lime sludge from coking operations. (T)
- K087 Decanter tank tar sludge from coking operations. (T)

Footnotes

- ~~((1—These wastes contain or may contain halogenated hydrocarbons. Although WAC 173-303-082 states that these wastes are DW, WAC 173-303-070(5), special knowledge, requires generators who know that their waste contains greater than one percent of these listed halogenated hydrocarbons to designate their waste EHW.~~
- 2) 1 For wastes listed with the dangerous waste numbers F020, F021, F022, F023, F026, or F027 the quantity exclusion limit is 2.2 lbs. (1 kg) per month or per batch.
- ~~((3—These wastes contain or may contain X Category toxic constituents. Although WAC 173-303-082 states that these wastes are DW, WAC 173-303-070(5), special knowledge, requires generators who know that their waste contains greater than 0.1 percent of these listed toxic constituents to designate their waste))~~
- 2 Listing Specific Definitions:
- a For the purposes of the F037 and F038 listings, oil/water/solids is defined as oil and/or water and/or solids.
- b(i) For the purposes of the F037 and F038 listings, aggressive biological treatment units are defined as units which employ one of the following four treatment methods: Activated sludge; trickling filter; rotating biological contactor for the continuous accelerated biological oxidation of wastewaters; or high-rate aeration. High-rate aeration is a system of surface impoundments or tanks, in which intense mechanical aeration is used to completely mix the wastes, enhance biological activity, and i the units employs a minimum

of 6 hp per million gallons of treatment volume; and either ii the hydraulic retention time of the unit is no longer than 5 days; or iii the hydraulic retention time is no longer than 30 days and the unit does not generate a sludge that is a dangerous waste by the Toxicity Characteristic.

- (ii) Generators and treatment, storage and disposal facilities have the burden of proving that their sludges are exempt from listing as F037 and F038 wastes under this definition. Generators and treatment, storage and disposal facilities must maintain, in their operating or other on-site records, documents and data sufficient to prove that:
- i The unit is an aggressive biological treatment unit as defined in this subsection; and ii the sludges sought to be exempted from the definitions of F037 and/or F038 were actually treated in the aggressive biological treatment unit.
- c(i) For the purposes of the F037 listing, sludges are considered to be generated at the moment of deposition in the unit, where deposition is defined as at least a temporary cessation of lateral particle movement.
- (ii) For the purposes of the F038 listing,
- A Sludges are considered to be generated at the moment of deposition in the unit, where deposition is defined as at least a temporary cessation of lateral particle movement and
- B Floats are considered to be generated at the moment they are formed in the top of the unit.

State Sources

- W001 ~~((The following wastes generated from the salvaging, rebuilding, or discarding of transformers, bushing, or capacitors which contain polychlorinated biphenyls (PCB): Cooling and insulating fluids; cores, including core papers, from unrinsed transformers and capacitors; transformers and capacitors which will no longer be used for their intended use, except for those transformers or capacitors which have been rinsed; and, rinsate from the rinsing of transformers and capacitors. For the purposes of this listing, the rinsing of PCB containing items shall be conducted as follows: First, the item is drained of all free flowing liquid; second, the item is filled with solvent and allowed to stand for at least eighteen hours; last, the item is drained thoroughly and the solvent is collected. Solvents may include kerosene, xylene, toluene and other solvents in which PCB are readily soluble.)) Discarded transformers, capacitors or bushings containing polychlorinated biphenyls (PCB) at concentrations of 2 parts per million or greater (except when drained of all free flowing liquid) and the following wastes generated from the salvaging, rebuilding, or discarding of transformers, capacitors or bushings containing polychlorinated biphenyls (PCB) at concentrations of 2 parts per million or greater: Cooling and insulating fluids and cores, including core papers. (Note—Certain PCB wastes are excluded from this listing under WAC 173-303-~~

071 (3)(k). The generator should check that section to determine if (~~his~~) their PCB waste is excluded from the requirements of chapter 173-303 WAC.)

AMENDATORY SECTION (Amending Order 92-33, filed 12/8/93, effective 1/8/94)

WAC 173-303-9905 Dangerous waste constituents list.

Acetic Acid, 2,4,5-trichlorophenoxy-, salts and esters

(2,4,5-T, salts and esters)

Acetonitrile [Ethanenitrile]

Acetophenone (Ethanone, 1-phenyl)

-(alpha-Acetylbenzyl)-4-hydroxycoumarin and salts (Warfarin)

2-Acetylaminofluorene (Acetamide, N-9H-fluorene-2-yl-)

Acetyl chloride (Ethanoyl chloride)

1-Acetyl-2-thiourea (Acetamide, N-(aminothioxomethyl)-)

Acrolein (2-Propenal)

Acrylamide (2-Propenamide)

Acrylonitrile (2-Propenenitrile)

Aflatoxins

Aldrin (1,2,3,4,10,10-Hexachloro-1,4,4a,5,8,8a-hexahydro-endo,exo-1,4:5,8-Dimethanonaphthalene)

Allyl alcohol (2-Propen-1-ol)

Allyl chloride (1-Propane, 3-chloro)

Aluminum phosphide

4-Aminobiphenyl ([1,1'-Biphenyl]-4-amine)

6-Amino-1,1a,2,8,8a,8b-hexahydro-8-(hydroxymethyl)-8a-methoxy-5-methyl-carbamate azirino[2',3':3,4]pyrrolo[1,2-a]indole-4,7-dione, (ester) (Mitomycin C)
(Azirino[2'3':3,4]pyrrolo(1,2-a)indole-4,7-dione, 6-amino-8[

4-Aminopyridine(4-Pyridinamine)

Arsenic and compounds, N.O.S.*

Barium and compounds, N.O.S.*

Barium cyanide

Benz[c]acridine (3,4-Benzacridine)

Benz[a]anthracene (1,2-Benzanthracene)

Benzene (Cyclohexatriene)

Benzene arsonic acid (Arsonic acid, phenyl-)

Benzene, 2-amino-1-methyl (o-Toluidine)

Benzene, 4-amino-1-methyl (p-Toluidine)

Benzene, dichloromethyl- (Benzal chloride)

Benzenethiol (Thiophenol)

Benzidine ([1,1'-Biphenyl]-4,4'-diamine)

Benzo[b]fluoranthene (2,3-Benzofluoranthene)

Benzo(k)fluoranthene

Benzo[j]fluoranthene (7,8-Benzofluoranthene)

Benzo[a]pyrene (3,4-Benzopyrene)

p-Benzoquinone (1,4-Cyclohexadienedione)

Benzotrichloride (Benzene, trichloromethyl-)

Benzyl chloride (Benzene, (chloromethyl)-)

Beryllium and compounds, N.O.S.*

Bis(2-chloroethoxy)methane (Ethane, 1,1'-[methylenebis(oxy)]bis[2-chloro-])

Bis(2-chloroethyl) ether (Ethane, 1,1'-oxybis[2-chloro-])

N,N-Bis(2-chloroethyl)-2-naphthylamine (Chloronaphazine)

Bis(2-chloroisopropyl) ether (Propane, 2,2'-oxybis[2-chloro-])

Bis(chloromethyl) ether (Methane, oxybis[chloro-])

Bis(2-ethylhexyl) phthalate (1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester)

Bromoacetone (2-Propanone, 1-bromo-)

Bromomethane (Methyl bromide)

4-Bromophenyl phenyl ether (Benzene, 1-bromo-4-phenoxy-)

Brucine (Strychnidin-10-one, 2,3-dimethoxy-)

2-Butanone peroxide (Methyl ethyl ketone, peroxide)

Butyl benzyl phthalate (1,2-Benzenedicarboxylic acid, butyl phenylmethyl ester)

2-sec-Butyl-4,6-dinitrophenol (DNBP) (Phenol, 2,4-dinitro-6-(1-methylpropyl)-)

Cadmium and compounds, N.O.S.*

Calcium chromate (Chromic acid, calcium salt)

Calcium cyanide

Carbamic Acid, ethyl ester

Carbon disulfide (Carbon bisulfide)

Carbon oxyfluoride (Carbonyl fluoride)

Chloral (Acetaldehyde, trichloro-)

Chlorambucil (Butanoic acid, 4-[bis(2-chloroethyl)amino]benzene-)

Chlordane (alpha and gamma isomers) (4,7-Methanoindan, 1,2,4,5,6,7,8,8-octachloro-3,4,7,7a-tetrahydro-) (alpha and gamma isomers)

Chlorinated benzenes, N.O.S.*

Chlorinated ethane, N.O.S.*

Chlorinated fluorocarbons, N.O.S.*

Chlorinated naphthalene, N.O.S.*

Chlorinated phenol, N.O.S.*

Chloroacetaldehyde (Acetaldehyde, chloro-)

Chloroalkyl ethers, N.O.S.*

p-Chloroaniline (Benzenamine, 4-chloro-)

Chlorobenzene (Benzene, chloro-)

Chlorobenzilate (Benzenoacetic acid, 4-chloro-alpha-(4-chlorophenyl)-alpha-hydroxy-, ethyl ester)

2-Chloro-1,3-butadiene

p-Chloro-m-cresol (Phenol, 4-Chloro-3-methyl)

1-Chloro-2,3-epoxypropane (Oxirane, 2-(chloromethyl)-)

2-Chloroethyl vinyl ether (Ethene, (2-chloroethoxy)-)

Chloroform (Methane, trichloro-)

Chloromethane (Methyl chloride)

Chloromethyl methyl ether (Methane, chloromethoxy-)

2-Chloronaphthalene (Naphthalene, beta-chloro-)

2-Chlorophenol (Phenol, o-chloro-)

1-(o-Chlorophenyl)thiourea (Thiourea, (2-chlorophenyl)-)

3-Chloropropene

3-Chloropropionitrile (Propanenitrile, 3-chloro-)

Chromium and compounds, N.O.S.*

Chrysene (1,2-Benzphenanthrene)

Citrus red No. 2 (2-Naphthol, 1-[(2,5-dimethoxyphenyl)azo]-)

Coal tars

- Copper cyanide
 Creosote (Creosote, wood)
 Cresols (Cresylic acid) (Phenol, methyl-)
 Crotonaldehyde (2-Butenal)
 Cyanides (soluble salts and complexes), N.O.S.*
 Cyanogen (Ethanedinitrile)
 Cyanogen bromide (Bromine cyanide)
 Cyanogen chloride (Chlorine cyanide)
 Cycasin (beta-D-Glucopyranoside, (methyl-ONN-azoxy)methyl-)
 2-Cyclohexyl-4,6-dinitrophenol (Phenol, 2-cyclohexyl-4,6-dinitro-)
 Cyclophosphamide (2H-1,3,2,-Oxazaphosphorine, [bis(2-chloroethyl)amino]-tetrahydro-, 2-oxide)
 Daunomycin (5,12-Naphthacenedione, (8S-cis)-8-acetyl-10-[(3-amino-2,3,6-trideoxy)-alpha-L-lyxohexopyranosyl]oxy]-7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy-)
 DDD (Dichlorodiphenyldichloroethane) (Ethane, 1,1-dichloro-2,2-bis(p-chlorophenyl)-)
 DDE (Ethylene, 1,1-dichloro-2,2-bis(4-chlorophenyl)-)
 DDT (Dichlorodiphenyltrichloroethane) (Ethane, 1,1,1-trichloro-2,2-bis(p-chlorophenyl)-)
 Diallate (S-(2,3-dichloroallyl) diisopropylthiocarbamate)
 Dibenz[a,h]acridine (1,2,5,6-Dibenzacridine)
 Dibenz[a,j]acridine (1,2,7,8-Dibenzacridine)
 Dibenz[a,h]anthracene (1,2,5,6-Dibenzanthracene)
 7H-Dibenzo[c,g]carbazole (3,4,5,6-Dibenzcarbazole)
 Dibenzo[a,e]pyrene (1,2,4,5-Dibenzpyrene)
 Dibenzo[a,h]pyrene (1,2,5,6-Dibenzpyrene)
 Dibenzo[a,i]pyrene (1,2,7,8-Dibenzpyrene)
 1,2-Dibromo-3-chloropropane (Propane, 1,2-dibromo-3-chloro-)
 1,2-Dibromoethane (Ethylene dibromide)
 Dibromomethane (Methylene bromide)
 Di-n-butyl phthalate (1,2-Benzenedicarboxylic acid, dibutyl ester)
 o-Dichlorobenzene (Benzene, 1,2-dichloro-)
 m-Dichlorobenzene (Benzene, 1,3-dichloro-)
 p-Dichlorobenzene (Benzene, 1,4-dichloro-)
 Dichlorobenzene, N.O.S.* (Benzene, dichloro-, N.O.S.*)
 3,3'-Dichlorobenzidine ([1,1'-Biphenyl]-4,4'-diamine, 3,3'-dichloro-)
 1,4-Dichloro-2-butene (2-Butene, 1,4-Butene, 1,4-dichloro-)
 Dichlorodifluoromethane (Methane, dichlorodifluoro-)
 1,1-Dichloroethane (Ethylidene dichloride)
 1,2-Dichloroethane (Ethylene dichloride)
 trans-1,2-Dichloroethene (1,2-Dichloroethylene)
 Dichloroethylene, N.O.S.* (Ethene, dichloro-, N.O.S.*)
 1,1-Dichloroethylene (Ethene, 1,1-dichloro-)
 Dichloromethane (Methylene chloride)
 2,4-Dichlorophenol (Phenol, 2,4-dichloro-)
 2,6-Dichlorophenol (Phenol, 2,6-dichloro-)
 2,4-Dichlorophenoxyacetic acid (2,4-D), salts and esters (Acetic acid, 2,4-dichlorophenoxy-, salts and esters)
 Dichlorophenylarsine (Phenyl dichloroarsine)
 Dichloropropane, N.O.S.* (Propane, dichloro-, N.O.S.*)
 1,2-Dichloropropane (Propylene dichloride)
 Dichloropropanol, N.O.S.* (Propanol, dichloro-, N.O.S.*)
 Dichloropropene, N.O.S.* (Propene, dichloro-, N.O.S.*)
 1,3-Dichloropropene, (1-Propene, 1,3-dichloro-)
 Dieldrin (1,2,3,4,10,10-hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octa-hydro-endo, exo-1,4:5,8-Dimethanonaphthalene)
 1,2:3,4-Diepoxybutane (2,2'-Bioxirane)
 Diethylarsine (Arsine, diethyl-)
 N,N'-Diethylhydrazine (Hydrazine, 1,2-diethyl)
 O,O-Diethyl S-methyl ester of phosphorodithioic acid (Phosphorodithioic acid, O,O-diethyl S-methyl ester)
 O,O-Diethylphosphoric acid, O-p-nitrophenyl ester (Phosphoric acid, diethyl p-nitrophenyl ester)
 Diethyl phthalate (1,2-Benzenedicarboxylic acid, diethyl ester)
 O,O-Diethyl O-2-pyrazinyl phosphorothioate (Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester)
 Diethylstilbesterol (4,4'-Stilbenediol, alpha,alpha-diethyl, bis(dihydrogen phosphate, (E)-)
 Dihydrosafrole (Benzene, 1,2-methylenedioxy-4-propyl-)
 3,4-Dihydroxy-alpha-(methylamino)methyl benzyl alcohol (1,2-Benzenediol, 4-[1-hydroxy-2-(methylamino)ethyl]-)
 Diisopropylfluorophosphate (DFP) (Phosphorofluoric acid, bis(1-methylethyl) ester)
 Dimethoate (Phosphorodithioic acid, O,O-dimethyl S-[2-(methylamino)-2-oxoethyl] ester)
 3,3'-Dimethoxybenzidine ([1,1'-Biphenyl]-4,4'-diamine, 3,3'-dimethoxy-)
 p-Dimethylaminoazobenzene (Benzenamine, N,N-dimethyl-4-(phenylazo)-)
 7,12-Dimethylbenz[a]anthracene (1,2-Benzanthracene, 7,12-dimethyl-)
 3,3'-Dimethylbenzidine ([1,1'-Biphenyl]-4,4'-diamine, 3,3'-dimethyl-)
 Dimethylcarbamoyl chloride (Carbamoyl chloride, dimethyl-)
 1,1-Dimethylhydrazine (Hydrazine, 1,1-dimethyl-)
 1,2-Dimethylhydrazine (Hydrazine, 1,2-dimethyl-)
 3,3-Dimethyl-1-(methylthio)-2-butanone, O-[(methylamino) carbonyl]oxime (Thiofanox)
 alpha,alpha-Dimethylphenethylamine (Ethanamine, 1,1-dimethyl-2-phenyl)
 2,4-Dimethylphenol (Phenol, 2,4-dimethyl-)
 Dimethyl phthalate (1,2-Benzenedicarboxylic acid, dimethyl ester)
 Dimethyl sulfate (Sulfuric acid, dimethyl ester)
 Dinitrobenzene, N.O.S.* (Benzene, dinitro-, N.O.S.*)
 4,6-Dinitro-o-cresol and salts (Phenol, 2,4-dinitro-6-methyl-, and salts)
 2,4-Dinitrophenol (Phenol, 2,4-dinitro-)
 2,4-Dinitrotoluene (Benzene, 1-methyl-2,4-dinitro-)
 2,6-Dinitrotoluene (Benzene, 1-methyl-2,6-dinitro-)

- Di-n-octyl phthalate (1,2-Benzenedicarboxylic acid, dioctyl ester)
 1,4-Dioxane (1,4-Diethylene oxide)
 Diphenylamine (Benzenamine, N-Phenyl-)
 1,2-Diphenylhydrazine (Hydrazine, 1,2-diphenyl-)
 Di-n-propylmitrosamine (N-Nitroso-di-n-propylamine)
 Disulfoton (O,O-diethyl S-[2-(ethylthio)ethyl] phosphorodithioate)
 2,4-Dithiobiuret (Thioimidodicarbonic diamide)
 Endosulfan (5-Norbornene, 2,3-dimethanol, 1,4,5,6,7,7-hexachloro-, cyclic sulfite)
 Endrin and metabolites (1,2,3,4,10,10-hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-endo,endo-1,4:5,8-dimethanonaphthalene, and metabolites)
 Ethyl carbamate (Urethan) (Carbamic acid, ethyl ester)
 Ethyl cyanide (propanenitrile)
 Ethylenebisdithiocarbamic acid, salts and esters (1,2-Ethanediyldithiocarbamic acid, salts and esters)
 Ethylene glycol monoethyl ether (2-Ethoxyethanol)
 Ethyleneimine (Aziridine)
 Ethylene oxide (Oxirane)
 Ethylenethiourea (2-Imidazolidinethione)
 Ethylmethacrylate (2-Propenoic acid, 2-methyl-, ethyl ester)
 Ethyl methanesulfonate (Methanesulfonic acid, ethyl ester)
 Fluoranthene (Benzo[j,k]fluorene)
 Fluorine
 2-Fluoroacetamide (Acetamide, 2-fluoro-)
 Fluoroacetic acid, sodium salt (Acetic acid, fluoro-, sodium salt)
 Formaldehyde (Methylene, oxide)
 Formic acid (Methanoic acid)
 Glycidylaldehyde (1-Propanol-2,3-epoxy)
 Halomethane, N.O.S.*
 Heptachlor (4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-)
 Heptachlor epoxide (alpha, beta, and gamma isomers) (4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-2,3-epoxy-3a,4,7,7-tetrahydro-, alpha, beta and gamma isomers)
Heptachlorodibenzofurans
Heptachlorodibenzo-p-dioxins
 Hexachlorobenzene (Benzene, hexachloro-)
 Hexachlorobutadiene (1,3-Butadiene, hexachloro-)
 Hexachlorocyclohexane (all isomers) (Lindane and isomers)
 Hexachlorocyclopentadiene (1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-)
 Hexachlorodibenzo-p-dioxins
 Hexachlorodibenzofurans
 Hexachloroethane (Ethane, hexachloro-)
 1,2,3,4,10,10-Hexachloro-1,4,4a,5,8,8a-hexahydro-1,4:5,8-endo,endo-dimethanonaphthalene (Hexachlorohexahydro-endo,endo-dimethanonaphthalene)
 Hexachlorophene (2,2'-Methylenebis(3,4,6-trichlorophenol))
 Hexachloropropene (Propene, hexachloro-)
 Hexaethyl tetraphosphate (Tetraphosphoric acid, hexaethyl ester)
 Hydrazine (Diamine)
 Hydrocyanic acid (Hydrogen cyanide)
 Hydrofluoric acid (Hydrogen fluoride)
 Hydrogen sulfide (Sulfur hydride)
 Hydroxydimethylarsine oxide (Cacodylic acid)
 Indeno(1,2,3-cd)pyrene (1,10-(1,2-phenylene)pyrene)
 Iodomethane (Methyl iodide)
 ((~~Iron Dextran (Ferric dextran)~~))
 Isocyanic acid, methyl ester (Methyl isocyanate)
 Isobutyl alcohol (1-Propanol, 2-methyl-)
 Isosafrole (Benzene, 1,2-methylenedioxy-4-allyl-)
 Kepone (Decachlorooctahydro-1,3,4-Methano-2H-cyclobuta[cd]pentalene-2-one)
 Lasiocarpine (2-Butanoic acid, 2-methyl-,7-[(2,3-dihydroxy-2-(1-methoxyethyl)-3-methyl-1-oxobutoxy)methyl]-2,3,5,7a-tetrahydro-1H-pyrrolizin-1-yl ester)
 Lead and compounds, N.O.S.*
 Lead acetate (Acetic acid, lead salt)
 Lead phosphate (Phosphoric acid, lead salt)
 Lead subacetate (Lead, bis(acetato-O)tetrahydroxytri-)
 Maleic anhydride (2,5-Furandione)
 Maleic hydrazide (1,2-Dihydro-3,6-pyridazinedione)
 Malononitrile (Propanedinitrile)
 Melphalan (Alanine, 3-[p-bis(2-chloroethyl)amino]phenyl-,L-)
 Mercury Fulminate (Fulminic acid, mercury salt)
 Mercury and compounds, N.O.S.*
 Methacrylonitrile (2-Propenenitrile, 2-methyl-)
 Methanethiol (Thiomethanol)
 Methapyrilene (Pyridine, 2-[(2-dimethylamino)ethyl]-2-thenylamino-)
 Metholonyl (Acetimidic acid, N-[(methylcarbamoil)oxy]thio-,methyl ester
 Methoxychlor (Ethane, 1,1,1-trichloro-2,2'-bis(p-methoxyphenyl)-)
 2-Methylaziridine (1,2-Propylenimine)
 3-Methylcholanthrene (Benz[j]aceanthrylene, 1,2-dihydro-3-methyl-)
 Methyl chlorocarbonate (Carbonochloridic acid, methyl ester)
 4,4'-Methylenebis(2-chloroaniline) (Benzenamine, 4,4'-methylenebis-(2-chloro-)
 Methyl ethyl ketone (MEK) (2-Butanone)
 Methyl hydrazine (Hydrazine, methyl-)
 2-Methylactonitrile (Propanenitrile, 2-hydroxy-2-methyl-)
 Methyl methacrylate (2-Propenoic acid, 2-methyl-, methyl ester)
 Methyl methanesulfonate (Methanesulfonic acid, methyl ester)
 2-Methyl-2-(methylthio)propionaldehyde-o-(methylcarbonyl) oxime
 N-Methyl-N'-nitro-N-nitrosoguanidine (Guanidine, N-nitros-N-methyl-N' nitro-)
 Methyl parathion (O,O-dimethyl O-(4-nitrophenyl) phosphorothioate)
 Methylthiouracil (4-1H-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-)
 Mustard gas (Sulfide, bis(2-chloroethyl)-)

- Naphthalene
 1,4-Naphthoquinone (1,4-Naphthalenedione)
 1-Naphthylamine (alpha-Naphthylamine)
 2-Naphthylamine (beta-Naphthylamine)
 1-Naphthyl-2-thiourea (Thiourea, 1-naphthalenyl-)
 Nickel and compounds, N.O.S.*
 Nickel carbonyl (Nickel tetracarbonyl)
 Nickel cyanide (nickel (II) cyanide)
 Nicotine and salts, Pyridine, (S)-3-(1-methyl-2-pyrrolidinyl)-, and salts)
 Nitric oxide (Nitrogen (II) oxide)
 p-Nitroaniline (Benzenamine, 4-nitro-)
 Nitrobenzine (Benzene, nitro-) Nitrobenzene
 Nitrogen dioxide (Nitrogen (IV) oxide)
 Nitrogen mustard and hydrochloride salt (Ethanamine, 2-chloro-, N-(2-chloroethyl)-
 N-methyl-, and hydrochloride salt)
 Nitrogen mustard N-Oxide and hydrochloride salt (Ethanamine, 2-chloro-, N-(2-chloroethyl)-N-methyl-, N-oxide, and hydro-chloride salt)
 Nitroglycerine (1,2,3-Propanetriol, trinitrate)
 4-Nitrophenol (Phenol, 4-nitro-)
 2-Nitropropane (Propane 2-nitro)
 4-Nitroquinoline-1-oxide (Quinoline, 4-nitro-1-oxide-)
 Nitrosamine, N.O.S.*
 N-Nitrosodi-n-butylamine (1-Butanamine, N-butyl-N-nitroso-)
 N-Nitrosodiethanolamine (Ethanol, 2,2'-(nitrosoimino)bis-)
 N-Nitrosodiethylamine (Ethanamine, N-Ethyl-N-nitroso-)
 N-Nitrosodimethylamine (Dimethylnitrosamine)
 N-Nitroso-N-ethylurea (Carbamide, N-ethyl-N-nitroso-)
 N-Nitrosomethylethylamine (Ethanamine, N-methyl-N-nitroso-)
 N-Nitroso-N-methylurea (Carbamide, N-methyl-N-nitroso-)
 N-Nitroso-N-methylurethane (Carbamic acid, methylnitroso-, ethyl ester)
 N-Nitrosomethylvinylamine (Ethenamine, N-methyl-N-nitroso-)
 N-Nitrosomorpholine (Morpholine, N-nitroso-)
 N-Nitrosornicotine (Nicotinic acid, N-nitroso-)
 N-Nitrosopiperidine (Pyridine, hexahydro-, N-nitroso-)
 N-Nitrosopyrrolidine (pyrrole, tetrahydro-, N-nitroso-)
 N-Nitrososarcosine (Sarcosine, N-nitroso-)
 5-Nitro-o-toluidine (Benzenamine, 2-methyl-5-nitro-)
 Octamethylpyrophosphoramidate (Diphosphoramidate, octamethyl-)
 Osmium tetroxide (Osmium (VIII) oxide)
 7-Occabicyclo[2.2.1]heptane-2,3-dicarboxylic acid (Endothal)
 Paraldehyde (1,3,5-Trioxane, 2,4,6-trinethyl-)
 Parathion (Phosphorothioic acid, O,O-diethyl O-(p-nitrophenyl) ester)
 Pentachlorobenzene (Benzene, pentachloro-)
 Pentachlorodibenzo-p-dioxins
 Pentachlorodibenzofurans
 Pentachloroethane (Ethane, pentachloro-)
 Pentachloronitrobenzene (PCNB) (Benzene, pentachloronitro-)
 Pentachlorophenol (Phenol, pentachloro-)
 Perchloromethyl mercaptan (Methanesulfenyl chloride, trichloro-)
 Phenacetin (Acetamide, N-(4-ethoxyphenyl-))
 Phenol (Benzene, hydroxy-)
 Phenylenediamine (Benzenediamine)
 Phenylmercury acetate (Mercury, acetatophenyl-)
 N-Phenylthiourea (Thiourea, phenyl-)
 Phosgene (Carbonyl chloride)
 Phosphine (Hydrogen phosphide)
 Phosphorodithioic acid, O,O-diethyl S-[(ethylthio)methyl] ester (Phorate)
 Phosphorothioic acid, O,O-dimethyl O-[p-((dimethylamino)sulfonyl)phenyl] ester (Famphur)
 Phthalic acid esters, N.O.S.* (Benzene, 1,2-dicarboxylic acid, esters, N.O.S.*
 Phthalic anhydride (1,2-Benzenedicarboxylic acid anhydride)
 2-Picoline (Pyridine, 2-methyl-)
 Polychlorinated biphenyl, N.O.S.*
 Potassium cyanide
 Potassium silver cyanide (Argentate(1-), dicyano-, potassium)
 Pronamide (3,5-Dichloro-N-(1,1-dimethyl-2-propynyl)benzamide)
 1,3-Propanesultone (1,2-Oxathiolane, 2,2-dioxide)
 Propionic acid, 2-(2,4,5-trichlorophenoxy), salts and esters (2,4,5-TP, Silvex, salts and esters)
 n-Propylamine (1-Propane)
 Propylthiouracil (2,3 dihydro-6-propyl-2 thioxo-4(1H)-pyrimidinone)
 2-Propyn-1-ol (Propargyl alcohol)
 Pyridine
 Reserpine (Yohimban-16-carboxylic acid, 11,17-dimethoxy-18-[(3,4,5-trimethoxybenzoyl)oxy]-, methyl ester)
 Resorcinol (1,3-Benzenediol)
 Saccharin and salts (1,2-Benzoisothiazolin-3-one, 1,1-dioxide, and salts)
 Safrol (Benzene, 1,2-methylenedioxy-4-allyl-)
 Selenious acid (Selenium dioxide)
 Selenium and compounds, N.O.S.*
 Selenium sulfide (Sulfur selenide)
 Selenourea (Carbamimidoseleonic acid)
 Silver and compounds, N.O.S.*
 Silver cyanide
 Sodium cyanide
 Streptozotocin (D-Glucopyranose, 2-deoxy-2-(3-methyl-3-nitrosoureido)-)
 ((Strontium sulfide))
 Strychnine and salts (Strychnidin-10-one, and salts)
 1,2,4,5-Tetrachlorobenzene (Benzene, 1,2,4,5-tetrachloro-)
 Tetrachlorodibenzo-p-dioxins
 Tetrachlorodibenzofurans
 2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD) Dibenzo-p-dioxin, 2,3,7,8-tetrachloro-)
 Tetrachloroethane, N.O.S.* (Ethane, tetrachloro-, N.O.S.*)
 1,1,1,2-Tetrachlorethane (Ethane, 1,1,1,2-tetrachloro-)
 1,1,2,2-Tetrachlorethane (Ethane, 1,1,2,2-tetrachloro-)
 Tetrachlorethylene (Ethene, 1,1,2,2-tetrachloro-)¹

Tetrachloromethane (Carbon tetrachloride)
 2,3,4,6-Tetrachlorophenol (Phenol,2,3,4,6-tetrachloro-)
 Tetraethyldithiopyrophosphate (Dithiopyrophosphoric acid, tetraethyl-ester)
 Tetraethyl lead (Plumbane, tetraethyl-)
 Tetraethylpyrophosphate (Pyrophosphoric acid, tetraethyl ester)
 Tetranitromethane (Methane, tetranitro-)
 Thallium and compounds, N.O.S.*
 Thallic oxide (Thallium (III) oxide)
 Thallium (I) acetate (Acetic acid, thallium (I) salt)
 Thallium (I) carbonate (Carbonic acid, dithallium (I) salt)
 Thallium (I) chloride
 Thallium (I) nitrate (Nitric acid, thallium (I) salt)
 Thallium selenite
 Thallium (I) sulfate (Sulfuric acid, thallium (I) salt)
 Thioacetamide (Ethanethioamide)
 Thiosemicarbazide (Hydrazinecarbothioamide)
 Thiourea (Carbamide thio-)
 Thiuram (Bis(dimethylthioucarbonyl) disulfide)
 Toluene (Benzene, methyl-)
 Toluenediamine, N.O.S. (Toluene, 2,5-diamine-)
 2,4-Toluenediamine
 2,6-Toluenediamine
 3,4-Toluenediamine
 o-Toluidine hydrochloride (Benzenamine, 2-methyl-, hydrochloride)
 Tolyene diisocyanate (Benzene, 2,4- and 2,6-diisocyanato-methyl-)
 Toxaphene (Camphene, octachloro-)
 Tribromomethane (Bromoform)
 1,2,4-Trichlorobenzene (Benzene, 1,2,4-trichloro-)
 1,1,1-Trichloroethane (Methyl chloroform)
 1,1,2-Trichloroethane (Ethane, 1,1,2-trichloro-)
 Trichloroethene (Trichloroethylene)
 Trichloromonofluoromethane (Methane, trichlorofluoro-)
 2,4,5-Trichlorophenol (Phenol, 2,4,5-trichloro-)
 2,4,6-Trichlorophenol (Phenol, 2,4,6-trichloro-)
 2,4,5-Trichlorophenoxyacetic acid (2,4,5-T, salts and esters) (Acetic acid, 2,4,5-trichlorophenoxy-, salts and esters)
 2,4,5-Trichlorophenoxypropionic acid (Propionic acid, 2-(2,4,5-trichlorophenoxy), salts and esters (2,4,5-TP, Silvex, salts and esters))
 Trichloropropane, N.O.S.* (Propane, trichloro-, N.O.S.*
 1,2,3-Trichloropropane (Propane, 1,2,3-trichloro-)
 O,O,O-Triethyl phosphorothioate (Phosphorothioic acid, O,O,O-triethyl ester)
 sym-Trinitrobenzene (Benzene, 1,3,5-trinitro-)
 Tris(1-aziridinyl) phosphine sulfide (Phosphine sulfide, tris(1-aziridinyl-)
 Tris(2,3-dibromopropyl) phosphate (1-Propanol, 2,3-dibromo-, phosphate)
 Trypan blue (2,7-Naphthalenedisulfonic acid, 3,3'-[(3,3'-dimethyl(1,1'-biphenyl)-4,4'-diyl)bis(azo)]bis(5-amino-4-hydroxy-, tetrasodium salt)

Undecamethylenediamine, N,N'-bis-(2-chloro-benzyl)-,dihydrochloride N,N'-Undecamethyl-enebis(2-chlorobenzylamine, dihydrochloride)
 Uracil mustard (Uracil 5-[bis(2-chlorethyl)amino]-)
 Vanadic acid, ammonium salt (ammonium vanadate)
 Vanadium pentoxide (Vanadium (V) oxide)
 Vinyl chloride (Ethane, chloro-)
 Zinc cyanide
 Zinc phosphide

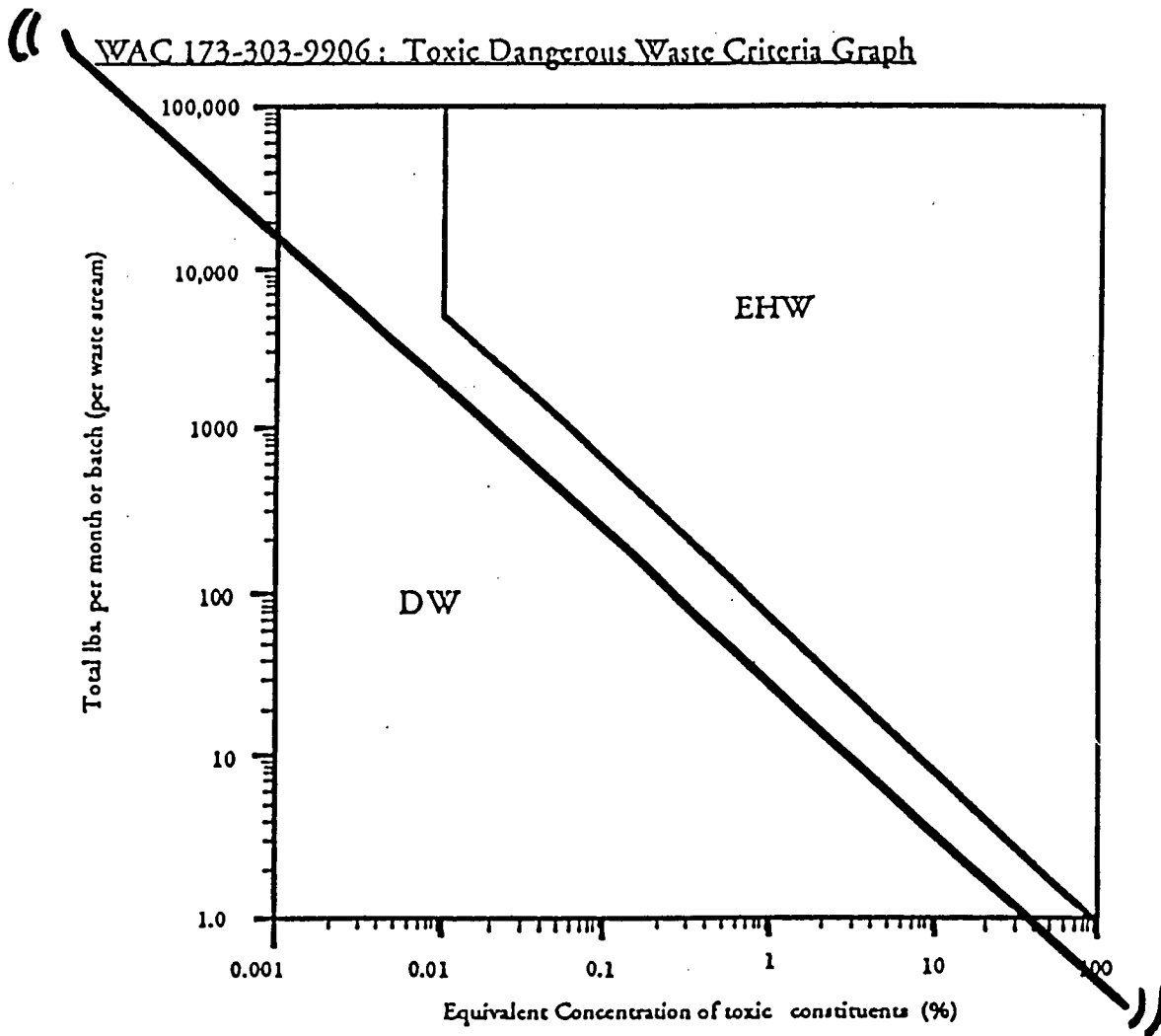
* The abbreviation N.O.S. signifies those members of the general class "not otherwise specified" by name in this listing.

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.

AMENDATORY SECTION (Amending Order 92-33, filed 12/8/93, effective 1/8/94)

WAC 173-303-9906 (~~Toxic dangerous waste mixtures graph~~) Special waste bill of lading.



Note: The above graph should be used to determine whether a toxic waste (WAC 173-303-100(5)) is a dangerous waste (DW) or an extremely hazardous waste (EHW).

SPECIAL WASTE
BILL OF LADING
EXAMPLE

- 1) Receiving Facility Name: _____ phone: _____
Address: _____ fax: _____
- 2) Customer Name: _____ phone: _____
Address: _____ fax: _____
- 3) Property Owner Name
(where waste originated): _____ phone: _____
Address: _____ fax: _____
- 4) Hauler Name: _____ phone: _____
Address: _____ fax: _____

PERMANENT

- 5) Consultant Name: _____ phone: _____
Address: _____ fax: _____
 - 6) Amount of waste: _____
 - 7) Original Location of Special Waste: _____
 - 8) Activity Which Generated Waste: _____
 - 9) Description of Waste. Include any Applicable Dangerous Waste Code: _____
-
- 10) Does Waste Have Potential to Create Fugitive Dust? Yes _____ No _____
If Yes, What is your Plan to Mitigate Dust?
-

11) Amount of wastes in pounds or tons: _____

SPECIAL WASTE WASTE ANALYSIS

Customer Must Initial the Appropriate Item.

- 1. Wastes were designated through testing
- 2. Wastes were designated by other means

Customer Certifies That:

- 1. The Waste sampled and intended for disposal under this Certification is special waste as defined in WAC 173-303-040.
- 2. The Waste has no free liquids per WAC 173-303-110 (3)(c)(i).

Signature _____ Date _____

WSR 95-22-012
PERMANENT RULES
DEPARTMENT OF HEALTH
 [Filed October 20, 1995, 10:01 a.m.]

Date of Adoption: September 26, 1995.

Purpose: Update rules for private psychiatric hospitals and repeal rules for private alcoholism hospitals (which are adopted as a new chapter 246-324 WAC).

Citation of Existing Rules Affected by this Order: Repealing WAC 246-322-070, 246-322-080, 246-322-090, 246-322-110, 246-322-130, and 246-322-991; and amending WAC 246-322-010, 246-322-020, 246-322-040, 246-322-050, 246-322-060, 246-322-100, and 246-322-120.

Statutory Authority for Adoption: Chapter 71.12 RCW and RCW 43.60.040.

Adopted under notice filed as WSR 95-12-096 on June 7, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 7, repealed 6.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 7, repealed 6.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.
 October 19, 1995
 Bruce Miyahara
 Secretary

NEW SECTION

WAC 246-322-001 Purpose and scope. (1) This chapter implements chapter 71.12 RCW.

(2) This chapter establishes minimum health and safety standards for private psychiatric hospitals.

(3) This chapter does not apply to:

(a) Hospitals regulated by chapters 70.41 RCW and 246-318 WAC;

(b) Private alcohol and chemical dependency hospitals regulated by chapters 71.12 RCW and 246-324 WAC;

(c) Adult residential rehabilitation centers regulated by chapters 71.12 RCW and 246-325 WAC;

(d) Residential treatment facilities for children and youth regulated by chapters 71.12 RCW and 246-323 WAC;

(e) Alcoholism treatment facilities regulated by chapters 71.12 RCW and 246-326 WAC;

(f) Boarding homes regulated by chapters 18.20 RCW and 246-316 WAC;

(g) Nursing homes regulated by chapters 18.51 RCW and 248-14 WAC; or

(h) Christian Science establishments providing remedial care of residents or patients in accordance with the practices

and principles of the body known as Church of Christ, Scientist.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-322-010 Definitions. For the purposes of ((these rules and regulations for private psychiatric and alcoholism hospitals)) this chapter, the following words and phrases ((shall)) have the following meanings unless the context clearly indicates otherwise:

((1) "Abuse" means the injury or sexual abuse of an individual patient by a person who is legally responsible for the welfare of that patient under circumstances which indicate that the health, welfare and safety of the patient is harmed thereby.

Person "legally responsible" shall include a parent, guardian or an individual to whom parental or guardian responsibility has been delegated, (e.g., teachers, providers of residential care and/or treatment, providers of day care).

(a) "Physical abuse" means damaging or potentially damaging nonaccidental acts or incidents which may result in bodily injury or death.

(b) "Emotional abuse" means verbal behavior, harassment or other actions which may result in emotional or behavioral problems, physical manifestations, disordered or delayed development.

(2) "Administrator" means the individual appointed as chief executive officer by the governing body of the facility to act in its behalf in the overall management of the hospital.

(3) "Alcoholic patient" means an individual demonstrating signs or symptoms of alcoholism.

(4) "Alcoholism" means a chronic, progressive, potentially fatal disease characterized by tolerance and physical dependency, pathological organic changes, or both, all of which are the consequences of alcohol ingestion.

(a) "Chronic and progressive" means that physical, emotional and social changes that develop are cumulative and progress as drinking continues.

(b) "Tolerance" means physiological adaptation to the presence of high concentration of alcohol.

(c) "Physical dependency" means that withdrawal symptoms occur from decreasing or ceasing ingestion of alcohol.

(5) "Alcoholism counselor" means a member of the clinical staff who is knowledgeable about the nature and treatment of alcoholism, is knowledgeable about community resources which provide services alcoholics may need, knows and understands the principles and techniques of alcoholism counseling and is skilled in the application of these principles and techniques.

(6) "Authenticated" or authentication means authorization of a written entry in a record or chart by means of a signature which shall include, minimally, first initial, last name and title.

(7) "Bathing facility" means a bathtub or shower.

(8) "Child psychiatrist" means a psychiatrist who is certified in child psychiatry by the board of psychiatry and neurology or board eligible.

(9) "Clinical record" means a file containing all pertinent clinical information about a particular patient to include: Identifying information, data bases, assessment, individual-

ized comprehensive treatment plan, diagnosis and treatment, progress notes, other clinical events and a discharge summary.

(10) "Clinical staff" means qualified individuals, licensed when applicable, appointed by the governing body to practice within the parameters of the clinical staff bylaws as approved by the governing body of the hospital.

(11) "Corporal punishment" means punishment or negative reinforcement accomplished by direct physical contact regardless of whether or not damage is inflicted.

(12) "Department" means the Washington state department of social and health services.

(13) "Detoxified" means withdrawn from alcohol and/or associated substance use and recovered from the transitory effects of intoxication and any associated acute physiological withdrawal reaction.

(14) "Detoxification" means the process in which an individual recovers from the transitory effects of intoxication and/or any associated physiological withdrawal reaction.

(15) "Dietitian" means an individual who is eligible for membership in the American Dietetic Association.

(16) "Discipline" means reasonable actions by personnel and staff aimed at regulation of unacceptable behavior.

(17) "Drug administration" means an act in which a single dose of prescribed drug or biological is given to a patient by an authorized person in accordance with all laws and regulations governing such acts. The complete act of administration entails removing an individual dose from a previously dispensed, properly labeled container, verifying it with the physician's order, giving the individual dose to the proper patient, and properly recording the time and dose given.

(18) "Drug dispensing" means an act entailing the interpretation of an order (prescription) for a drug or biological and, pursuant to that order (prescription), proper selection, measuring, labeling, packaging, and issuance of the drug for a patient or for a service unit of the facility.

(19) "Family" means individuals who are important to and designated by a patient, who need not be relatives.

(20) "Governing body" means the individual or group legally responsible for operation and maintenance of the hospital.

(21) "Grade" means the level of the ground adjacent to the building measured at required windows. The ground must be level or slope downward for a distance of at least ten feet from the wall of the building. From there the ground may slope upward not greater than an average of one foot vertical to two feet horizontal within a distance of eighteen feet from the building.

(22) "Individualized treatment plan" means a written statement of care to be provided for a patient based upon assessment of his/her strengths and problems. This statement shall include short term and long term goals with an estimated time frame stipulated and shall include discharge planning. When appropriate, the statement shall be developed with participation of the patient.

(23) "Intoxication" means acute poisoning or temporary impairment of an individual's mental and/or physical functioning caused by alcohol and/or associated substance use.

(24) "Intoxicated" means in the state of intoxication.

(25) "Lavatory" means a plumbing fixture designed and equipped for handwashing purposes.

(26) "Legend drug" means any drug which is required by an applicable state or federal law or regulation to be dispensed on prescription only or is restricted to use by practitioners only.

(27) "Licensed pharmacy" means a pharmacy licensed by the state board of pharmacy and a place where the practice of pharmacy is conducted.

(28) "Medical staff" means physicians and other medical practitioners appointed by the governing body to practice within the parameters of the medical staff bylaws within the hospital.

(29) "Multidisciplinary treatment team" means a group comprised of individuals from the various clinical services who assess, plan, implement and evaluate treatment for patients under care.

(30) "Neglect" means negligent treatment or maltreatment. An act or omission which evinces a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to an individual patient's health, welfare and safety.

(a) "Physical neglect" means physical or material deprivation (e.g., lack of medical care, lack of supervision necessary for patient level of development, inadequate food, clothing or cleanliness).

(b) "Emotional neglect" means acts such as rejection, lack of stimulation or other acts of commission or omission which may result in emotional or behavioral problems, physical manifestations and disordered development.

(31) "New construction" means any of the following started after promulgation of these rules and regulations:

(a) New building(s) to be used as a part of the hospital.

(b) Addition(s) to existing hospital(s) to be used as part of the hospital(s).

(c) Alteration(s) or modification(s) other than minor alteration(s) to a hospital. "Minor alterations" means any structural or functional modification within the existing hospital which does not change the approved use of the room or area. Minor alterations performed under this definition do not require prior approval of the department; however, this does not constitute a release from the applicable requirements contained in chapter 248-16 WAC.

(32) "Occupational therapist" means a person eligible for certification as a registered occupational therapist by the American occupational therapy association.

(33) "Owner" means an individual, firm or joint stock association or the legal successor thereof who operates the hospital whether owning or leasing the premises.

(34) "Pharmacist" means an individual who is licensed by the state board of pharmacy to engage in the practice of pharmacy under the provisions of chapter 18.64 RCW, as now or hereafter amended.

(35) "Physician" means a doctor of medicine or a doctor of osteopathy duly licensed in the state of Washington.

(36) "Prescription" means the written or oral order for drugs issued by a duly licensed medical practitioner in the course of his/her professional practice, as defined by Washington state statute, for legitimate medical purposes (RCW 18.64.011(8)).

(37) "Private alcoholism hospital" means an institution, facility, building or equivalent designed, organized, main-

tained and operated to provide diagnosis, treatment and care of individuals demonstrating signs or symptoms of alcoholism, including the complications of associated substance use and other medical diseases that can be appropriately treated and cared for in the facility and providing accommodations, medical services and other necessary services over a continuous period of twenty four hours or more for two or more individuals unrelated to the operator, provided that this chapter shall not apply to any facility, agency or other entity which shall be both owned and operated by a public or governmental body.

(38) "Private psychiatric hospital" means an institution, facility, building or agency specializing in the diagnosis, care and treatment of individuals demonstrating signs and/or symptoms of mental disorder (as defined in RCW 71.05.020(2)) and providing accommodations and other necessary services over a continuous period of twenty four hours or more for two or more individuals not related to the operator, provided that this chapter shall not apply to any facility, agency or other entity which shall be both owned and operated by a public or governmental body.

(39) "Psychiatrist" means a physician who has successfully completed a three year residency program in psychiatry and is eligible for certification by the American board of psychiatry and neurology.

(40) "Psychologist" means an individual who is licensed as a psychologist in the state of Washington under provisions of chapter 18.83 RCW, as now or hereafter amended.

(41) "Recreational therapist" means an individual with a bachelor's degree with a major or option in therapeutic recreation or in recreation for ill and handicapped.

(42) "Registered nurse" means an individual duly licensed under the provisions of the law regulating the practice of registered nursing in the state of Washington, chapter 18.88 RCW, as now or hereafter amended.

(43) "Restraint" means any apparatus or chemical used for the purpose of preventing or limiting volitional body movements.

(44) "Scheduled drugs" means those drugs, substances or immediate precursors controlled under Article II of the Uniform Controlled Substances Act, chapter 69.50 RCW.

(45) "Seclusion room" means a small secure room specifically designed and organized to provide for temporary placement, care and observation of one patient and further, providing an environment with minimal sensory stimuli, maximum security and protection and visualization of the patient by authorized personnel and staff.

(a) Inside or outside rooms are acceptable for seclusion.

(b) Doors of seclusion rooms shall be provided with locks. There shall be relites in the door, or equivalent, affording visibility of the occupant at all times.

(c) Seclusion room shall provide at least eighty square feet of floor space, exclusive of fixed equipment, with a minimum room dimension of eight feet.

(46) "Security room" means a patient sleeping room designed, furnished and equipped to provide maximum safety and security. This room shall be provided with window protection or security windows and a lockable door with provision for observation of the occupant(s).

(47) "Security window" means a window designed to inhibit exit, entry and injury to a patient. A "maximum security window" shall mean a window that can only be

~~opened by keys or tools that are under control of personnel. The operation of the sash of the maximum security window shall be restricted to prohibit escape or suicide. Where glass fragments may create a hazard, safety glazing and/or other appropriate security features shall be incorporated.~~

~~(48) "Self administration" means those instances when a patient takes his/her own medication from a properly labeled container, while on the premises of the hospital, with the responsibility for appropriate use maintained by the hospital.~~

~~(49) "Shall" means compliance with the regulation is mandatory.~~

~~(50) "Should" means compliance with the regulation or rule is suggested or recommended but not required.~~

~~(51) "Social worker" means an individual with a master's degree in social work from an accredited school of social work.~~

~~(52) "Special services" means clinical and rehabilitative activities and/or programs which shall include but not be limited to: Educational and vocational training; speech, language, hearing, vision, dentistry, and physical therapy.~~

~~(53) "Toilet" means a room containing at least one water closet.~~

~~(54) "Water closet" means a plumbing fixture for defecation fitted with a seat and a device for flushing the bowl of the fixture with water.)~~ (1) "Abuse" means an act by any individual which injures, exploits or in any way jeopardizes a patient's health, welfare, or safety, including but not limited to:

(a) Physically damaging or potentially damaging nonaccidental acts;

(b) Emotionally damaging verbal behavior and harassment or other actions which may result in emotional or behavioral problems; and

(c) Sexual use, exploitation and mistreatment through inappropriate touching, inappropriate remarks or encouraging participation in pornography or prostitution.

(2) "Administrator" means the individual responsible for the day-to-day operation of the hospital.

(3) "Advanced registered nurse practitioner" means a registered nurse authorized to practice specialized and advanced nursing according to the requirements in RCW 18.88.175.

(4) "Authenticate" means to authorize or validate an entry in a record by:

(a) A signature including first initial, last name, and professional title/discipline; or

(b) A unique identifier which clearly indicates the responsible individual.

(5) "Bathing fixture" means a bathtub, shower, or combination bathtub shower.

(6) "Bathroom" means a room containing one or more bathing fixtures.

(7) "Child psychiatrist" means an individual licensed as a physician under chapter 18.71 or 18.57 RCW who is board-certified or board-eligible with a specialty in child psychiatry by:

(a) The American Board of Psychiatry and Neurology; or

(b) The Bureau for Osteopathic Specialists, American Osteopathic Neurology and Psychiatry.

(8) "Clinical record" means a file maintained by the licensee for each patient containing all pertinent psychological, medical, and clinical information.

(9) "Comprehensive treatment plan" means a written plan of care developed by a multi-disciplinary treatment team for an individual patient, based on an assessment of the patient's developmental, biological, emotional, psychological, and social strengths and needs, which includes:

(a) Treatment goals with specific time frames;

(b) Specific services to be provided;

(c) The name of each individual responsible for each service provided;

(d) Behavior management; and

(e) Discharge criteria with estimated time frames.

(10) "Construction" means:

(a) A new building to be used as a hospital or part of a hospital;

(b) An addition, modification or alteration which changes the approved use of a room or area; and

(c) An existing building or portion thereof to be converted for use as a hospital.

(11) "Department" means the Washington state department of health.

(12) "Dietitian" means an individual certified under chapter 18.138 RCW.

(13) "Document" means to record, with authentication, date and time.

(14) "Drug administration" means the act of an authorized individual giving a single dose of prescribed drug or biological to a patient according to the laws and regulations governing such acts.

(15) "Drug dispensing" means interpreting a prescription and, pursuant to that prescription, selecting, measuring, labeling, packaging, and issuing the prescribed medication to a patient or service unit of the facility.

(16) "Exemption" means a written authorization from the department which releases a licensee from meeting a specific requirement or requirements in this chapter.

(17) "Family" means an individual or individuals:

(a) Designated by the patient, who may or may not be related to the patient; or

(b) Legally appointed to represent the patient.

(18) "Governing body" means the person legally responsible for the operation and maintenance of the hospital.

(19) "Health care professional" means an individual who provides health or health-related services within the individual's authorized scope of practice, who is:

(a) Licensed, certified or registered under Title 18 RCW; or

(b) A recreational therapist as defined in this section.

(20) "Licensed bed capacity" means the patient occupancy level requested by the applicant or licensee and approved by the department.

(21) "Licensee" means the person to whom the department issues the hospital license.

(22) "Maximum security window" means a security window which, if operable, opens only with a key or special tool.

(23) "Mental health professional" means:

(a) A psychiatrist, psychologist, psychiatric nurse or social worker; or

(b) An individual with:

(i) A masters degree in behavioral science, nursing science, or a related field from an accredited college or university; and

(ii) Two years experience directly treating mentally ill individuals under the supervision of a mental health professional.

(24) "Multi-disciplinary treatment team" means a group of individuals from various clinical services who assess, plan, implement and evaluate treatment for patients under care.

(25) "Neglect" means conduct which results in deprivation of care necessary to maintain a patient's minimum physical and mental health, including but not limited to:

(a) Physical and material deprivation;

(b) Lack of medical care;

(c) Inadequate food, clothing or cleanliness;

(d) Refusal to acknowledge, hear or consider a patient's concerns;

(e) Lack of social interaction and physical activity;

(f) Lack of personal care; and

(g) Lack of supervision appropriate for the patient's level of functioning.

(26) "Occupational therapist" means an individual licensed under chapter 18.59 RCW.

(27) "Patient-care staff" means employees, temporary employees, volunteers, or contractors, who provide direct care services for patients.

(28) "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, and the legal successor thereof.

(29) "Pharmacist" means an individual licensed as a pharmacist under chapter 18.64 RCW.

(30) "Pharmacy" means the central area in a hospital where prescriptions are filled, or drugs are stored and issued to hospital departments.

(31) "Physician" means an individual licensed under chapter 18.71 or 18.57 RCW.

(32) "Physician assistant" means an individual licensed under chapter 18.71A or 18.57A RCW.

(33) "Private psychiatric hospital" or "hospital" means a privately owned and operated establishment or institution which:

(a) Provides accommodations and services over a continuous period of twenty-four hours or more; and

(b) Is expressly and exclusively for observing, diagnosing, or caring for two or more individuals with signs or symptoms of mental illness, who are not related to the licensee.

(34) "Professional staff" means health care professionals appointed by the governing body to practice within the parameters of the professional staff bylaws.

(35) "Psychiatric nurse" means a registered nurse with:
 (a) A bachelor's degree from an accredited college or university and two years experience directly treating mentally ill or emotionally disturbed individuals under the supervision of a psychiatrist or psychiatric nurse; or

(b) Three years experience directly treating mentally ill or emotionally disturbed individuals under the supervision of a psychiatrist or psychiatric nurse.

(36) "Psychiatrist" means an individual licensed as a physician under chapter 18.71 or 18.57 RCW who is board-certified or board-eligible with a specialty in psychiatry by:

(a) The American Board of Psychiatry and Neurology;

or
 (b) The Bureau for Osteopathic Specialists, American Osteopathic Neurology and Psychiatry.

(37) "Psychologist" means an individual licensed under chapter 18.83 RCW.

(38) "Recreational therapist" means an individual:

(a) With a bachelor's degree with a major or option in therapeutic recreation or in recreation for the ill and handicapped; or

(b) Certified or certification-eligible under Certification Standards for Therapeutic Recreation Personnel, June 1, 1988, National Council for Therapeutic Recreation Certification, 49 South Main Street, Suite 005, Spring Valley, New York 10977.

(39) "Referred outpatient diagnostic service" means a diagnostic test or examination performed outside the hospital which:

(a) Is ordered by a member of the professional staff legally permitted to order such tests and examinations, to whom the findings and results are reported; and

(b) Does not involve a parenteral injection, local or general anesthesia, or a surgical procedure.

(40) "Registered nurse" means an individual licensed under chapter 18.88 RCW.

(41) "Restraint" means any apparatus or chemical used to prevent or limit volitional body movements.

(42) "Seclusion room" means a small room designed for maximum security and patient protection, with minimal sensory stimuli, for the temporary care of one patient.

(43) "Security room" means a patient sleeping room designed, furnished and equipped to provide maximum safety and security.

(44) "Security window" means a window designed to inhibit exit, entry and injury to a patient, with safety glazing or other security feature to prevent breakage.

(45) "Self-administration" means the act of a patient taking the patient's own medication from a properly labeled container while on hospital premises, with the hospital responsible for appropriate medication use.

(46) "Sink" means a properly trapped plumbing fixture, with hot and cold water under pressure, which prevents back passage or return of air.

(47) "Social worker" means an individual registered or certified as a counselor under chapter 18.19 RCW with a master's degree in social work from an accredited school of social work.

(48) "Special services" means clinical and rehabilitative activities or programs including, but not limited to:

(a) Educational and vocational training;

(b) Dentistry;

(c) Speech therapy;

(d) Physical therapy;

(e) Occupational therapy;

(f) Language translation; and

(g) Training for individuals with hearing or visual impairment.

(49) "Staff" means employees, temporary employees, volunteers, and contractors.

(50) "Toilet" means a fixture fitted with a seat and flushing device used to dispose of bodily waste.

(51) "Useable floor space" means the total floor surface area excluding area used for closets, wardrobes and fixed equipment.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-322-020 Licensure—Initial, renewal, modifications. ((Private psychiatric hospitals and private alcoholism hospitals for adults, adolescents, and children shall be licensed under chapter 71.12 RCW, Private establishments. The purpose of this section is to establish minimum standards for safety and adequate care of patients with signs and/or symptoms of acute emotional or psychiatric impairment or acute alcoholism and associated substance use during diagnosis and treatment.

(1) Application for license.

(a) An application for a private hospital license shall be submitted on forms furnished by the department. The application shall be signed by the legal representative of the governing body.

(b) The applicant shall furnish to the department full and complete information and promptly report any changes which would affect current accuracy of such information as to the identity of each officer and director of the corporation, if the hospital is operated by a legally incorporated entity, profit or nonprofit, and of each partner if the hospital is operated through a legal partnership.

(2) Disqualified applicants.

(a) Each and every individual named in an application for a license shall be considered separately and jointly as applicants and if anyone is deemed unqualified by the department in accordance with the law or these rules and regulations, the license may be denied, suspended, or revoked. A license may be denied, suspended, or revoked for failure or refusal to comply with the requirements established by chapter 71.12 RCW or with these rules and regulations promulgated pursuant thereto and, in addition, any of the following:

(i) Obtaining or attempting to obtain a license by fraudulent means or misrepresentation;

(ii) Aiding or abetting the commission of an illegal act on the premises of the hospital;

(iii) Cruelty, assault, abuse, neglect or indifference to the welfare of any patient;

(iv) Misappropriation of property of the patients; and

(v) Failure or inability to exercise fiscal accountability and responsibility toward the individual patient, the department, or the business community.

(b) Before granting a license to operate as a hospital, the department shall consider the ability of each individual named in the application to operate a hospital in accordance with the law and with these regulations. Individuals who have previously been denied a license to operate a health care facility in the state or elsewhere, or who have been convicted criminally or civilly of operating such a facility without a license, or who have had their license to operate such a facility suspended or revoked shall not be granted a license unless, to the satisfaction of the department, they affirmatively establish clear, cogent, and convincing evidence

of their ability to operate the hospital for which the license is sought, and for conformance with all applicable laws and rules and regulations.

(3) Denial, suspension, modification, or revocation of a license; adjudicative proceeding.

(a) When the department determines that a facility has failed or refused to comply with the requirements of chapter 71.12 RCW and/or these rules, the department may, if the interests of the patients so demand, issue to the applicant or licensee a notice to deny a license application, or to suspend, modify, or revoke a license to a license holder. The department's notice of a denial, suspension, modification, or revocation of a license shall be consistent with RCW 43.20A.XXX and section 95, chapter 175, Laws of 1989. 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 license 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 Office of Appeals, P.O. Box 2465, Olympia, WA 98504; 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 248-08 WAC. If a provision in this chapter conflicts with chapter 248-08 WAC, the provision in this chapter governs.

(4) Submission of plans. The following shall be submitted with an application for license: *Provided, however,* That when any of the required plans are already on file with the department for previous applications for license or construction approval, only plans for portions or changes which are not on file need to be submitted.

(a) A plan showing streets, driveways, water and sewage disposal systems, the location of buildings on the site, and grade elevations within ten feet of any building in which patients are to be housed.

(b) Floor plans for each building in which patients are to be housed. The floor plans shall provide the following information: Identification of each patient's sleeping room by use of a lettering or numbering system; the useable square feet of floor space in each room; the clear glass window area in each patient's sleeping room; the height of the lowest portion of the ceiling in any patient's sleeping room; the floor elevations referenced to the grade level.

(5) Posting of a license. The license for the hospital shall be posted in a conspicuous place on the premises.

(6) New construction.

(a) When new construction is contemplated, the following shall be submitted to the department for review:

(i) A written program containing, at a minimum, information concerning services to be provided and operational methods to be used which will affect the extent of facilities required by these regulations;

(ii) Duplicate sets of preliminary plans which are drawn to scale and include: A plot plan showing streets, drive-

~~ways, water and sewage disposal systems, grade and location of building(s) on the site; the plans for each floor of the building(s), existing and proposed, which designate the function of each room and show all fixed equipment. The preliminary plans shall be accompanied by a statement as to the source of the water supply and the method of sewage and garbage disposal and a general description of construction and materials, including interior finishes.~~

~~(b) Construction shall not be started until duplicate sets of final plans (drawn to scale) and specifications have been submitted to and approved by the department. Final plans and specifications shall show complete details to be furnished to contractors for construction of buildings. These shall include:~~

~~(i) Plot plans;~~

~~(ii) Plans for each floor of the building(s) which designate the function of each room and show all fixed equipment in the planned locations of beds and other furniture in patient's sleeping rooms;~~

~~(iii) Interior and exterior elevations, building sections and construction details;~~

~~(iv) A schedule of floors, wall and ceiling finishes, and the types and sizes of doors and windows; plumbing, heating ventilation and electrical systems; and~~

~~(v) Specifications which fully describe workmanship and finishes.~~

~~(e) Adequate provision shall be made for the safety and comfort of patients if construction work takes place in or near occupied areas.~~

~~(d) All construction shall take place in accordance with the approved final plans and specifications. The department shall be consulted prior to making any changes from the approved plans and specifications. As indicated by the nature or extent of proposed changes, the department may require the submission of modified plans or addenda for review prior to considering proposed change(s) for approval. Only those changes which have been approved by the department may be incorporated into the construction project shall be submitted for the department's file on the project, even though it was not required that these be submitted prior to approval.~~

~~(7) Compliance with other regulations:~~

~~(a) Rules and regulations adopted by the Washington state fire marshal under the provisions of RCW 71.12.485 which are found in Title 212 WAC apply.~~

~~(b) If there is no local plumbing code, the uniform plumbing code of the international association of plumbing and mechanical officials shall be followed.~~

~~(e) Compliance with these regulations does not exempt private hospitals from compliance with the local and state electrical codes or local zoning, building, and plumbing codes.~~

~~(8) Transfer of ownership. The ownership of a hospital shall not be transferred until the transferee has been notified by the department that the transferee's application for license has been approved. Change in administrator shall be reported to the department.) (1) A person shall have a current license issued by the department before operating or advertising a private psychiatric hospital.~~

~~(2) An applicant for initial licensure shall submit to the department, forty-five days or more before commencing business:~~

~~(a) A completed application on forms provided by the department;~~

~~(b) Certificate of need approval according to the provisions of chapter 246-310 WAC for the number of beds indicated on the application;~~

~~(c) Verification of department approval of facility plans submitted for construction review according to the provisions of WAC 246-322-250;~~

~~(d) A criminal history background check in accordance with WAC 246-322-030(2);~~

~~(e) Verification of approval as a private psychiatric hospital from the state director of fire protection according to RCW 71.12.485;~~

~~(f) The fee specified in WAC 246-322-990; and~~

~~(g) Other information as required by the department.~~

~~(3) The licensee shall apply for license renewal annually at least thirty days before the expiration date of the current license by submitting to the department:~~

~~(a) A completed application on forms provided by the department;~~

~~(b) The fee specified in WAC 246-322-990; and~~

~~(c) Other information as required by the department.~~

~~(4) At least sixty days prior to transferring ownership of a currently licensed hospital:~~

~~(a) The licensee shall submit to the department:~~

~~(i) The full name and address of the current licensee and prospective owner;~~

~~(ii) The name and address of the currently licensed hospital and the name under which the transferred hospital will operate;~~

~~(iii) Name of the new administrator; and~~

~~(iv) Date of the proposed change of ownership; and~~

~~(b) The prospective owner shall apply for licensure according to subsection (2) of this section.~~

NEW SECTION

WAC 246-322-025 Responsibilities and rights—Licensee and department. (1) The licensee shall:

(a) Comply with the provisions of chapter 71.12 RCW and this chapter;

(b) Post the private psychiatric hospital license in a conspicuous place on the premises;

(c) Maintain the bed capacity at or below the licensed bed capacity;

(d) Cooperate with the department during on-site surveys and investigations;

(e) Respond to a statement of deficiencies by submitting to the department, according to the dates specified on the statement of deficiencies form:

(i) A written plan of correction for each deficiency stated in the report and date to be completed; and

(ii) A progress report stating the dates deficiencies were corrected.

(f) Obtain department approval before changing the bed capacity;

(g) Obtain department approval before starting any construction or making changes in department-approved plans or specifications;

(h) Notify the department immediately upon a change of administrator or governing body;

(i) When assuming ownership of an existing hospital, maintain past and current clinical records, registers, indexes, and analyses of hospital services, according to state law and regulations; and

(j) Obtain department approval of a plan for storing and retrieving patient records and reports prior to ceasing operation as a hospital.

(2) An applicant or licensee may contest a disciplinary decision or action of the department according to the provisions of RCW 43.70.115, chapter 34.05 RCW and chapter 246-10 WAC.

(3) The department shall:

(a) Issue or renew a license when the applicant or licensee meets the requirements in chapter 71.12 RCW and this chapter;

(b) Conduct an on-site inspection of the hospital prior to granting an initial license;

(c) Conduct on-site inspections at any time to determine compliance with chapter 71.12 RCW and this chapter;

(d) Give the administrator a written statement of deficiencies of chapter 71.12 RCW and this chapter observed during on-site surveys and investigations; and

(e) Comply with RCW 43.70.115, chapter 34.05 RCW and chapter 246-10 WAC when denying, suspending, modifying, or revoking a hospital license.

(4) The department may deny, suspend, or revoke a private psychiatric hospital license if the department finds the applicant, licensee, its agents, officers, directors, or any person with any interest therein:

(a) Is unqualified or unable to operate or direct operation of the hospital according to chapter 71.12 RCW and this chapter;

(b) Makes a misrepresentation of, false statement of, or fails to disclose a material fact, to the department:

(i) In an application for licensure or renewal of licensure;

(ii) In any matter under department investigation; or

(iii) During an on-site survey or inspection;

(c) Obtains or attempts to obtain a license by fraudulent means or misrepresentation;

(d) Fails or refuses to comply with the requirements of chapter 71.12 RCW or this chapter;

(e) Compromises the health or safety of a patient;

(f) Has a record of a criminal or civil conviction for:

(i) Operating a health care or mental health care facility without a license;

(ii) Any crime involving physical harm to another individual; or

(iii) Any crime or disciplinary board final decision specified in RCW 43.43.830;

(g) Had a license to operate a health care or mental health care facility denied, suspended or revoked;

(h) Refuses to allow the department access to facilities or records, or fails to promptly produce for inspection any book, record, document or item requested by the department, or interferes with an on-site survey or investigation;

(i) Commits, permits, aids or abets the commission of an illegal act on the hospital premises;

(j) Demonstrates cruelty, abuse, negligence, assault or indifference to the welfare and well-being of a patient;

(k) Fails to take immediate appropriate corrective action in any instance of cruelty, assault, abuse, neglect, or indifference to the welfare of a patient;

(l) Misappropriates the property of a patient;

(m) Fails to exercise fiscal accountability and responsibility toward individual patients, the department, or the business community; or

(n) Retaliates against a staff person, patient or other individual for reporting suspected abuse or other alleged improprieties.

(5) The department may summarily suspend a license pending proceeding for revocation or other action if the department determines a deficiency is an imminent threat to a patient's health, safety or welfare.

NEW SECTION

WAC 246-322-030 Criminal history, disclosure, and background inquiries. (1) The licensee or license applicant shall require a disclosure statement as defined in RCW 43.43.834 for each prospective employee, volunteer, contractor, student, and any other individual associated with the hospital having direct contact with vulnerable adults as defined under RCW 43.43.830.

(2) The 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 with the initial application for licensure.

(3) The licensee or license applicant shall:

(a) Require a Washington state patrol criminal history background inquiry, as specified in RCW 43.43.842 (1), from the Washington state patrol or the department of social and health services for each:

(i) Staff person, student, and any other individual currently associated with the hospital having direct contact with vulnerable adults, when engaged on or since July 22, 1989; and

(ii) Prospective staff person, student, and individual applying for association with the hospital prior to allowing the individual direct contact with vulnerable adults, except as allowed by subsection (4) of this section;

(b) Inform each individual identified in (a) of this subsection of the requirement for a background inquiry;

(c) Require the individual to sign an acknowledgement statement that a background inquiry will be made;

(d) Verbally inform the individual 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 individual within ten days of receipt.

(4) The licensee may conditionally employ, contract with, accept as a volunteer or associate, an individual having direct contact with vulnerable adults pending a background inquiry, provided the licensee:

(a) Immediately obtains a disclosure statement from the individual; and

(b) Requests a background inquiry within three business days of the conditional acceptance of the individual.

(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 individual having direct contact with vulnerable adults, if that individual has been:

- (a) Convicted of a crime against individuals as defined in RCW 43.43.830;
- (b) Convicted of a crime relating to financial exploitation as defined in RCW 43.43.830;
- (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 individual except:
 - (i) The individual about whom the licensee made the disclosure or background inquiry;
 - (ii) Authorized state and federal employees; and
 - (iii) The Washington state patrol auditor; and
 - (d) Retained and available for department review:
 - (i) During the individual's employment or association with a facility; and
 - (ii) At least two years following termination of employment or association with a facility.
- (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 an individual associated with the licensed hospital 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 246-322-035 Policies and procedures. (1) The licensee shall develop and implement the following written policies and procedures consistent with this chapter and services provided:

- (a) Criteria for admitting and retaining patients;
- (b) Methods for assessing each patient's physical and mental health prior to admission;
- (c) Providing or arranging for the care and treatment of patients;
- (d) Assuring patient rights according to chapters 71.05 and 71.34 RCW, including posting those rights in a prominent place for the patients to read;
- (e) Protecting against abuse and neglect and reporting suspected incidents according to the provisions of chapters 71.05, 71.34, 74.34 and 26.44 RCW;
- (f) Fire and disaster plans, including;
- (i) Accessing patient-occupied sleeping rooms, toilet rooms and bathrooms;
- (ii) Summoning internal or external resource agencies or persons, such as a poison center, fire department, and police;
- (g) Emergency medical care, including:

- (i) Physician orders;
 - (ii) Staff actions in the absence of a physician; and
 - (iii) Storing and accessing emergency supplies and equipment;
 - (h) Managing assaultive, self-destructive, or out-of-control behavior, including:
 - (i) Immediate actions and conduct;
 - (ii) Use of seclusion and restraints consistent with WAC 246-322-180 and other applicable state standards; and
 - (iii) Documenting in the clinical record;
 - (i) Pharmacy and medication services consistent with WAC 246-322-210;
 - (j) Infection control as required by WAC 246-322-100;
 - (k) Staff actions upon:
 - (i) Patient elopement;
 - (ii) A serious change in a patient's condition, and immediately notifying family according to chapters 71.05 and 71.34 RCW;
 - (iii) Accidents or incidents potentially harmful or injurious to patients, and documentation in the clinical record; and
 - (iv) Patient death;
 - (l) Smoking on the hospital premises;
 - (m) Responsibility for patients' personal property, including recording any valuables left on deposit with the hospital;
 - (n) Allowing patients to work on the premises, according to WAC 246-322-180;
 - (o) Maintenance and housekeeping functions, including schedules;
 - (p) Cleaning, inspecting, repairing and calibrating electrical, biomedical and therapeutic equipment, and documenting actions;
 - (q) Transporting patients for:
 - (i) Diagnostic or treatment activities;
 - (ii) Hospital connected business and programs; and
 - (iii) Medical care services not provided by the hospital;
 - (r) Transferring patients to other health care facilities or agencies;
 - (s) Obtaining and retaining criminal history background checks and disclosure statements consistent with WAC 246-322-030.
 - (t) Research involving patients;
 - (u) Clinical records consistent with WAC 246-322-200, the Uniform Medical Records Act, chapter 70.02 RCW and Title 42 CFR, chapter 1, Part 2, 10/1/89;
 - (v) Food service consistent with chapter 246-215 WAC and WAC 246-322-230.
- (2) The licensee shall review and update the policies and procedures annually or more often as needed.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-322-040 Governing body and administration. ~~((1) The hospital shall have a governing body which is responsible for the overall operation and maintenance of the hospital, including adoption of written personnel policies and written policies for safety, care and treatment of patients.~~
 (2) The governing body shall be responsible for the provision of personnel, facilities, equipment, supplies and special services to meet the needs of the patients.

~~(3) The governing body shall appoint an administrator who shall be responsible for implementing the policies adopted by the governing body.~~

~~(4) The governing body shall establish and maintain a current written organizational plan which includes all positions and delineates responsibilities, authority and relationships of positions within the hospital.~~

~~(5) Governing body bylaws, in accordance with legal requirements, shall be adopted by the governing body, reviewed biennially and revised as necessary.~~

~~(6) The governing body shall have the authority and responsibility for the appointment and reappointment of the medical and clinical staff. This authority may be delegated.~~

~~(a) Each private alcoholism hospital shall have a medical director who is a physician preferably with training and/or experience in alcoholism and associated substance use. Each private psychiatric hospital shall have a medical director who is a psychiatrist. The medical director shall have twenty-four hour accountability and responsibility for directing and supervising medical care and medical treatment of patients.~~

~~(b) The governing body shall keep on file evidence that each practitioner appointed to the medical or clinical staff has appropriate, current qualification and, when required by Washington state law, a current license to practice and/or certification as required.~~

~~(c) The medical and clinical staff shall develop bylaws, rules and regulations subject to approval by the governing body. These bylaws and rules shall include requirements for medical and clinical staff membership, delineation of clinical privileges and organization of the medical and clinical staff.) The governing body shall:~~

~~(1) Adopt written policies concerning the purposes, operation and maintenance of the hospital, and the safety, care and treatment of patients;~~

~~(2) Provide staff, facilities, equipment, supplies and services to meet the needs of patients within the purposes of the hospital;~~

~~(3) Establish and maintain a current written organizational plan delineating positions, responsibilities, authorities, and relationships of positions within the hospital;~~

~~(4) Appoint an administrator responsible for implementing the policies adopted by the governing body;~~

~~(5) Appoint a psychiatrist as medical director responsible for directing and supervising medical treatment and patient care twenty-four hours per day;~~

~~(6) Maintain an organized professional staff accountable to the governing body;~~

~~(7) Appoint and periodically reappoint the professional staff;~~

~~(8) Require and approve professional staff bylaws and rules concerning, at a minimum:~~

~~(a) Organization of the professional staff;~~

~~(b) Delineation of privileges;~~

~~(c) Requirements for membership;~~

~~(d) Specific mechanisms for appointing and reappointing members;~~

~~(e) Granting, renewing and revising clinical privileges, including temporary ward privileges for community psychiatrists;~~

~~(f) Self-government;~~

~~(g) Required functions;~~

~~(h) Accountability to the governing body; and~~

~~(i) Mechanisms to monitor and evaluate quality of care and clinical performance; and~~

~~(9) Require that each person admitted to the hospital is under the care of a professional staff member with clinical privileges.~~

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-322-050 (~~(Personnel—Volunteers—Research.)~~ Staff. ~~((1) There shall be sufficient, qualified personnel to provide the services needed by the patients and to maintain the hospital.~~

~~(a) There shall be a written job description for each position classification within the hospital.~~

~~(b) There shall be a personnel record system and a current personnel record for each employee to include application for employment, verification of education or training when required, a record of verification of a valid, current license for any employee for whom licensure is required and an annual written performance evaluation.~~

~~(c) A planned, supervised and documented orientation, including employee responsibility regarding patient rights, patient discipline and patient abuse shall be provided for each new employee. (See WAC 248-22-021(7)).~~

~~(d) There shall be an ongoing inservice education program which is documented and affords each employee the opportunity to maintain and update the competencies needed to perform assigned duties and responsibilities. Cardiopulmonary resuscitation training shall be provided. Employees who work with patients should have first aid training.~~

~~(2) When volunteer services are provided or permitted within the hospital, the following shall apply:~~

~~(a) Volunteer services and activities shall be coordinated by a designated, qualified employee of the hospital.~~

~~(b) There shall be appropriate, documented orientation and training provided for each volunteer in accordance with the service or job to be performed which shall include patient rights.~~

~~(c) There shall be supervision and periodic written evaluation by qualified hospital personnel of volunteers who work directly with patients.~~

~~(3) Research and human subjects review committee. When research is proposed or conducted which involves patients, there shall be a documented multidisciplinary initial and continuing review process.~~

~~(a) The purpose of this review shall be to protect the patient's rights with acceptance or rejection and continuing review for the duration of the study.~~

~~(b) Policies and procedures of the committee shall reflect Title 42 Code of Federal Regulations, Part 2.) The licensee shall:~~

~~(1) Employ sufficient, qualified staff to:~~

~~(a) Provide adequate patient services;~~

~~(b) Maintain the hospital free of safety hazards; and~~

~~(c) Implement fire and disaster plans;~~

~~(2) Develop and maintain a written job description for the administrator and each staff position;~~

~~(3) Maintain evidence of appropriate qualifications and current credentials prior to hiring, or granting or renewing~~

clinical privileges or association of any health care professional;

(4) Verify work references prior to hiring staff;

(5) Assure all patient-care staff including those transporting patients and supervising patient activities, except licensed staff whose professional training exceeds first-responder training, have within thirty days of employment:

(a) Current cardiopulmonary resuscitation cards from instructors certified by the American Red Cross, American Heart Association, United States Bureau of Mines, or Washington state department of labor and industries; and

(b) Current first-aid cards from instructors certified as in (a) of this subsection;

(6) Provide and document orientation and appropriate training for all staff, including:

(a) Organization of the hospital;

(b) Physical layout of hospital, including buildings, departments, exits, and services;

(c) Fire and disaster plans, including monthly drills;

(d) Infection control;

(e) Specific duties and responsibilities;

(f) Policies, procedures, and equipment necessary to perform duties;

(g) Patient rights according to chapters 71.05 RCW and 71.34 RCW and patient abuse;

(h) Managing patient behavior; and

(i) Appropriate training for expected duties;

(7) Make available an ongoing, documented, in-service education program, including but not limited to:

(a) For each staff person, training to maintain and update competencies needed to perform assigned duties and responsibilities; and

(b) For patient care staff, in addition to (a) of this subsection, the following training:

(i) Methods of patient care;

(ii) Using the least restrictive alternatives;

(iii) Managing assaultive and self-destructive behavior;

(iv) Patient rights pursuant to chapters 71.05 and 71.34

RCW;

(v) Special needs of the patient population, such as children, minorities, elderly, and individuals with disabilities;

(vi) Cardiopulmonary resuscitation; and

(vii) First-aid training;

(8) When volunteer services are used within the hospital:

(a) Designate a qualified employee to be responsible for volunteer services;

(b) Provide and document orientation and training according to subsections (6) and (7) of this section for each volunteer; and

(c) Provide supervision and periodic written evaluations of each volunteer working directly with patients;

(9) In addition to following WISHA requirements, protect patients from tuberculosis by requiring each staff person to have upon employment or starting service, and each year thereafter during the individual's association with the hospital:

(a) A tuberculin skin test by the Mantoux method, unless the staff person:

(i) Documents a previous positive Mantoux skin test, which is ten or more millimeters of induration read at forty-eight to seventy-two hours;

(ii) Documents meeting the requirements of this subsection within the six months preceding the date of employment; or

(iii) Provides a written waiver from the department or authorized local health department stating the Mantoux skin test presents a hazard to the staff person's health;

(b) A second test one to three weeks after a negative Mantoux skin test for staff thirty-five years of age or older; and

(c) A chest x-ray within seven days of any positive Mantoux skin test;

(10) Report positive chest x-rays to the appropriate public health authority, and follow precautions ordered by a physician or public health authority;

(11) Restrict a staff person's contact with patients when the staff person has a known communicable disease in the infectious stage which is likely to be spread in the hospital setting or by casual contact; and

(12) Maintain a record on the hospital premises for each staff person, during employment and for two years following termination of employment, including, but not limited to:

(a) An employment application;

(b) Verification of required education, training and credentials;

(c) Documentation of contacting work references as required by subsection (4) of this section;

(d) Criminal history disclosure and background checks as required in WAC 246-322-030;

(e) Verification of current cardiopulmonary resuscitation, first-aid and HIV/AIDS training;

(f) Tuberculin test results, reports of x-ray findings, exceptions, physician or public health official orders, and waivers; and

(g) Annual performance evaluations.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-322-060 HIV/AIDS education and training. ((Private psychiatric and alcoholism hospitals shall:

(1) Verify or arrange for appropriate education and training of personnel on the prevention, transmission, and treatment of human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS) consistent with RCW 70.24.310; and

(2) Use infection control standards and educational material consistent with the approved curriculum manual *Know - HIV/AIDS Prevention Education for Health Care Facility Employees*, May 31, 1989, published by the office on HIV/AIDS.)) The licensee shall:

(1) Verify or arrange appropriate education and training of staff within thirty days of employment on the prevention, transmission, and treatment of human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS) consistent with RCW 70.24.310; and

(2) Use infection control standards and educational material consistent with:

(a) The approved curriculum manual *KNOW - HIV/AIDS Prevention Education for Health Care Facility Employees*, January 1991, or subsequent editions published by the department; and

(b) WAC 296-62-08001, Bloodborne pathogens implementing WISHA.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-322-100 Infection control. ((1) There shall be written policies and procedures addressing infection control.

(2) Provisions shall be made for isolation of patients in accordance with the most recent edition of *Isolation Techniques for use in Hospitals, United States Department of Health, Education and Welfare.*

(3) There shall be a written policy related to reporting of communicable disease in accordance with chapter 248-100 WAC.

(4) Recognized standards of medical aseptic techniques including basic handwashing practices shall be followed in all direct personal care of patients.

(5) Methods for cleaning, disinfecting or sterilizing, handling and storage of all supplies and equipment shall be such as to prevent the transmission of infection.

(6) There shall be in effect a current system of discovering, reporting, investigating, and reviewing infections among patients and personnel with maintenance of records on such infections.

(7) Upon employment, each person shall have or provide documented evidence of a tuberculin skin test by the Mantoux method, unless medically contraindicated. When this skin test is negative (less than ten millimeters induration read at forty eight to seventy two hours), no further tuberculin skin tests shall be required. A positive skin test shall consist of ten millimeters of induration, or greater, read at forty eight to seventy two hours. Positive reactors shall have a chest x ray within ninety days of the first day of employment. Exemptions and specific requirements are as follows:

(a) Those with a positive skin test who have completed a recommended course of preventive or curative treatment, as determined by the local health officer, shall be exempted from testing.

(b) Records of test results, x rays or exemptions from such shall be kept by the facility.

(8) Employees with a communicable disease in an infectious stage shall not be on duty.)) The licensee shall:

(1) Establish and implement an effective hospital-wide infection control program, which includes at a minimum:

(a) Written policies and procedures describing:

(i) Types of surveillance used to monitor rates of nosocomial infections;

(ii) Systems to collect and analyze data; and

(iii) Activities to prevent and control infections;

(b) A review process, using definitions and criteria established by the infection control committee, to determine if staff and patient infections are nosocomial;

(c) A system for reporting communicable diseases consistent with chapter 246-100 WAC, Communicable and certain other diseases;

(d) A procedure for reviewing and approving infection control aspects of policies and procedures used in each area of the hospital;

(e) A procedure to monitor the physical environment of the hospital for situations which may contribute to the spread of infectious diseases;

(f) Provisions for:

(i) Providing consultation regarding patient care practices, equipment and supplies which may influence the risk of infection;

(ii) Providing consultation regarding appropriate procedures and products for cleaning, disinfecting and sterilizing;

(iii) Providing infection control information for orientation and in-service education for staff providing direct patient care;

(iv) Making recommendations, consistent with federal, state, and local laws and rules, for methods of safe and sanitary disposal of:

(A) Sewage;

(B) Solid and liquid wastes; and

(C) Infectious wastes including safe management of sharps;

(g) Identifying specific precautions to prevent transmission of infections; and

(h) Coordinating employee activities to control exposure and transmission of infections to or from employees and others performing patient services;

(2) Assign one or more individuals to manage the infection control program with documented qualifications related to infection surveillance, prevention, and control, including:

(a) Education;

(b) Training;

(c) Certification; or

(d) Supervised experience;

(3) Designate an infection control committee, comprised of the individual or individuals assigned to manage the program and multi-disciplinary representatives from the professional staff, nursing staff and administrative staff, to:

(a) Oversee the program;

(b) Develop a committee-approved description of the program, including surveillance, prevention, and control activities;

(c) Delegate authority, approved in writing by administrative and professional staff, to institute surveillance, prevention, and control measures when there is reason to believe any patient or staff may be at risk of infection;

(d) Meet at regularly scheduled intervals, at least quarterly;

(e) Maintain written minutes and reports of findings presented during committee meetings; and

(f) Develop a method for forwarding recommendations to the professional staff, nursing, administration, and other committees and departments as appropriate.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-322-120 Physical environment. ((1) The hospital shall provide a safe and clean environment for patients, staff and visitors.

(a) There shall be current, written policies and procedures for maintenance and housekeeping functions.

~~(b) Routine and periodic maintenance and cleaning schedules shall be developed and maintained.~~

~~(2) The hospital shall be readily accessible to and equipped to accommodate physically handicapped individuals.~~

~~(3) A safely maintained outdoor recreation area shall be available for use of patients in private psychiatric hospitals.~~

~~(4) There shall be provision for adequate personal privacy for each patient during toileting, bathing, showering, and dressing.~~

~~(5) Patient sleeping rooms.~~

~~(a) Each sleeping room shall be directly accessible from a corridor or a common use activity room or an area for patients.~~

~~(b) Sleeping rooms shall be outside rooms with clear window area on the outside wall or approximately 1/8 of the usable floor area or more.~~

~~(i) When security rooms are provided, security or maximum security windows appropriate to the area and program shall be used.~~

~~(ii) Shatterproof glass or other clear, shatterproof materials shall be used in sleeping rooms used as security rooms.~~

~~(c) No room more than three feet six inches below grade shall be used for the housing of patients. There shall be at least 80 squared feet of usable floor space in a single bedroom and multipatient rooms shall provide not less than 70 square feet of floor area per bed. The maximum capacity shall not exceed four patients. There shall not be less than 7 1/2 feet ceiling height over the required floor area.~~

~~(d) Each patient shall be provided an enclosed space suitable for hanging garments and storage of personal belongings within her/his room or nearby. There shall be provision in the room or elsewhere for secure storage of patients' valuables.~~

~~(e) Each patient shall have access to his/her room except when contraindicated by the determination of the treatment team staff.~~

~~(f) Each patient shall be provided a bed at least 36 inches wide or appropriate to the special needs and size of the patient with a cleanable, firm mattress and cleanable or disposable pillow.~~

~~(g) Sufficient room furnishings shall be provided and maintained in a clean and safe condition.~~

~~(h) Patient beds shall be spaced so that they do not interfere with entrance, exit or traffic flow within the room. Patient rooms shall be of a dimension and conformation allowing not less than three feet between beds.~~

~~(6) Each patient occupied floor of the facility shall provide one toilet and lavatory for every six patients or fraction thereof.~~

~~(a) There shall be one bathing facility for each six patients or fraction thereof.~~

~~(b) Separate toilet and bathing facilities for each sex are required if the toilet facility contains more than one water closet or bathing facility. Such facilities shall provide doors and partitions for privacy.~~

~~(c) Grab bars shall be provided at each water closet and bathing facility.~~

~~(7) Adequate lighting shall be provided in all areas of the hospital.~~

~~(8) Ventilation.~~

~~(a) Ventilation of all rooms used by patients or personnel shall be sufficient to remove all objectionable odors, excessive heat or condensation.~~

~~(b) All inside rooms, including toilets, bathrooms, smoking rooms and other rooms in which excessive moisture, odors or contaminants originate shall be provided with mechanical exhaust ventilation.~~

~~(9) Heating. The heating system shall be operated and maintained to provide a comfortable, healthful temperature in rooms used by patients during the coldest weather conditions ordinarily encountered in the geographical location of the hospital.~~

~~(10) Water supply. There shall be an adequate supply of hot and cold running water under pressure which conforms with the standards of the state board of health, chapter 248-54 WAC. Hot water at all fixtures used by patients shall be at a safe temperature. Hot water temperature at bathing fixtures used by patients shall be automatically regulated so as not to exceed 110°F. There shall be devices to prevent backflow into the water supply system from fixtures where extension hoses or other cross connections may be used.~~

~~(11) Linen and laundry.~~

~~(a) A safe and adequate storage area with a supply of clean linen shall be provided.~~

~~(b) When laundry facilities are provided, they shall be located in an area separate from food preparation and dining area(s).~~

~~(c) The soiled laundry storage and sorting area(s) shall be in well ventilated area(s), separate from clean linen handling area(s). If linen/laundry is washed on the premises, an adequate supply of hot water shall be available to provide water at a minimum of 160°F in the washing machine.~~

~~(d) When commercial laundry service is used, the hospital shall ensure that all requirements above are met.~~

~~(e) Provision for laundering of personal clothing of patients shall meet the above standards.~~

~~(12) Visiting area. An adequate number of rooms shall be provided within the hospital to allow privacy for patients and visitors.~~

~~(13) Counseling/therapy rooms.~~

~~(a) An adequate number of rooms shall be provided for group or individual therapy programs.~~

~~(b) Therapy rooms shall be enclosed and reasonably soundproofed, as necessary to maintain confidentiality.~~

~~(e) Private psychiatric hospitals shall provide at least one seclusion room, intended for short term occupancy, which provides for direct supervision by the treatment staff. Each seclusion room shall have provisions for ventilation and light.~~

~~(14) Physical examination room. There shall be a physical examination room within the facility. An inside room may be used.~~

~~(a) The examination room shall be equipped with an examination table, examination light, and storage units for medical supplies and equipment.~~

~~(b) There shall be a handwashing facility and soap dispenser in or readily accessible to the examination room.~~

~~(15) Utility and storage facilities. There shall be sufficient utility and storage facilities which are designed and equipped for washing, disinfecting, storing and other handling of medical and nursing supplies and equipment in~~

~~a manner which ensures segregation of clean and sterile supplies and equipment from those that are contaminated.~~

~~(16) Housekeeping facilities.~~

~~(a) At least one service sink and housekeeping closet equipped with shelving shall be provided in a suitable setting on each floor of the facility.~~

~~(b) All sewage, garbage, refuse and liquid waste shall be collected and disposed of in a manner to prevent the creation of an unsafe or unsanitary condition or a nuisance.~~

~~(17) There shall be designated charting area(s) which provides space for reading and charting in patient records and provides for maintenance of confidentiality of each record.~~

~~(18) Dining area. There shall be a dining area(s) for those patients wishing to eat in the dining area(s). Appropriate furnishings shall be provided for dining.~~

~~(19) Communications.~~

~~(a) There shall be a telephone readily available for patients to make and receive confidential calls.~~

~~(b) There shall be a "nonpay" telephone or equivalent communication device readily accessible on each patient occupied floor in event of fire or other emergencies.)~~ The licensee shall:

(1) Provide a safe and clean environment for patients, staff and visitors;

(2) Provide ready access and equipment to accommodate individuals with physical and mental disabilities;

(3) Provide adequate lighting in all areas;

(4) Provide natural or mechanical ventilation sufficient to remove odors, smoke, excessive heat and condensation from all habitable rooms;

(5) Provide a heating system operated and maintained to sustain a comfortable, healthful temperature in all habitable rooms;

(6) Provide an adequate supply of hot and cold running water under pressure meeting the standards in chapters 246-290 and 246-291 WAC, with:

(a) Devices to prevent back-flow into the potable water supply system; and

(b) Water temperature not exceeding 120°F automatically regulated at all plumbing fixtures used by patients;

(7) Implement current, written policies, procedures, and schedules for maintenance and housekeeping functions;

(8) Provide housekeeping and service facilities on each floor, including:

(a) One or more service sinks, designed for filling and emptying mop buckets;

(b) Housekeeping closets:

(i) Equipped with shelving;

(ii) Ventilated to the out-of-doors; and

(iii) Kept locked; and

(c) A utility service area designed and equipped for washing, disinfecting, storing, and housing medical and nursing supplies and equipment; and

(9) Provide equipment and facilities to collect and dispose of all sewage, garbage, refuse and liquid waste in a safe and sanitary manner.

NEW SECTION

WAC 246-322-140 Patient living areas. The licensee shall:

(1) Provide patient sleeping rooms with:

(a) A minimum of eighty square feet of useable floor space in a single bedroom;

(b) A minimum of seventy square feet of useable floor space per bed in a multi-patient room;

(c) A minimum ceiling height of seven feet six inches over the required floor area;

(d) A maximum capacity of four patients;

(e) A floor elevation no lower than three feet six inches below grade, with grade extending horizontally ten or more feet from the building;

(f) A clear window area on an outside wall equal to or greater than one-tenth the floor area with a minimum of ten square feet;

(g) Only security or maximum security windows;

(h) Direct access to and from a corridor, common-use activity room, or other common-use area;

(i) Sufficient room furnishings maintained in safe and clean condition including:

(i) A bed for each patient at least thirty-six inches wide or appropriate to the special needs and size of the patient;

(ii) A cleanable, firm mattress; and

(iii) A cleanable or disposable pillow; and

(j) At least three feet between beds, and adequate space between furnishings to allow easy entrance, exit, and traffic flow within the room;

(k) A means to assure patient privacy when appropriate;

(2) Provide, in addition to the requirements in subsection (1) of this section, when security rooms are used:

(a) Security or maximum security windows appropriate to the area and program;

(b) Furnishings, equipment and design for maximum safety and security;

(c) Shielded and tamper-resistant lighting fixtures and electrical outlets;

(d) A door lockable from the outside; and

(e) Provisions for authorized staff to observe occupants;

(3) Provide an enclosed space within the patient sleeping room, or nearby, suitable for each patient to hang garments, and store clothing and personal belongings;

(4) Provide secure storage for each patient's valuables in the patient sleeping room or conveniently available elsewhere in the hospital;

(5) Provide a dining area for patients in a community setting with furnishings appropriate for dining;

(6) Provide and maintain a safe area or areas for patient recreation and physical activity equal to or greater than twenty square feet for each licensed bed space;

(7) Provide a visiting area allowing privacy for patients and visitors;

(8) Provide a readily available telephone for patients to make and receive confidential calls; and

(9) Provide a "nonpay" telephone or equivalent communication device readily accessible on each patient occupied floor for emergency use.

NEW SECTION

WAC 246-322-150 Clinical facilities. The licensee shall provide:

- (1) An adequate number of counseling or treatment rooms for group or individual therapy programs with reasonable soundproofing to maintain confidentiality;
- (2) One or more seclusion rooms, with or without an exterior window, intended for short-term occupancy, with:
 - (a) Staff-controlled locks and relites in the door, or equivalent;
 - (b) Provisions for authorized staff to observe the occupant at all times;
 - (c) A minimum of eighty square feet of floor space, exclusive of fixed equipment, with a minimum room dimension of eight feet; and
 - (d) Shielded, tamper-proof lighting fixtures;
- (3) One or more physical examination rooms, with or without an exterior window, equipped with:
 - (a) An examination table;
 - (b) Examination light;
 - (c) Storage for medical supplies and equipment; and
 - (d) A readily accessible handwashing sink, soap dispenser, and acceptable single-use hand-drying device; and
- (4) Secure areas to properly store and handle medical supplies and medications.

NEW SECTION

WAC 246-322-160 Bathrooms, toilet rooms and handwashing sinks. The licensee shall provide:

- (1) One toilet, handwashing sink and bathing fixture for each six patients, or fraction thereof, on each patient-occupied floor of the hospital, with:
 - (a) Provisions for privacy during toileting, bathing, showering, and dressing;
 - (b) Separate toilet rooms for each sex if the toilet room contains more than one toilet;
 - (c) Separate bathrooms for each sex if the bathroom contains more than one bathing fixture; and
 - (d) One or more grab bars at each toilet and bathing fixture appropriate to the needs of patients; and
- (2) Toilet rooms and bathrooms directly accessible from patient rooms or corridors, without passing through any kitchen, pantry, food preparation, food storage, or dish-washing area or from one bedroom through another bedroom.

NEW SECTION

WAC 246-322-170 Patient care services. (1) The licensee shall:

- (a) Provide an initial physical and mental health assessment by a physician, advanced registered nurse practitioner, or physician assistant. The initial mental status exam may be conducted by a mental health professional;
- (b) Admit only those patients for whom the hospital is qualified by staff, services and equipment to give adequate care; and
- (c) Provide appropriate transfer and acceptance of a patient needing medical care services not provided by the hospital, by:
 - (i) Transferring relevant data with the patient;

(ii) Obtaining written or verbal approval by the receiving facility prior to transfer; and

(iii) Immediately notifying the patient's family.

(2) The licensee shall provide medical supervision and treatment, transfer, and discharge planning for each patient admitted or retained, including but not limited to:

(a) Admittance by a member of the medical staff as defined by the staff bylaws;

(b) An initial treatment plan upon admission incorporating any advanced directives of the patient;

(c) A physical examination and medical history completed and recorded by a physician, advanced registered nurse practitioner, or physician assistant within twenty-four hours following admission, unless the patient had a physical examination and medical history completed within fourteen days prior to admission, and the information is recorded in the clinical record;

(d) A psychiatric evaluation, including provisional diagnosis, completed and documented within seventy-two hours following admission;

(e) A comprehensive treatment plan developed within seventy-two hours following admission:

(i) Developed by a multi-disciplinary treatment team with input, when appropriate, by the patient, family, and other agencies;

(ii) Reviewed and modified by a mental health professional as indicated by the patient's clinical condition;

(iii) Interpreted to staff, patient, and, when possible and appropriate, to family; and

(iv) Implemented by persons designated in the plan;

(f) Physician orders for drug prescriptions, medical treatments and discharge;

(g) Current written policies and orders signed by a physician to guide the action of staff when medical emergencies or threat to life arise and a physician is not present;

(h) A discharge plan including a review of the patient's hospitalization, condition upon discharge, and recommendations for follow-up and continuing care;

(i) Patient education pertaining to the patient's illness, prescribed medications, and health maintenance; and

(j) Referrals to appropriate resources and community services during and after hospitalization.

(3) The licensee shall provide, or arrange for, diagnostic and therapeutic services prescribed by the attending professional staff, including:

(a) Medical services, including:

(i) A physician on call at all times; and

(ii) Provisions for emergency medical services when needed;

(b) Psychiatric services, including:

(i) A staff psychiatrist available for consultation daily and visits as necessary to meet the needs of each patient; and

(ii) A child psychiatrist for regular consultation when hospital policy permits the admission of children or adolescents;

(c) Nursing services, including:

(i) A psychiatric nurse, employed full time, responsible for directing nursing services twenty-four hours per day; and

(ii) One or more registered nurses on duty within the hospital at all times to supervise nursing care;

(d) Social work services coordinated and supervised by a social worker with experience working with psychiatric patients, responsible for:

- (i) Reviewing social work activities;
 - (ii) Integrating social work services into the comprehensive treatment plan; and
 - (iii) Coordinating discharge with community resources;
- (e) Psychological services coordinated and supervised by a psychologist with experience working with psychiatric patients;
- (f) Occupational therapy services coordinated and supervised by an occupational therapist with experience working with psychiatric patients, responsible for integrating occupational therapy functions into the patient's comprehensive treatment plan;

(g) Recreational therapy services coordinated and supervised by a recreational or occupational therapist with experience working with psychiatric patients, responsible for integrating recreational therapy functions into the comprehensive treatment plan; and

(h) Special services, within the hospital or contracted outside the hospital, as specified in the comprehensive treatment plan.

NEW SECTION

WAC 246-322-180 Patient safety and seclusion care.

(1) The licensee shall assure seclusion and restraint are used only to the extent and duration necessary to ensure the safety of patients, staff, and property, as follows:

- (a) Staff shall not inflict pain or use restraint and seclusion for retaliation or personal convenience;
- (b) Staff shall document all assaultive incidents in the clinical record and review each incident with the appropriate supervisor;
- (c) Staff shall observe any patient in restraint or seclusion at least every fifteen minutes, intervening as necessary, and recording observations and interventions in the clinical record;

(d) Staff shall notify, and receive authorization by, a physician within one hour of initiating patient restraint or seclusion;

(e) A physician shall examine each restrained or secluded patient and renew the order for every twenty-four continuous hours of restraint and seclusion; and

(f) A mental health professional or registered nurse shall evaluate the patient when secluded or restrained more than two continuous hours, and re-evaluate the patient at least once every eight continuous hours of restraint and seclusion thereafter.

(2) The licensee shall provide adequate emergency supplies and equipment, including airways, bag resuscitators, intravenous fluids, oxygen, sterile supplies, and other equipment identified in the policies and procedures, easily accessible to patient-care staff.

(3) When research is proposed or conducted involving patients, the licensee shall:

- (a) Document an initial and continuing review process by a multi-disciplinary treatment team;
- (b) Require approval by the patient prior to participation;

(c) Allow the patient to discontinue participation at any time; and

(d) Ensure policies and procedures are in accordance with Title 42 Code of Federal Regulations, chapter 1, Part 2, 10/1/89 edition.

(4) The licensee shall prohibit the use of any patient for basic maintenance of the hospital or equipment, housekeeping, or food service in compliance with the Federal Fair Labor Standards Act, 29 USC, paragraph 203 et al., and 29 CFR, section 525 et al., except:

- (a) Cleaning or maintaining the patient's private living area, or performing personal housekeeping chores; or
- (b) Performing therapeutic activities:
 - (i) Included in and appropriate to the comprehensive treatment plan;
 - (ii) As agreed to with the patient;
 - (iii) Documented as part of the treatment program; and
 - (iv) Appropriate to the age, physical, and mental condition of the patient.

(5) The licensee shall assure the safety and comfort of patients when construction work occurs in or near occupied areas.

NEW SECTION

WAC 246-322-190 Provisions for patients with tuberculosis. A licensee providing inpatient services for mentally ill patients with suspected or known infectious tuberculosis shall:

- (1) Design patient rooms with:
 - (a) Ventilation to maintain a negative pressure condition in each patient room relative to adjacent spaces, except bath and toilet areas, with:
 - (i) Air movement or exhaust from the patient room to the out-of-doors with the exhaust grille located over the head of the bed;
 - (ii) Exhaust at the rate of six air changes per hour;
 - (iii) Make-up or supply air from adjacent ventilated spaces for four or less air changes per hour, and tempered outside air for two or more air changes per hour; and
 - (iv) Ultraviolet generator irradiation as follows:
 - (A) Use of ultraviolet fluorescent fixtures with lamps emitting wave length of 253.7 nanometers;
 - (B) The average reflected irradiance less than 0.2 microwatts per square centimeter in the room at the five foot level;
 - (C) Wall-mount type of fixture installed over the head of the bed, as close to the ceiling as possible to irradiate the area of the exhaust grille and the ceiling; and
 - (D) Lamps changed as recommended by the manufacturer; and
 - (b) An adjoining bathroom and toilet room with bedpan washer; and
- (2) Provide discharge information to the health department of the patient's county of residence.

NEW SECTION

WAC 246-322-200 Clinical records. (1) The licensee shall establish and maintain an organized clinical record service, consistent with recognized principles of record management, directed, staffed, and equipped to:

(a) Ensure timely, complete and accurate identification, checking, processing, indexing, filing, and retrieval of records;

(b) Facilitate compilation, maintenance, analyses, and distribution of patient care statistics; and

(c) Protect records from undue deterioration and destruction.

(2) The licensee shall develop and maintain an individual clinical record for each person receiving care, treatment, or diagnostic service at the hospital.

(3) The licensee shall ensure prompt entry and filing of the following data into the clinical record for each period a patient receives inpatient or outpatient services:

(a) Identifying information;

(b) Assessment and diagnostic data including history of findings and treatment provided for the psychiatric condition for which the patient is treated in the hospital;

(c) Psychiatric evaluation including:

(i) Medical and psychiatric history and physical examination; and

(ii) Record of mental status;

(d) Comprehensive treatment plan;

(e) Authenticated orders for:

(i) Drugs or other therapies;

(ii) Therapeutic diets; and

(iii) Care and treatment, including standing medical orders used in the care and treatment of the patient, except standing medical emergency orders;

(f) Significant observations and events in the patient's clinical treatment;

(g) Any restraint of the patient;

(h) Data bases containing patient information;

(i) Original reports or durable, legible, direct copies of original reports, of all patient tests, diagnostic procedures and examinations performed on or for the patient;

(j) Description of therapies administered, including drug therapies;

(k) Nursing services;

(l) Progress notes recorded by the professional staff responsible for the care of the patient or others significantly involved in active treatment modalities; and

(m) A discharge plan and discharge summary.

(4) The licensee shall ensure each entry includes:

(a) Date;

(b) Time of day;

(c) Authentication by the individual making the entry; and

(d) Diagnosis, abbreviations and terminology consistent with:

(i) Fourth edition revised 1994 *The American Psychiatry Association Diagnostic and Statistical Manual of Mental Disorders*; and

(ii) *International Classification of Diseases, 9th edition, 1988*.

(5) The licensee shall provide designated areas, designed to assure confidentiality, for reading, recording, and maintaining patient clinical records and for patients to review their own records.

(6) The licensee shall share and release information relating to patients and former patients only as authorized by statute and administrative code, and shall protect patient

confidentiality according to confidentiality requirements in chapters 70.02, 71.05, and 71.34 RCW.

(7) The licensee shall retain and preserve:

(a) Each patient's clinical records, excluding reports on referred outpatient diagnostic services, for:

(i) Adult patients, a minimum of ten years following the most recent discharge; or

(ii) Patients who are minors at the time of care, treatment, or diagnosis, a minimum of three years following the patient's eighteenth birth date, or ten years following the most recent discharge, whichever is longer;

(b) Reports on referred outpatient diagnostic services for at least two years;

(c) A master patient index card or equivalent for at least the same period of time as the corresponding clinical records; and

(d) Patients' clinical records, registers, indexes, and analyses of hospital service in original form or in photographic form in accordance with the provisions of chapter 5.46 RCW.

NEW SECTION

WAC 246-322-210 Pharmacy and medication services. The licensee shall:

(1) Maintain the pharmacy in the hospital in a safe, clean, and sanitary condition;

(2) Provide evidence of current approval of pharmacy services by the Washington state board of pharmacy under chapter 18.64 RCW;

(3) Develop and implement procedures for prescribing, storing, and administering medications according to state and federal laws and rules, including:

(a) Assuring professional staff who prescribe are authorized to prescribe under chapter 69.41 RCW;

(b) Assuring orders and prescriptions for medications administered and self-administered include:

(i) Date and time;

(ii) Type and amount of drug;

(iii) Route of administration;

(iv) Frequency of administration; and

(v) Authentication by professional staff;

(c) Administering drugs;

(d) Self-administering drugs;

(e) Receiving and recording or transcribing verbal or telephone drug orders by authorized staff;

(f) Authenticating verbal and telephone orders by prescriber in a timely manner, not to exceed forty-eight hours for inpatients;

(g) Use of medications and drugs owned by the patient but not dispensed by the hospital pharmacy, including:

(i) Specific written orders;

(ii) Identification and administration of drug;

(iii) Handling, storage and control;

(iv) Disposition; and

(v) Pharmacist and physician inspection and approval prior to patient use to ensure proper identification, lack of deterioration, and consistency with current medication profile;

(h) Maintaining drugs in patient care areas of the hospital including:

- (i) Hospital pharmacist or consulting pharmacist responsibility;
- (ii) Legible labeling with generic and/or trade name and strength as required by federal and state laws;
- (iii) Access only by staff authorized access under hospital policy;
- (iv) Storage under appropriate conditions specified by the hospital pharmacist or consulting pharmacist, including provisions for:
- (A) Storing medicines, poisons, and other drugs in a specifically designated, well-illuminated, secure space;
- (B) Separating internal and external stock drugs; and
- (C) Storing Schedule II drugs in a separate locked drawer, compartment, cabinet, or safe;
- (i) Preparing drugs in designated rooms with ample light, ventilation, sink or lavatory, and sufficient work area;
- (j) Prohibiting the administration of outdated or deteriorated drugs, as indicated by label;
- (k) Restricting access to pharmacy stock of drugs to:
- (i) Legally authorized pharmacy staff; and
- (ii) Except for Schedule II drugs, to a registered nurse designated by the hospital when all of the following conditions are met:
- (A) The pharmacist is absent from the hospital;
- (B) Drugs are needed in an emergency, and are not available in floor supplies; and
- (C) The registered nurse, not the pharmacist, is accountable for the registered nurse's actions;
- (4) The appropriate professional staff committee shall approve all policies and procedures on drugs, after documented consultation with:
- (a) The pharmacist or pharmacist consultant directing hospital pharmacy services; and
- (b) An advisory group comprised of representatives from the professional staff, hospital administration, and nursing services;
- (5) When planning new construction of a pharmacy:
- (a) Follow the general design requirements for architectural components, electrical service, lighting, call systems, hardware, interior finishes, heating, plumbing, sewerage, ventilation/air conditioning, and signage in WAC 246-318-540;
- (b) Provide housekeeping facilities within or easily accessible to the pharmacy;
- (c) Locate pharmacy in a clean, separate, secure room with:
- (i) Storage, including locked storage for Schedule II controlled substances;
- (ii) All entrances equipped with closers;
- (iii) Automatic locking mechanisms on all entrance doors to preclude entrance without a key or combination;
- (iv) Perimeter walls of the pharmacy and vault, if used, constructed full height from floor to ceiling;
- (v) Security devices or alarm systems for perimeter windows and relites;
- (vi) An emergency signal device to signal at a location where twenty-four-hour assistance is available;
- (vii) Space for files and clerical functions;
- (viii) Break-out area separate from clean areas; and
- (ix) Electrical service including emergency power to critical pharmacy areas and equipment;

- (d) Provide a general compounding and dispensing unit, room, or area with:
- (i) A work counter with impermeable surface;
- (ii) A corrosion-resistant sink, suitable for handwashing, mounted in counter or integral with counter;
- (iii) Storage space;
- (iv) A refrigeration and freezing unit; and
- (v) Space for mobile equipment;
- (e) If planning a manufacturing and unit dose packaging area or room, provide with:
- (i) Work counter with impermeable surface;
- (ii) Corrosion-resistant sink, suitable for handwashing, mounted in counter or integral with counter; and
- (iii) Storage space;
- (f) Locate admixture, radiopharmaceuticals, and other sterile compounding room, if planned, in a low traffic, clean area with:
- (i) A preparation area;
- (ii) A work counter with impermeable surface;
- (iii) A corrosion-resistant sink, suitable for handwashing, mounted in counter or integral with counter;
- (iv) Space for mobile equipment;
- (v) Storage space;
- (vi) A laminar flow hood in admixture area; and
- (vii) Shielding and appropriate ventilation according to WAC 246-318-540 (3)(m) for storage and preparation of radiopharmaceuticals;
- (g) If a satellite pharmacy is planned, comply with the provisions of:
- (i) Subsection (5)(a), (5)(c)(i), (ii), (iii), (iv), (v), and (vi) of this section when drugs will be stored;
- (ii) Subsection (5)(c)(vii), (viii), and (ix) of this section, if appropriate; and
- (iii) Subsections (5)(d) and (f) of this section if planned;
- (h) If a separate outpatient pharmacy is planned, comply with the requirements for a satellite pharmacy including:
- (i) Easy access;
- (ii) A conveniently located toilet meeting accessibility requirements in WAC 51-20-3100; and
- (iii) A private counseling area.

NEW SECTION

WAC 246-322-220 Laboratory services. The licensee shall:

- (1) Provide access to laboratory services to meet emergency and routine needs of patients;
- (2) Ensure laboratory services are provided by licensed or waived medical test sites in accordance with chapter 70.42 RCW and chapter 246-338 WAC; and
- (3) Maintain each medical test site in the hospital in a safe, clean, and sanitary condition.

NEW SECTION

WAC 246-322-230 Food and dietary services. The licensee shall:

- (1) Comply with chapters 246-215 and 246-217 WAC, food service;
- (2) Designate an individual responsible for managing and supervising dietary/food services twenty-four hours per day, including:

- (a) Incorporating ongoing recommendations of a dietitian;
- (b) Serving at least three meals a day at regular intervals with fifteen or less hours between the evening meal and breakfast, unless the licensee provides a nutritious snack between the evening meal and breakfast;
- (c) Providing well-balanced meals and nourishments that meet the current recommended dietary allowances of the National Research Council, 10th edition, 1989, adjusted for patient age, sex and activities unless contraindicated;
- (d) Making nourishing snacks available as needed for patients, and posted as part of the menu;
- (e) Preparing and serving therapeutic diets according to written medical orders;
- (f) Preparing and serving meals under the supervision of food service staff;
- (g) Maintaining a current diet manual, approved in writing by the dietitian and medical staff, for use in planning and preparing therapeutic diets;
- (h) Ensuring all menus:
 - (i) Are written at least one week in advance;
 - (ii) Indicate the date, day of week, month and year;
 - (iii) Include all foods and snacks served that contribute to nutritional requirements;
 - (iv) Provide a variety of foods;
 - (v) Are approved in writing by the dietitian;
 - (vi) Are posted in a location easily accessible to all patients; and
 - (vii) Are retained for one year;
- (3) Substitute foods, when necessary, of comparable nutrient value and record changes on the menu;
- (4) Allow sufficient time for patients to consume meals;
- (5) Ensure staff from dietary/food services are present in the hospital during all meal times;
- (6) Keep policies and procedures pertaining to food storage, preparation, and storage, and cleaning food service equipment and work areas in the food service area for easy reference by dietary staff at all times.

NEW SECTION

WAC 246-322-240 Laundry. The licensee shall provide:

- (1) Laundry and linen services, on the premises or by commercial laundry;
- (2) Storage and sorting areas for soiled laundry in well-ventilated areas, separate from clean linen handling areas;
- (3) A clean area with an adequate supply of clean linen;
- (4) When laundry is washed on the premises:
 - (a) An adequate water supply and a minimum water temperature of 140°F in washing machines; and
 - (b) Laundry facilities in areas separate from food preparation and dining; and
- (5) Facilities for patients who wear their own clothing during hospitalization to do personal laundry.

NEW SECTION

WAC 246-322-250 Construction. (1) The applicant or licensee shall comply with chapter 31 of the Washington State Building Code for all construction.

(2) Prior to starting construction, the applicant or licensee shall submit the following documentation to the department:

- (a) A completed application form, a copy of which is provided in the *Submissions Guide for Health and Residential Facility Construction Projects*, which may be obtained from the department;
- (b) The fee specified in chapter 246-314 WAC;
- (c) A functional program which describes the services and operational methods affecting the hospital building, premises, and patients;
- (d) One set of preliminary documents including, when applicable:
 - (i) Plot plans drawn to scale showing:
 - (A) Streets, driveways, parking, vehicle and pedestrian circulation;
 - (B) Site utilities, water service system, sewage disposal system, electrical service system, elevations; and
 - (C) Location of existing and new buildings and other fixed equipment;
 - (ii) Building plans drawn to scale showing:
 - (A) Floor plans designating function of each room and fixed equipment;
 - (B) Typical building sections and exterior elevations;
 - (iii) Outline specifications generally describing the construction and materials including mechanical and electrical systems; and
- (e) Three sets of final construction drawings, stamped by a Washington state licensed architect or engineer, complying with the requirements of this chapter including, when applicable:
 - (i) Plot plans drawn to scale showing all items required in the preliminary plan in final form;
 - (ii) Building plans drawn to scale showing:
 - (A) Floor plans designating function of each room and fixed equipment;
 - (B) Interior and exterior elevations;
 - (C) Building sections and construction details;
 - (D) Schedules of room finishes, doors, finish hardware and windows;
 - (E) Mechanical, including plumbing, heating, venting and air conditioning; and
 - (F) Electrical, including lighting, power and communication systems; and
 - (iii) Specifications fully describing the workmanship and finishes;
 - (f) One copy of specifications and the radiant panel test report for each carpet type used in corridors and exitways;
 - (g) Three copies of fire sprinkler system shop drawings, hydraulic calculations and equipment specifications, stamped by the fire sprinkler contractor; and
 - (h) Three copies of fire alarm system shop drawings and equipment specifications.
- (3) The licensee shall:
 - (a) Obtain department approval of final construction documents prior to starting construction;
 - (b) Conform with the approved plans during construction;
 - (c) Consult with the department prior to deviating from approved documents;
 - (d) Provide a written construction project completion notice to the department indicating:

- (i) The expected completion date; and
- (ii) Compliance with the approved construction documents, requirements of chapter 18.20 RCW and this chapter;
- (e) Make adequate provisions for the health, safety, and comfort of patients during construction projects;
- (f) Obtain authorization from the department prior to occupying or using new construction; and
- (g) Obtain approval of the Washington state fire protection services division prior to construction, modification, and alteration consistent with RCW 18.20.130.

NEW SECTION

WAC 246-322-500 Exemptions. (1) A licensee wishing to request an exemption from a requirement in this chapter shall submit a written request to the department, including:

- (a) A description of the requested exemption;
 - (b) Reason for the exemption; and
 - (c) Impact of the exemption on patient or public health and safety.
- (2) If the department determines the exemption will not jeopardize patient or public health or safety, and is not contrary to the intent of chapter 71.12 RCW and this chapter, the department may:
- (a) Exempt the licensee from meeting a specific requirement in this chapter; or
 - (b) Allow the licensee to use another method of meeting the requirement.
- (3) The licensee shall retain a copy of each approved exemption in the hospital.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 246-322-070 Patient care services.
- WAC 246-322-080 Food and dietary services.
- WAC 246-322-090 Pharmaceutical services.
- WAC 246-322-110 Clinical records.
- WAC 246-322-130 Laboratory services.
- WAC 246-322-991 Alcoholism hospital fees.

WSR 95-22-013
PERMANENT RULES
DEPARTMENT OF HEALTH
 [Filed October 20, 1995, 10:05 a.m.]

Date of Adoption: September 26, 1995.

Purpose: To update requirements and establish a new chapter for private alcohol and chemical dependency hospitals (formerly a part of chapter 246-322 WAC).

Statutory Authority for Adoption: Chapter 71.12 RCW and RCW 43.60.040.

Adopted under notice filed as WSR 95-12-094 on June 7, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 25, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 25, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.
October 19, 1995
Bruce Miyahara
Secretary

Chapter 246-324 WAC
PRIVATE ALCOHOL AND CHEMICAL DEPENDENCY HOSPITALS

NEW SECTION

WAC 246-324-001 Purpose and scope. (1) This chapter implements chapter 71.12 RCW.

(2) This chapter establishes minimum health and safety standards for private alcoholism hospitals.

(3) This chapter does not apply to:

- (a) Hospitals regulated by chapters 70.41 RCW and 246-318 WAC;
- (b) Private psychiatric hospitals regulated by chapters 71.12 RCW and 246-322 WAC;
- (c) Adult residential rehabilitation centers regulated by chapters 71.12 RCW and 246-325 WAC;
- (d) Residential treatment facilities for children and youth regulated by chapters 71.12 RCW and 246-323 WAC;
- (e) Alcoholism treatment facilities regulated by chapters 71.12 RCW and 246-326 WAC;
- (f) Boarding homes regulated by chapters 18.20 RCW and 246-316 WAC;
- (g) Nursing homes regulated by chapters 18.51 RCW and 248-14 WAC; or
- (h) Christian Science establishments providing remedial care of residents or patients in accordance with the practices and principles of the body known as Church of Christ, Scientist.

NEW SECTION

WAC 246-324-010 Definitions. For the purpose of this chapter, the following words and phrases shall have the following meanings unless the context clearly indicates otherwise.

(1) "Abuse" means an act by any individual which injures, exploits or in any way jeopardizes a patient's health, welfare, or safety, including but not limited to:

- (a) Physically damaging or potentially damaging nonaccidental acts;
- (b) Emotionally damaging verbal behavior and harassment or other actions which may result in emotional or behavioral problems; and
- (c) Sexual use, exploitation and mistreatment through inappropriate touching, inappropriate remarks or encouraging participation in pornography or prostitution.

PERMANENT

(2) "Administrator" means the individual responsible for the day-to-day operation of the hospital.

(3) "Advanced registered nurse practitioner" means a registered nurse authorized to practice specialized and advanced nursing according to the requirements in RCW 18.88.175.

(4) "Alcoholism" means a chronic, progressive, potentially fatal disease characterized by tolerance and physical dependency, or pathological organic changes, or both, as consequences of alcohol ingestion.

(a) "Chronic and progressive" means the physical, emotional and social changes that develop are cumulative and progress as alcohol ingestion continues;

(b) "Tolerance" means physiological adaptation to the presence of a high concentration of alcohol; and

(c) "Physical dependency" means withdrawal symptoms occur from decreasing or ceasing ingestion of alcohol.

(5) "Authenticate" means to authorize or validate an entry in a record by:

(a) A signature including first initial, last name, and professional title/discipline; or

(b) A unique identifier which clearly indicates the responsible individual.

(6) "Bathing fixture" means a bathtub, shower, or combination bathtub shower.

(7) "Bathroom" means a room containing one or more bathing fixtures.

(8) "Chemical dependency counselor" means an individual who:

(a) Is licensed, certified, or registered as a counselor under chapter 18.19 RCW or possesses a written statement of exemption from this requirement from the department; and

(b) Meets the minimum qualifications in WAC 275-19-145.

(9) "Clinical record" means a file maintained by the licensee for each patient containing all pertinent medical and clinical information.

(10) "Comprehensive treatment plan" means a written plan of care developed by a multi-disciplinary treatment team for an individual patient, based on an assessment of the patient's developmental, biological, emotional, psychological, and social strengths and needs, which includes:

(a) Treatment goals with specific time frames;

(b) Specific services to be provided;

(c) The name of each individual responsible for each service provided; and

(d) Discharge criteria with estimated time frames.

(11) "Construction" means:

(a) A new building to be used as a hospital or part of a hospital;

(b) An addition, modification or alteration which changes the approved use of a room or area; and

(c) An existing building or portion thereof to be converted for use as a hospital.

(12) "Department" means the Washington state department of health.

(13) "Detoxification" means the process of ridding the body of the transitory effects of intoxication and any associated physiological withdrawal reaction.

(14) "Dietitian" means an individual certified under chapter 18.138 RCW.

(15) "Document" means to record, with authentication, date and time.

(16) "Family" means an individual or individuals:

(a) Designated by the patient, who may or may not be related to the patient; or

(b) Legally appointed to represent the patient.

(17) "Drug administration" means the act of an authorized individual giving a single dose of prescribed drug or biological to a patient according to the laws and regulations governing such acts.

(18) "Drug dispensing" means interpreting a prescription and, pursuant to that prescription, selecting, measuring, labeling, packaging, and issuing the prescribed medication to a patient or service unit of the facility.

(19) "Exemption" means a written authorization from the department which releases a licensee from meeting a specific requirement or requirements in this chapter.

(20) "Governing body" means the person legally responsible for the operation and maintenance of the hospital.

(21) "Intoxication" means acute poisoning or temporary impairment of mental or physical functioning caused by alcohol or associated substance use.

(22) "Health care professional" means an individual who practices health or health-related services within the individual's authorized scope of practice, who is licensed, certified or registered under Title 18 RCW;

(23) "Licensed bed capacity" means the patient occupancy level requested by the applicant or licensee and approved by the department.

(24) "Licensee" means the person to whom the department issues the hospital license.

(25) "Maximum security window" means a security window which, if operable, opens only with a key or special tool.

(26) "Multi-disciplinary treatment team" means a group of individuals from various clinical services who assess, plan, implement and evaluate treatment for patients under care.

(27) "Neglect" means conduct which results in deprivation of care necessary to maintain a patient's minimum physical and mental health, including but not limited to:

(a) Physical and material deprivation;

(b) Lack of medical care;

(c) Inadequate food, clothing or cleanliness;

(d) Refusal to acknowledge, hear or consider a patient's concerns;

(e) Lack of social interaction and physical activity;

(f) Lack of personal care; and

(g) Lack of supervision appropriate for the patient's level of functioning.

(28) "Patient-care staff" means permanent employees, temporary employees, volunteers, or contractors, who provide direct care services for patients.

(29) "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, and the legal successor thereof.

(30) "Pharmacist" means an individual licensed as a pharmacist under chapter 18.64 RCW.

(31) "Pharmacy" means the central area in a hospital where prescriptions are filled, or drugs are stored and issued to hospital departments.

(32) "Physician" means an individual licensed under chapter 18.71 or 18.57 RCW.

(33) "Physician assistant" means an individual licensed under chapter 18.71A or 18.57A RCW.

(34) "Private alcoholism hospital" or "hospital" means a privately owned and operated establishment or institution which:

(a) Provides accommodations and services over a continuous period of twenty-four hours or more for two or more individuals who are not related to the licensee; and

(b) Is expressly for diagnosing, treating and caring for individuals with signs or symptoms of alcoholism and the complications of associated substance use, and other medical diseases appropriately treated and cared for in the facility.

(35) "Professional staff" means health care professionals appointed by the governing body to practice within the parameters of the professional staff bylaws.

(36) "Referred outpatient diagnostic service" means a diagnostic test or examination performed outside the hospital which:

(a) Is ordered by a member of the professional staff legally permitted to order such tests and examinations, to whom the findings and results are reported; and

(b) Does not involve a parenteral injection, local or general anesthesia, or a surgical procedure.

(37) "Registered nurse" means an individual licensed under chapter 18.88 RCW.

(38) "Security room" means a patient sleeping room designed, furnished and equipped to provide maximum safety and security.

(39) "Security window" means a window designed to inhibit exit, entry and injury to a patient, with safety glazing or other security feature to prevent breakage.

(40) "Self-administration" means the act of a patient taking the patient's own medication from a properly labeled container while on hospital premises, with the hospital responsible for appropriate medication use.

(41) "Sink" means a properly trapped plumbing fixture, with hot and cold water under pressure, which prevents back passage or return of air.

(42) "Special services" means clinical and rehabilitative activities or programs including, but not limited to:

- (a) Educational and vocational training;
- (b) Dentistry;
- (c) Speech therapy;
- (d) Physical therapy;
- (e) Occupational therapy;
- (f) Language translation; and
- (g) Training for individuals with hearing and visual impairment.

(43) "Staff" means permanent employees, temporary employees, volunteers, and contractors.

(44) "Toilet" means a fixture fitted with a seat and flushing device used to dispose of bodily waste.

(45) "Useable floor space" means the total floor surface area excluding area used for closets, wardrobes and fixed equipment.

NEW SECTION

WAC 246-324-020 Licensure—Initial, renewal, modifications. (1) A person shall have a current license issued by the department before operating or advertising a private alcohol and chemical dependency hospital.

(2) An applicant for initial licensure shall submit to the department, forty-five days or more before commencing business:

(a) A completed application on forms provided by the department;

(b) Certificate of need approval according to the provisions of chapter 246-310 WAC for the number of beds indicated on the application;

(c) Verification of department approval of facility plans submitted for construction review according to the provisions of WAC 246-324-250;

(d) A criminal history background check in accordance with WAC 246-324-030(2);

(e) Verification of approval as a private alcohol and chemical dependency hospital from the state director of fire protection according to RCW 71.12.485;

(f) The fee specified in WAC 246-324-990; and

(g) Other information as required by the department.

(3) The licensee shall apply for license renewal annually at least thirty days before the expiration date of the current license by submitting to the department:

(a) A completed application on forms provided by the department;

(b) The fee specified in WAC 246-324-990; and

(c) Other information as required by the department.

(4) At least sixty days prior to transferring ownership of a currently licensed hospital:

(a) The licensee shall submit to the department:

(i) The full name and address of the current licensee and prospective owner;

(ii) The name and address of the currently licensed hospital and the name under which the transferred hospital will operate;

(iii) Name of the new administrator; and

(iv) Date of the proposed change of ownership; and

(b) The prospective owner shall apply for licensure according to subsection (2) of this section.

NEW SECTION

WAC 246-324-025 Responsibilities and rights—Licensee and department. (1) The licensee shall:

(a) Comply with the provisions of chapter 71.12 RCW and this chapter;

(b) Post the private alcohol and chemical dependency hospital license in a conspicuous place on the premises;

(c) Maintain the bed capacity at or below the licensed bed capacity;

(d) Cooperate with the department during on-site surveys and investigations;

(e) Respond to a statement of deficiencies by submitting to the department, according to the dates specified on the statement of deficiencies form:

(i) A written plan of correction for each deficiency stated in the report and date to be completed; and

(ii) A progress report stating the dates deficiencies were corrected;

(f) Obtain department approval before changing the bed capacity;

(g) Obtain department approval before starting any construction or making changes in department-approved plans or specifications;

(h) Notify the department immediately upon a change of administrator or governing body;

(i) When assuming ownership of an existing hospital, maintain past and current clinical records, registers, indexes, and analyses of hospital services, according to state law and regulations; and

(j) Obtain department approval of a plan for storing and retrieving patient records and reports prior to ceasing operation as a hospital.

(2) An applicant or licensee may contest a disciplinary decision or action of the department according to the provisions of RCW 43.70.115, chapter 34.05 RCW and chapter 246-10 WAC.

(3) The department shall:

(a) Issue or renew a license when the applicant or licensee meets the requirements in chapter 71.12 RCW and this chapter;

(b) Conduct an on-site inspection of the hospital prior to granting an initial license;

(c) Conduct on-site inspections at any time to determine compliance with chapter 71.12 RCW and this chapter;

(d) Give the administrator a written statement of deficiencies of chapter 71.12 RCW and this chapter observed during on-site surveys and investigations; and

(e) Comply with RCW 43.70.115, chapter 34.05 RCW and chapter 246-10 WAC when denying, suspending, modifying, or revoking a hospital license.

(4) The department may deny, suspend, or revoke a private alcohol and chemical dependency hospital license if the department finds the applicant, licensee, its agents, officers, directors, or any person with any interest therein:

(a) Is unqualified or unable to operate or direct operation of the hospital according to chapter 71.12 RCW and this chapter;

(b) Makes a misrepresentation of, false statement of, or fails to disclose a material fact, to the department:

(i) In an application for licensure or renewal of licensure;

(ii) In any matter under department investigation; or

(iii) During an on-site survey or inspection;

(c) Obtains or attempts to obtain a license by fraudulent means or misrepresentation;

(d) Fails or refuses to comply with the requirements of chapter 71.12 RCW or this chapter;

(e) Compromises the health or safety of a patient;

(f) Has a record of a criminal or civil conviction for:

(i) Operating a health care or mental health care facility without a license;

(ii) Any crime involving physical harm to another individual; or

(iii) Any crime or disciplinary board final decision specified in RCW 43.43.830;

(g) Had a license to operate a health care or mental health care facility denied, suspended or revoked;

(h) Refuses to allow the department access to facilities or records, or fails to promptly produce for inspection any

book, record, document or item requested by the department, or interferes with an on-site survey or investigation;

(i) Commits, permits, aids or abets the commission of an illegal act on the hospital premises;

(j) Demonstrates cruelty, abuse, negligence, assault or indifference to the welfare and well-being of a patient;

(k) Fails to take immediate appropriate corrective action in any instance of cruelty, assault, abuse, neglect, or indifference to the welfare of a patient;

(l) Misappropriates the property of a patient;

(m) Fails to exercise fiscal accountability and responsibility toward individual patients, the department, or the business community; or

(n) Retaliates against a staff person, patient or other individual for reporting suspected abuse or other alleged improprieties.

(5) The department may summarily suspend a license pending proceeding for revocation or other action if the department determines a deficiency is an imminent threat to a patient's health, safety or welfare.

NEW SECTION

WAC 246-324-030 Criminal history, disclosure, and background inquiries. (1) The licensee or license applicant shall require a disclosure statement as defined in RCW 43.43.834 for each prospective employee, volunteer, contractor, student, and any other individual associated with the hospital having direct contact with vulnerable adults as defined under RCW 43.43.830.

(2) The 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 with the initial application for licensure.

(3) The licensee or license applicant shall:

(a) Require a Washington state patrol criminal history background inquiry, as specified in RCW 43.43.842(1), from the Washington state patrol or the department of social and health services for each:

(i) Staff person, student, and any other individual currently associated with the hospital having direct contact with vulnerable adults, when engaged on or since July 22, 1989; and

(ii) Prospective staff person, student, and individual applying for association with the hospital prior to allowing the individual direct contact with vulnerable adults, except as allowed by subsection (4) of this section;

(b) Inform each individual identified in (a) of this subsection of the requirement for a background inquiry;

(c) Require the individual to sign an acknowledgement statement that a background inquiry will be made;

(d) Verbally inform the individual 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 individual within ten days of receipt.

(4) The licensee may conditionally employ, contract with, accept as a volunteer or associate, an individual having direct contact with vulnerable adults pending a background inquiry, provided the licensee:

(a) Immediately obtains a disclosure statement from the individual; and

(b) Requests a background inquiry within three business days of the conditional acceptance of the individual.

(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 individual having direct contact with vulnerable adults, if that individual has been:

(a) Convicted of a crime against individuals as defined in RCW 43.43.830;

(b) Convicted of a crime relating to financial exploitation as defined in RCW 43.43.830;

(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 individual except:

(i) The individual about whom the licensee made the disclosure or background inquiry;

(ii) Authorized state and federal employees; and

(iii) The Washington state patrol auditor; and

(d) Retained and available for department review:

(i) During the individual's employment or association with a facility; and

(ii) At least two years following termination of employment or association with a facility.

(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 an individual associated with the licensed hospital 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 246-324-035 Policies and procedures. (1) The licensee shall develop and implement the following written policies and procedures consistent with this chapter and services provided:

(a) Criteria for admitting and retaining patients;

(b) Methods for assessing each patient's physical and mental health prior to admission;

(c) Providing or arranging for the care and treatment of patients;

(d) Assuring patient rights according to chapters 71.05 and 71.34 RCW, including posting those rights in a prominent place for the patients to read;

(e) Protecting against abuse and neglect and reporting suspected incidents according to the provisions of chapters 71.05, 71.34, 74.34 and 26.44 RCW;

(f) Fire and disaster plans, including:

(i) Accessing patient-occupied sleeping rooms, toilet rooms and bathrooms;

(ii) Summoning internal or external resource agencies or persons, such as a poison center, fire department, and police;

(g) Emergency medical care, including:

(i) Physician orders;

(ii) Staff actions in the absence of a physician; and

(iii) Storing and accessing emergency supplies and equipment;

(h) Managing assaultive, self-destructive, or out-of-control behavior, including:

(i) Immediate actions and conduct; and

(ii) Documenting in the clinical record;

(i) Pharmacy and medication services consistent with WAC 246-324-210;

(j) Infection control as required by WAC 246-324-100;

(k) Staff actions upon:

(i) Patient elopement;

(ii) A serious change in a patient's condition, and immediately notifying family according to chapters 71.05 and 71.34 RCW;

(iii) Accidents or incidents potentially harmful or injurious to patients, and documentation in the clinical record; and

(iv) Patient death;

(l) Smoking on the hospital premises;

(m) Responsibility for patients' personal property, including recording any valuables left on deposit with the hospital;

(n) Allowing patients to work on the premises, according to WAC 246-324-180;

(o) Maintenance and housekeeping functions, including schedules;

(p) Cleaning, inspecting, repairing and calibrating electrical, biomedical and therapeutic equipment, and documenting actions;

(q) Transporting patients for:

(i) Diagnostic or treatment activities;

(ii) Hospital connected business and programs; and

(iii) Medical care services not provided by the hospital;

(r) Transferring patients to other health care facilities or agencies;

(s) Obtaining and retaining criminal history background checks and disclosure statements consistent with WAC 246-324-030;

(t) Research involving patients;

(u) Clinical records consistent with WAC 246-324-200, the Uniform Medical Records Act, chapter 70.02 RCW and Title 42 CFR, chapter 1, Part 2, 10/1/89;

(v) Food service consistent with chapter 246-215 WAC and WAC 246-324-230.

(2) The licensee shall review and update the policies and procedures annually or more often as needed.

NEW SECTION

WAC 246-324-040 Governing body and administration. The governing body shall:

(1) Adopt written policies concerning the purposes, operation and maintenance of the hospital, and the safety, care and treatment of patients;

(2) Provide staff, facilities, equipment, supplies and services to meet the needs of patients within the purposes of the hospital;

(3) Establish and maintain a current written organizational plan delineating positions, responsibilities, authorities, and relationships of positions within the hospital;

(4) Appoint an administrator responsible for implementing the policies adopted by the governing body;

(5) Appoint a physician as medical director responsible for directing and supervising medical treatment and patient care twenty-four hours per day;

(6) Maintain an organized professional staff accountable to the governing body;

(7) Appoint and periodically reappoint the professional staff;

(8) Require and approve professional staff bylaws and rules concerning, at a minimum:

(a) Organization of the professional staff;

(b) Delineation of privileges;

(c) Requirements for membership;

(d) Specific mechanisms for appointing and reappointing members;

(e) Granting, renewing and revising clinical privileges;

(f) Self-government;

(g) Required functions;

(h) Accountability to the governing body; and

(i) Mechanisms to monitor and evaluate quality of care and clinical performance; and

(9) Require that each person admitted to the hospital is under the care of a professional staff member with clinical privileges.

NEW SECTION

WAC 246-324-050 Staff. The licensee shall:

(1) Employ sufficient, qualified staff to:

(a) Provide adequate patient services;

(b) Maintain the hospital free of safety hazards; and

(c) Implement fire and disaster plans;

(2) Develop and maintain a written job description for the administrator and each staff position;

(3) Maintain evidence of appropriate qualifications and current credentials prior to hiring, or granting or renewing clinical privileges or association of any health care professional;

(4) Verify work references prior to hiring staff;

(5) Assure all patient-care staff including those transporting patients and supervising patient activities, except licensed staff whose professional training exceeds first-responder training, have within thirty days of employment:

(a) Current cardiopulmonary resuscitation cards from instructors certified by the American Red Cross, American Heart Association, United States Bureau of Mines, or Washington state department of labor and industries; and

(b) Current first-aid cards from instructors certified as in (a) of this subsection;

(6) Provide and document orientation and appropriate training for all staff, including:

(a) Organization of the hospital;

(b) Physical layout of hospital, including buildings, departments, exits, and services;

(c) Fire and disaster plans, including monthly drills;

(d) Infection control;

(e) Specific duties and responsibilities;

(f) Policies, procedures, and equipment necessary to perform duties;

(g) Patient rights according to chapters 71.05 and 71.34 RCW and patient abuse;

(h) Managing patient behavior; and

(i) Appropriate training for expected duties;

(7) Make available an ongoing, documented, in-service education program, including but not limited to:

(a) For each staff person, training to maintain and update competencies needed to perform assigned duties and responsibilities; and

(b) For patient care staff, in addition to (a) of this subsection, the following training:

(i) Methods of patient care;

(ii) Using the least restrictive alternatives;

(iii) Managing assaultive and self-destructive behavior;

(iv) Patient rights pursuant to chapters 71.05 and 71.34 RCW;

(v) Special needs of the patient population, such as children, minorities, elderly, and individuals with disabilities;

(vi) Cardiopulmonary resuscitation; and

(vii) First-aid training;

(8) When volunteer services are used within the hospital:

(a) Designate a qualified employee to be responsible for volunteer services;

(b) Provide and document orientation and training according to subsections (6) and (7) of this section for each volunteer; and

(c) Provide supervision and periodic written evaluations of each volunteer working directly with patients;

(9) In addition to following WISHA requirements, protect patients from tuberculosis by requiring each staff person to have upon employment or starting service, and each year thereafter during the individual's association with the hospital:

(a) A tuberculin skin test by the Mantoux method, unless the staff person:

(i) Documents a previous positive Mantoux skin test, which is ten or more millimeters of induration read at forty-eight to seventy-two hours;

(ii) Documents meeting the requirements of this subsection within the six months preceding the date of employment; or

(iii) Provides a written waiver from the department or authorized local health department stating the Mantoux skin test presents a hazard to the staff person's health;

(b) A second test one to three weeks after a negative Mantoux skin test for staff thirty-five years of age or older; and

(c) A chest x-ray within seven days of any positive Mantoux skin test;

(10) Report positive chest x-rays to the appropriate public health authority, and follow precautions ordered by a physician or public health authority;

(11) Restrict a staff person's contact with patients when the staff person has a known communicable disease in the infectious stage which is likely to be spread in the hospital setting or by casual contact; and

PERMANENT

(12) Maintain a record on the hospital premises for each staff person, during employment and for two years following termination of employment, including but not limited to:

- (a) An employment application;
- (b) Verification of required education, training and credentials;
- (c) Documentation of contacting work references as required by subsection (4) of this section;
- (d) Criminal history disclosure and background checks as required in WAC 246-324-030;
- (e) Verification of current cardiopulmonary resuscitation, first-aid and HIV/AIDS training;
- (f) Tuberculin test results, reports of x-ray findings, exceptions, physician or public health official orders, and waivers; and
- (g) Annual performance evaluations.

NEW SECTION

WAC 246-324-060 HIV/AIDS education and training. The licensee shall:

- (1) Verify or arrange appropriate education and training of staff within thirty days of employment on the prevention, transmission, and treatment of human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS), consistent with RCW 70.24.310; and
- (2) Use infection control standards and educational material consistent with:
 - (a) The approved curriculum manual *KNOW - HIV/AIDS Prevention Education for Health Care Facility Employees*, January 1991, or subsequent editions published by the department; and
 - (b) WAC 296-62-08001, Bloodborne pathogens implementing WISHA.

NEW SECTION

WAC 246-324-100 Infection control. The licensee shall:

- (1) Establish and implement an effective hospital-wide infection control program, which includes at a minimum:
 - (a) Written policies and procedures describing:
 - (i) Types of surveillance used to monitor rates of nosocomial infections;
 - (ii) Systems to collect and analyze data; and
 - (iii) Activities to prevent and control infections;
 - (b) A review process, using definitions and criteria established by the infection control committee, to determine if staff and patient infections are nosocomial;
 - (c) A system for reporting communicable diseases consistent with chapter 246-100 WAC, Communicable and certain other diseases;
 - (d) A procedure for reviewing and approving infection control aspects of policies and procedures used in each area of the hospital;
 - (e) A procedure to monitor the physical environment of the hospital for situations which may contribute to the spread of infectious diseases;
 - (f) Provisions for:
 - (i) Providing consultation regarding patient care practices, equipment and supplies which may influence the risk of infection;

(ii) Providing consultation regarding appropriate procedures and products for cleaning, disinfecting and sterilizing;

(iii) Providing infection control information for orientation and in-service education for staff providing direct patient care;

(iv) Making recommendations, consistent with federal, state, and local laws and rules, for methods of safe and sanitary disposal of:

- (A) Sewage;
- (B) Solid and liquid wastes; and
- (C) Infectious wastes including safe management of sharps;
- (g) Identifying specific precautions to prevent transmission of infections; and
- (h) Coordinating employee activities to control exposure and transmission of infections to or from employees and others performing patient services;

(2) Assign one or more individuals to manage the infection control program with documented qualifications related to infection surveillance, prevention, and control, including:

- (a) Education;
- (b) Training;
- (c) Certification; or
- (d) Supervised experience;
- (3) Designate an infection control committee, comprised of the individual or individuals assigned to manage the program and multi-disciplinary representatives from the professional staff, nursing staff and administrative staff, to:
 - (a) Oversee the program;
 - (b) Develop a committee-approved description of the program, including surveillance, prevention, and control activities;
 - (c) Delegate authority, approved in writing by administrative and professional staff, to institute surveillance, prevention, and control measures when there is reason to believe any patient or staff may be at risk of infection;
 - (d) Meet at regularly scheduled intervals, at least quarterly;
 - (e) Maintain written minutes and reports of findings presented during committee meetings; and
 - (f) Develop a method for forwarding recommendations to the professional staff, nursing, administration, and other committees and departments as appropriate.

NEW SECTION

WAC 246-324-120 Physical environment. The licensee shall:

- (1) Provide a safe and clean environment for patients, staff and visitors;
- (2) Provide ready access and equipment to accommodate individuals with physical and mental disabilities;
- (3) Provide adequate lighting in all areas;
- (4) Provide natural or mechanical ventilation sufficient to remove odors, smoke, excessive heat and condensation from all habitable rooms;
- (5) Provide a heating system operated and maintained to sustain a comfortable, healthful temperature in all habitable rooms;

(6) Provide an adequate supply of hot and cold running water under pressure meeting the standards in chapters 246-290 and 246-291 WAC, with:

(a) Devices to prevent back-flow into the potable water supply system; and

(b) Water temperature not exceeding 120°F automatically regulated at all plumbing fixtures used by patients;

(7) Implement current, written policies, procedures, and schedules for maintenance and housekeeping functions;

(8) Provide housekeeping and service facilities on each floor of the hospital including:

(a) One or more service sinks, designed for filling and emptying mop buckets;

(b) Housekeeping closets:

(i) Equipped with shelving;

(ii) Ventilated to the out-of-doors; and

(iii) Kept locked; and

(c) A utility service area designed and equipped for washing, disinfecting, storing, and housing medical and nursing supplies and equipment; and

(9) Provide equipment and facilities to collect and dispose of all sewage, garbage, refuse and liquid waste in a safe and sanitary manner.

NEW SECTION

WAC 246-324-140 Patient living areas. The licensee shall:

(1) Provide patient sleeping rooms with:

(a) A minimum of eighty square feet of useable floor space in a single bedroom;

(b) A minimum of seventy square feet of useable floor space per bed in a multi-patient room;

(c) A minimum ceiling height of seven feet six inches over the required floor area;

(d) A maximum capacity of four patients;

(e) A floor elevation no lower than three feet six inches below grade, with grade extending horizontally ten or more feet from the building;

(f) Direct access to and from a corridor, common-use activity room, or other common-use area;

(g) A clear window area on an outside wall equal to or greater than one-tenth the floor area with a minimum of ten square feet;

(h) Sufficient room furnishings maintained in safe and clean condition including:

(i) A bed for each patient at least thirty-six inches wide or appropriate to the special needs and size of the patient;

(ii) A cleanable, firm mattress; and

(iii) A cleanable or disposable pillow;

(i) At least three feet between beds, and adequate space between furnishings to allow easy entrance, exit, and traffic flow within the room;

(j) A means to assure patient privacy when appropriate;

(2) Provide, in addition to the requirements in subsection (1) of this section, when security rooms are used:

(a) Security windows appropriate to the area and program;

(b) Furnishings, equipment and design for maximum safety and security;

(c) Shielded and tamper-resistant lighting fixtures and electrical outlets;

(d) A door lockable from the outside;

(e) Provisions for authorized staff to observe occupants;

(3) Provide an enclosed space within the patient sleeping room, or nearby, suitable for each patient to hang garments, and store clothing and personal belongings;

(4) Provide secure storage for each patient's valuables in the patient sleeping room or conveniently available elsewhere in the hospital;

(5) Provide a dining area for patients in a community setting with furnishings appropriate for dining;

(6) Provide and maintain a safe area or areas for patient recreation and physical activity equal to or greater than twenty square feet for each licensed bed space;

(7) Provide a visiting area allowing privacy for patients and visitors;

(8) Provide a readily available telephone for patients to make and receive confidential calls; and

(9) Provide a "nonpay" telephone or equivalent communication device readily accessible on each patient occupied floor for emergency use.

NEW SECTION

WAC 246-324-150 Clinical facilities. The licensee shall provide:

(1) An adequate number of counseling or treatment rooms for group or individual therapy programs with reasonable sound-proofing to maintain confidentiality;

(2) One or more physical examination rooms, with or without an exterior window, equipped with:

(a) An examination table;

(b) Examination light;

(c) Storage for medical supplies and equipment; and

(d) A readily accessible handwashing sink, soap dispenser, and acceptable single-use hand-drying device; and

(3) Secure areas to properly store and handle medical supplies and medications.

NEW SECTION

WAC 246-324-160 Bathrooms, toilet rooms and handwashing sinks. The licensee shall provide:

(1) One toilet, handwashing sink and bathing fixture for each six patients, or fraction thereof, on each patient-occupied floor of the hospital, with:

(a) Provisions for privacy during toileting, bathing, showering, and dressing;

(b) Separate toilet rooms for each sex if the toilet room contains more than one toilet;

(c) Separate bathrooms for each sex if the bathroom contains more than one bathing fixture; and

(d) One or more grab bars at each toilet and bathing fixture appropriate to the needs of patients;

(2) Toilet rooms and bathrooms directly accessible from patient rooms or corridors, without passing through any kitchen, pantry, food preparation, food storage, or dishwashing area or from one bedroom through another bedroom.

NEW SECTION

WAC 246-324-170 Patient care services. (1) The licensee shall:

(a) Provide an initial physical and dependency assessment by a physician, advanced registered nurse practitioner, or physician assistant;

(b) Admit only those patients for whom the hospital is qualified by staff, services and equipment to give adequate care; and

(c) Provide appropriate transfer and acceptance of a patient needing medical care services not provided by the hospital, by:

(i) Transferring relevant data with the patient;

(ii) Obtaining written or verbal approval by the receiving facility prior to transfer; and

(iii) Immediately notifying the patient's family.

(2) The licensee shall provide medical supervision and treatment, transfer, and discharge planning for each patient admitted or retained, including but not limited to:

(a) Admittance by a member of the medical staff as defined by the staff bylaws;

(b) An initial treatment plan upon admission incorporating any advanced directives of the patient;

(c) A physical examination and medical history completed and recorded by a physician, advanced registered nurse practitioner, or physician assistant within twenty-four hours following admission, unless the patient had a physical examination and medical history completed within fourteen days prior to admission, and the information is recorded in the clinical record;

(d) A comprehensive treatment plan developed within seventy-two hours following admission:

(i) Developed by a multi-disciplinary treatment team with input, when appropriate, by the patient, family, and other agencies;

(ii) Reviewed and modified by a chemical dependency counselor as indicated by the patient's clinical condition;

(iii) Interpreted to personnel, staff, patient, and, when possible and appropriate, to family; and

(iv) Implemented by persons designated in the plan;

(e) Physician orders for drug prescriptions, medical treatments and discharge;

(f) Current written policies and orders signed by a physician to guide the action of personnel when medical emergencies or threat to life arise and a physician is not present;

(g) A discharge plan including a review of the patient's hospitalization, condition upon discharge, and recommendations for follow-up and continuing care;

(h) Patient education pertaining to the patient's dependency, prescribed medications, and health maintenance; and

(i) Referrals to appropriate resources and community services during and after hospitalization.

(3) The licensee shall provide, or arrange for, diagnostic and therapeutic services prescribed by the attending professional staff, including:

(a) Medical services, including:

(i) A physician on call at all times;

(ii) Provisions for emergency medical services when needed; and

(iii) Participation of a multi-disciplinary treatment team;

(b) Nursing services, including:

(i) A registered nurse, employed full time, responsible for nursing services twenty-four hours per day;

(ii) One or more registered nurses on duty at all times to supervise nursing care;

(c) Chemical dependency counseling services, directed and supervised by a chemical dependency counselor, responsible for:

(i) A twenty-four-hour per day chemical dependency program; and

(ii) Patient education on chemical dependency; and

(d) Special services, within the hospital or contracted outside the hospital, as specified in the comprehensive treatment plan.

NEW SECTION

WAC 246-324-180 Patient safety. (1) The licensee shall provide adequate emergency supplies and equipment, including airways, bag resuscitators, intravenous fluids, oxygen, sterile supplies, and other equipment identified in the policies and procedures, easily accessible to patient-care staff;

(2) When research is proposed or conducted involving patients, the licensee shall:

(a) Document an initial and continuing review process by a multi-disciplinary treatment team;

(b) Require approval by the patient prior to participation;

(c) Allow the patient to discontinue participation at any time; and

(d) Ensure policies and procedures are in accordance with Title 42 Code of Federal Regulations, chapter 1, Part 2, 10/1/89 edition.

(3) The licensee shall prohibit the use of any patient for basic maintenance of the hospital or equipment, housekeeping, or food service in compliance with the Federal Fair Labor Standards Act, 29 USC, paragraph 203 et al., and 29 CFR, section 525 et al., except:

(a) Cleaning or maintaining the patient's private living area, or performing personal housekeeping chores; or

(b) Performing therapeutic activities:

(i) Included in and appropriate to the comprehensive treatment plan;

(ii) As agreed to with the patient;

(iii) Documented as part of the treatment program; and

(iv) Appropriate to the age, physical, and mental condition of the patient.

(4) The licensee shall assure the safety and comfort of patients when construction work occurs in or near occupied areas.

NEW SECTION

WAC 246-324-190 Provisions for patients with tuberculosis. A licensee providing inpatient services for patients with suspected or known infectious tuberculosis shall:

(1) Design patient rooms with:

(a) Ventilation to maintain a negative pressure condition in each patient room relative to adjacent spaces, except bath and toilet areas, with:

(i) Air movement or exhaust from the patient room to the out-of-doors with the exhaust grille located over the head of the bed;

(ii) Exhaust at the rate of six air changes per hour; and

(iii) Make-up or supply air from adjacent ventilated spaces for four or less air changes per hour, and tempered outside air for two or more air changes per hour;

(iv) Ultraviolet generator irradiation as follows:

(A) Use of ultraviolet fluorescent fixtures with lamps emitting wave length of 253.7 nanometers;

(B) The average reflected irradiance less than 0.2 microwatts per square centimeter in the room at the five foot level;

(C) Wall-mount type of fixture installed over the head of the bed, as close to the ceiling as possible to irradiate the area of the exhaust grille and the ceiling; and

(D) Lamps changed as recommended by the manufacturer; and

(b) An adjoining bathroom and toilet room with bedpan washer; and

(2) Provide discharge information to the health department of the patient's county of residence.

NEW SECTION

WAC 246-324-200 Clinical records. (1) The licensee shall establish and maintain an organized clinical record service, consistent with recognized principles of record management, directed, staffed, and equipped to:

(a) Ensure timely, complete and accurate identification, checking, processing, indexing, filing, and retrieval of records;

(b) Facilitate compilation, maintenance, analyses, and distribution of patient care statistics; and

(c) Protect records from undue deterioration and destruction.

(2) The licensee shall develop and maintain an individual clinical record for each person receiving care, treatment, or diagnostic service at the hospital.

(3) The licensee shall ensure prompt entry and filing of the following data into the clinical record for each period a patient receives inpatient or outpatient services:

(a) Identifying information;

(b) Assessment and diagnostic data including history of findings and treatment provided for the dependency for which the patient is treated in the hospital;

(c) Comprehensive treatment plan;

(d) Authenticated orders for:

(i) Drugs or other therapies;

(ii) Therapeutic diets; and

(iii) Care and treatment, including standing medical orders used in the care and treatment of the patient, except standing medical emergency orders;

(e) Significant observations and events in the patient's clinical treatment;

(f) Any restraint of the patient;

(g) Data bases containing patient information;

(h) Original reports or durable, legible, direct copies of original reports, of all patient tests, diagnostic procedures and examinations performed on or for the patient;

(i) Description of therapies administered, including drug therapies;

(j) Nursing services;

(k) Progress notes recorded by the professional staff responsible for the care of the patient or others significantly involved in active treatment modalities; and

(l) A discharge plan and discharge summary.

(4) The licensee shall ensure each entry includes:

(a) Date;

(b) Time of day;

(c) Authentication by the individual making the entry; and

(d) Diagnosis, abbreviations and terminology consistent with:

(i) Fourth edition revised 1994 *The American Psychiatry Association Diagnostic and Statistical Manual of Mental Disorders*; and

(ii) *International Classification of Diseases, 9th edition, 1988.*

(5) The licensee shall provide designated areas, designed to assure confidentiality, for reading, recording, and maintaining patient clinical records and for patients to review their own records.

(6) The licensee shall prevent access to clinical records by unauthorized persons.

(7) The licensee shall retain and preserve:

(a) Each patient's clinical records, excluding reports on referred outpatient diagnostic services, for:

(i) Adult patients, a minimum of ten years following the most recent discharge; or

(ii) Patients who are minors at the time of care, treatment, or diagnosis, a minimum of three years following the patient's eighteenth birth date, or ten years following the most recent discharge, whichever is longer;

(b) Reports on referred outpatient diagnostic services for at least two years;

(c) A master patient index card or equivalent for at least the same period of time as the corresponding clinical records; and

(d) Patients' clinical records, registers, indexes, and analyses of hospital service in original form or in photographic form in accordance with the provisions of chapter 5.46 RCW.

NEW SECTION

WAC 246-324-210 Pharmacy and medication services. The licensee shall:

(1) Maintain the pharmacy in the hospital in a safe, clean, and sanitary condition;

(2) Provide evidence of current approval of pharmacy services by the Washington state board of pharmacy under chapter 18.64 RCW;

(3) Develop and implement procedures for prescribing, storing, and administering medications according to state and federal laws and rules, including:

(a) Assuring professional staff who prescribe are authorized to prescribe under chapter 69.41 RCW;

(b) Assuring orders and prescriptions for medications administered and self-administered include:

(i) Date and time;

(ii) Type and amount of drug;

(iii) Route of administration;

(iv) Frequency of administration; and

- (v) Authentication by professional staff;
- (c) Administering drugs;
- (d) Self-administering drugs;
- (e) Receiving and recording or transcribing verbal or telephone drug orders by authorized staff;
- (f) Authenticating verbal and telephone orders by prescriber in a timely manner, not to exceed forty-eight hours for inpatients;
- (g) Use of medications and drugs owned by the patient but not dispensed by the hospital pharmacy, including:
 - (i) Specific written orders;
 - (ii) Identification and administration of drug;
 - (iii) Handling, storage and control;
 - (iv) Disposition; and
 - (v) Pharmacist and physician inspection and approval prior to patient use to ensure proper identification, lack of deterioration, and consistency with current medication profile;
- (h) Maintaining drugs in patient care areas of the hospital including:
 - (i) Hospital pharmacist or consulting pharmacist responsibility;
 - (ii) Legible labeling with generic and/or trade name and strength as required by federal and state laws;
 - (iii) Access only by staff authorized access under hospital policy;
 - (iv) Storage under appropriate conditions specified by the hospital pharmacist or consulting pharmacist, including provisions for:
 - (A) Storing medicines, poisons, and other drugs in a specifically designated, well-illuminated, secure space;
 - (B) Separating internal and external stock drugs; and
 - (C) Storing Schedule II drugs in a separate locked drawer, compartment, cabinet, or safe; and
 - (i) Preparing drugs in designated rooms with ample light, ventilation, sink or lavatory, and sufficient work area;
 - (j) Prohibiting the administration of outdated or deteriorated drugs, as indicated by label;
 - (k) Restricting access to pharmacy stock of drugs to:
 - (i) Legally authorized pharmacy staff; and
 - (ii) Except for Schedule II drugs, to a registered nurse designated by the hospital when all of the following conditions are met:
 - (A) The pharmacist is absent from the hospital;
 - (B) Drugs are needed in an emergency, and are not available in floor supplies; and
 - (C) The registered nurse, not the pharmacist, is accountable for the registered nurse's actions;
 - (4) The appropriate professional staff committee shall approve all policies and procedures on drugs, after documented consultation with:
 - (a) The pharmacist or pharmacist consultant directing hospital pharmacy services; and
 - (b) An advisory group comprised of representatives from the professional staff, hospital administration, and nursing services;
 - (5) When planning new construction of a pharmacy:
 - (a) Follow the general design requirements for architectural components, electrical service, lighting, call systems, hardware, interior finishes, heating, plumbing, sewerage, ventilation/air conditioning, and signage in WAC 246-318-540;

- (b) Provide housekeeping facilities within or easily accessible to the pharmacy;
- (c) Locate pharmacy in a clean, separate, secure room with:
 - (i) Storage, including locked storage for Schedule II controlled substances;
 - (ii) All entrances equipped with closers;
 - (iii) Automatic locking mechanisms on all entrance doors to preclude entrance without a key or combination;
 - (iv) Perimeter walls of the pharmacy and vault, if used, constructed full height from floor to ceiling;
 - (v) Security devices or alarm systems for perimeter windows and relites;
 - (vi) An emergency signal device to signal at a location where twenty-four-hour assistance is available;
 - (vii) Space for files and clerical functions;
 - (viii) Break-out area separate from clean areas; and
 - (ix) Electrical service including emergency power to critical pharmacy areas and equipment;
- (d) Provide a general compounding and dispensing unit, room, or area with:
 - (i) A work counter with impermeable surface;
 - (ii) A corrosion-resistant sink, suitable for handwashing, mounted in counter or integral with counter;
 - (iii) Storage space;
 - (iv) A refrigeration and freezing unit; and
 - (v) Space for mobile equipment;
- (e) If planning a manufacturing and unit dose packaging area or room, provide with:
 - (i) Work counter with impermeable surface;
 - (ii) Corrosion-resistant sink, suitable for handwashing, mounted in counter or integral with counter; and
 - (iii) Storage space;
- (f) Locate admixture, radiopharmaceuticals, and other sterile compounding room, if planned, in a low traffic, clean area with:
 - (i) A preparation area;
 - (ii) A work counter with impermeable surface;
 - (iii) A corrosion-resistant sink, suitable for handwashing, mounted in counter or integral with counter;
 - (iv) Space for mobile equipment;
 - (v) Storage space;
 - (vi) A laminar flow hood in admixture area; and
 - (vii) Shielding and appropriate ventilation according to WAC 246-318-540 (3)(m) for storage and preparation of radiopharmaceuticals;
- (g) If a satellite pharmacy is planned, comply with the provisions of:
 - (i) Subsection (5)(a), (5)(c)(i), (ii), (iii), (iv), (v), and (vi) of this section when drugs will be stored;
 - (ii) Subsection (5)(c)(vii), (viii), and (ix) of this section, if appropriate; and
 - (iii) Subsections (5)(d) and (g) of this section if planned;
- (h) If a separate outpatient pharmacy is planned, comply with the requirements for a satellite pharmacy including:
 - (i) Easy access;
 - (ii) A conveniently located toilet meeting accessibility requirements in WAC 51-20-3100; and
 - (iii) A private counseling area.

NEW SECTION

WAC 246-324-220 Laboratory services. The licensee shall:

- (1) Provide access to laboratory services to meet emergency and routine needs of patients;
- (2) Ensure laboratory services are provided by licensed or waived medical test sites in accordance with chapter 70.42 RCW and chapter 246-338 WAC; and
- (3) Maintain each medical test site in the hospital in a safe, clean, and sanitary condition.

NEW SECTION

WAC 246-324-230 Food and dietary services. The licensee shall:

- (1) Comply with chapters 246-215 and 246-217 WAC, food service;
- (2) Designate an individual responsible for managing and supervising dietary/food services twenty-four hours per day, including:
 - (a) Incorporating ongoing recommendations of a dietitian;
 - (b) Serving at least three meals a day at regular intervals with fifteen or less hours between the evening meal and breakfast, unless the licensee provides a nutritious snack between the evening meal and breakfast;
 - (c) Providing well-balanced meals and nourishments that meet the current recommended dietary allowances of the *National Research Council*, 10th edition, 1989, adjusted for patient age, sex and activities unless contraindicated;
 - (d) Making nourishing snacks available as needed for patients, and posted as part of the menu;
 - (e) Preparing and serving therapeutic diets according to written medical orders;
 - (f) Preparing and serving meals under the supervision of food service staff;
 - (g) Maintaining a current diet manual, approved in writing by the dietitian and medical staff, for use in planning and preparing therapeutic diets;
 - (h) Ensuring all menus:
 - (i) Are written at least one week in advance;
 - (ii) Indicate the date, day of week, month and year;
 - (iii) Include all foods and snacks served that contribute to nutritional requirements;
 - (iv) Provide a variety of foods;
 - (v) Are approved in writing by the dietitian;
 - (vi) Are posted in a location easily accessible to all patients; and
 - (vii) Are retained for one year;
- (3) Substitute foods, when necessary, of comparable nutrient value and record changes on the menu;
- (4) Allow sufficient time for patients to consume meals;
- (5) Ensure staff from dietary/food services are present in the hospital during all meal times;
- (6) Keep policies and procedures pertaining to food storage, preparation, and storage, and cleaning food service equipment and work areas in the food service area for easy reference by dietary staff at all times.

NEW SECTION

WAC 246-324-240 Laundry. The licensee shall provide:

- (1) Laundry and linen services, on the premises or by commercial laundry;
- (2) Storage and sorting areas for soiled laundry in well-ventilated areas, separate from clean linen handling areas;
- (3) A clean area with an adequate supply of clean linen;
- (4) When laundry is washed on the premises:
 - (a) An adequate water supply and a minimum water temperature of 140°F in washing machines; and
 - (b) Laundry facilities in areas separate from food preparation and dining; and
- (5) Facilities for patients who wear their own clothing during hospitalization to do personal laundry.

NEW SECTION

WAC 246-324-250 Construction. (1) The applicant or licensee shall comply with chapter 31 of the *Washington State Building Code* for all construction.

(2) Prior to starting construction, the applicant or licensee shall submit the following documentation to the department:

- (a) A completed application form, a copy of which is provided in the *Submissions Guide for Health and Residential Facility Construction Projects*, which may be obtained from the department;
- (b) The fee specified in chapter 246-314 WAC;
- (c) A functional program which describes the services and operational methods affecting the hospital building, premises, and patients;
- (d) One set of preliminary documents including, when applicable:
 - (i) Plot plans drawn to scale showing:
 - (A) Streets, driveways, parking, vehicle and pedestrian circulation;
 - (B) Site utilities, water service system, sewage disposal system, electrical service system, elevations; and
 - (C) Location of existing and new buildings and other fixed equipment;
 - (ii) Building plans drawn to scale showing:
 - (A) Floor plans designating function of each room and fixed equipment;
 - (B) Typical building sections and exterior elevations;
 - (iii) Outline specifications generally describing the construction and materials including mechanical and electrical systems; and
- (e) Three sets of final construction drawings, stamped by a Washington state licensed architect or engineer, complying with the requirements of this chapter including, when applicable:
 - (i) Plot plans drawn to scale showing all items required in the preliminary plan in final form;
 - (ii) Building plans drawn to scale showing:
 - (A) Floor plans designating function of each room and fixed equipment;
 - (B) Interior and exterior elevations;
 - (C) Building sections and construction details;
 - (D) Schedules of room finishes, doors, finish hardware and windows;

(E) Mechanical, including plumbing, heating, venting and air conditioning; and

(F) Electrical, including lighting, power and communication systems; and

(iii) Specifications fully describing the workmanship and finishes;

(f) One copy of specifications and the radiant panel test report for each carpet type used in corridors and exitways;

(g) Three copies of fire sprinkler system shop drawings, hydraulic calculations and equipment specifications, stamped by the fire sprinkler contractor; and

(h) Three copies of fire alarm system shop drawings and equipment specifications.

(3) The licensee shall:

(a) Obtain department approval of final construction documents prior to starting construction;

(b) Conform with the approved plans during construction;

(c) Consult with the department prior to deviating from approved documents;

(d) Provide a written construction project completion notice to the department indicating:

(i) The expected completion date; and

(ii) Compliance with the approved construction documents, requirements of chapter 18.20 RCW and this chapter;

(e) Make adequate provisions for the health, safety, and comfort of patients during construction projects;

(f) Obtain authorization from the department prior to occupying or using new construction; and

(g) Obtain approval of the Washington state fire protection services division prior to construction, modification, and alteration consistent with RCW 18.20.130.

NEW SECTION

WAC 246-324-500 Exemptions. (1) A licensee wishing to request an exemption from a requirement in this chapter shall submit a written request to the department, including:

(a) A description of the requested exemption;

(b) Reason for the exemption; and

(c) Impact of the exemption on patient or public health and safety.

(2) If the department determines the exemption will not jeopardize patient or public health or safety, and is not contrary to the intent of chapter 71.12 RCW and this chapter, the department may:

(a) Exempt the licensee from meeting a specific requirement in this chapter; or

(b) Allow the licensee to use another method of meeting the requirement.

(3) The licensee shall retain a copy of each approved exemption in the hospital.

NEW SECTION

WAC 246-324-990 Fees. The licensee shall submit:

(1) An initial fee of forty-seven dollars and thirty cents for each bed space within the proposed licensed bed capacity; and

(2) An annual renewal fee of forty-seven dollars and thirty cents for each licensed bed space.

**WSR 95-22-015
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed October 20, 1995, 11:26 a.m., effective January 16, 1996]

Date of Adoption: October 20, 1995.

Purpose: Chapter 296-24 WAC, General safety and health standards, state-initiated amendments to WAC 296-24-13501(2) are made to be identical to the federal standard, which was previously revised in 1984. The amendment deletes the last two sentences in WAC 296-24-13501(2) for clarification of the use of "yellow" color coding.

State-initiated amendments are made to remove the existing March 1, 1995, effective date for applicability of the following sections to agriculture to be consistent with changes made to chapter 296-306 WAC, Safety standards for agriculture: WAC 296-24-12001, 296-24-14011, 296-24-33003, 296-24-58503, and 296-24-73501. In addition, the following amendments are adopted:

- An agriculture industry exemption to the shower requirements in WAC 296-24-12009(3) is added to WAC 296-24-12001.
- The exemption for storage of flammable and combustible liquids on farms is reinstated in WAC 296-24-33003.
- The exemption to agriculture operations for fire brigades, portable and fixed fire suppression equipment, fire detection systems, and fire or employee alarm systems is reinstated in WAC 296-24-58503.
- The exemption for agriculture work relating to walking working surfaces is reinstated in WAC 296-24-73501.

The Department of Labor and Industries proposed these amendments to chapter 296-24 WAC, General safety and health standards, as a result of a one-year development process with agriculture industry management and labor representatives.

Chapter 296-62 WAC, General occupational health standards, federal-initiated amendments to the hazard communication standards, published in Federal Register Volume 59, Number 245, dated December 12, 1994, are made to:

- WAC 296-62-05403 (6)(c) to indicate that chapter 296-62 WAC, Part C, does not apply to hazardous substances when the hazardous substance is the focus of remedial or removal action being conducted under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) in accordance with Environmental Protection Agency regulations.
- The definition of "hazard warning" in WAC 296-62-05403(21) to replace the word "or" with the word "and" to indicate hazardous warning labels convey specific physical "and" health hazards.
- WAC 296-62-05413 to remove wording which allowed an alternative to maintaining a material safety data sheet file (providing material safety data sheets to employers buying hazardous chemicals).
- Remove wording requiring wholesale distributors to notify employers of material safety data sheet availability.

Federal-initiated amendments are made to make the hazard communication standard at least as effective as the federal final rule. Previously adopted federal-initiated

amendments, published in Federal Register Volume 59, Number 27, dated February 9, 1994, and adopted on August 30, 1994, were found to be not at least as effective as the federal rule. Amendments are made to:

- WAC 296-62-05403(1) to clarify that employers in Washington state must use the TLV's in WAC 296-62-075 for evaluation of employee exposures and training.
- The note in WAC 296-62-05407 (3)(c). The note in item (c) is changed to WAC 296-62-05407 (3)(d) and is proposed to be a citable rule.
- WAC 296-62-05413(1) to require material safety data sheets be in the workplace.
- WAC 296-62-05413(2) to clarify the need for all persons to receive safety data sheets and training. The words ". . . as one way to provide employees with effective information and training as required by WAC 296-62-05415) . . ." are deleted.

Chapter 296-304 WAC, Safety standards for ship repairing, shipbuilding and shipbreaking, federal-initiated amendments are made to make chapter 296-304 WAC at least as effective as the federal standard. Federal-initiated adopted amendments which were published in Federal Register Volume 59, Number 141, dated July 25, 1994, were found, upon federal review, not to be at least as effective as the federal rule. In addition, federal-initiated amendments, published in Federal Register Volume 60, Number 51, dated March 16, 1995. Amendments are being made to:

- Delete WAC 296-304-010 (5) and (6) to be identical to the federal final rule. Currently WAC 296-304-010 (5) and (6) do not contain language to cover all areas of WISHA's jurisdiction since they apply to workplaces on navigable waters.
- The section title for WAC 296-304-02003 is amended and a new sentence is proposed to clarify the order of testing before employees may enter a confined or enclosed space or other dangerous atmosphere.
- WAC 296-304-02003 (2)(c)(iii) is amended to clarify when flammable atmospheres must be maintained above the upper explosive limit.
- WAC 296-304-02003 (5)(a)(iii) to correct "preforms" to "performs" in the note. The corrected sentence would read, "If the team performs an actual rescue during the 12 month period, an additional practice drill for that type of rescue is not required."
- WAC 296-304-02007 to clarify the limited locations and conditions where hot work may be performed without first being certified by a marine chemist.
- WAC 296-304-02009 to clarify the need for visual testing.

Citation of Existing Rules Affected by this Order: Amending chapter 296-24 WAC, General safety and health standards, WAC 296-24-12001 Scope, 296-24-13501 Color identification, 296-24-14011 Accident prevention tags, 296-24-33003 Scope, 296-24-58503 Scope, application and definitions applicable and 296-24-73501 General requirements; chapter 296-62 WAC, General occupational health standards, WAC 296-62-05403 Scope and application, 296-62-05405 Definitions applicable to this section, 296-62-05407 Hazard determination and 296-62-05413 Material safety data sheets; and chapter 296-304 WAC, Safety standards for ship repairing, shipbuilding, and shipbreaking, WAC 296-304-010 Scope and application, 296-304-02003

Precautions before entering confined and enclosed spaces and other dangerous atmospheres, 296-304-02007 Hot work, and 296-304-02009 Maintenance of safe conditions.

Statutory Authority for Adoption: RCW 49.17.010, [49.17].050, [49.17].060.

Adopted under notice filed as WSR 95-10-093 on May 3, 1995.

Changes Other than Editing from Proposed to Adopted Version:

Proposed amendments to WAC 296-304-010 are adopted with the following changes: Proposed amendments to WAC 296-304-010 relating to asbestos are withdrawn. Amendments relating to asbestos will be returned to hearing at a later date. Other amendments to this section are adopted as proposed.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 9, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 5, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 2, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 5, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: January 16, 1996.

October 20, 1995

Mark O. Brown

Director

AMENDATORY SECTION (Amending Order 82-22, filed 6/11/82)

WAC 296-24-13501 Color identification. (1) Red. Red shall be the basic color for the identification of:

(a) Fire protection equipment and apparatus, except motorized apparatus, as used on roads.

(b) Danger. Safety cans or other portable containers of flammable liquids having a flashpoint at or below 80°F. table containers of flammable liquids (open cup tester), excluding shipping containers, shall be painted red with some additional clearly visible identification either in the form of a yellow band around the can or the name of the contents conspicuously stenciled or painted on the can in yellow. Red lights shall be provided at barricades and at temporary obstructions, as specified in ANSI Safety Code for Building Construction, A10.2-1944. Danger signs shall be painted red.

(c) Stop. Emergency stop bars on hazardous machines such as rubber mills, wire blocks, flat work ironers, etc., shall be red. Stop buttons or electrical switches used for emergency stopping of machinery shall be red.

(2) Yellow. Yellow shall be the basic color for designating caution and for marking physical hazards such as: Striking against, stumbling, falling, tripping, and "caught in between." (~~Solid yellow, yellow and black stripes, yellow~~

~~and black checkers (or yellow with suitable contrasting background) should be used interchangeably, using the combination which will attract the most attention in the particular environment. Yellow shall be the basic color for designating caution, limited to warning against the starting, the use of, or the movement of equipment under repair or being worked upon.)~~

AMENDATORY SECTION (Amending Order 93-17, filed 3/2/94, effective 3/1/95)

WAC 296-24-12001 Scope. This scope includes all sections of WAC 296-24-120 in the numbering and applies to all permanent places of employment except where domestic, or mining work only is performed. ~~((This section shall apply to agriculture March 1, 1995.))~~ The shower requirements in WAC 296-24-12009(3) are not applicable to agricultural operations. Measures for the control of toxic materials are considered to be outside the scope of this section.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-24-14011 Accident prevention tags. (1) Scope and purpose.

(a) This section applies to all accident prevention tags used to identify hazardous conditions and provide a message to employees with respect to hazardous conditions as set forth in subsection (3) of this section, or to meet the specific requirements of other WAC requirements.

(b) Tags are a temporary means of warning all concerned of a hazardous condition, defective equipment, radiation hazards, etc. The tags are not to be considered as a complete warning method, but should be used until a positive means can be employed to eliminate the hazard; for example, a "do not start" tag on power equipment shall be used for a few moments or a very short time until the switch in the system can be locked out; a "defective equipment" tag shall be placed on a damaged ladder and immediate arrangements made for the ladder to be taken out of service and sent to the repair shop.

(c) This section does not apply to construction. ~~((This section shall apply to agriculture March 1, 1994.))~~

(2) Definitions.

(a) "Biological hazard" or "**Biohazard**" means those infectious agents presenting a risk of death, injury or illness to employees.

(b) "Major message" means that portion of a tag's inscription that is more specific than the signal word and that indicates the specific hazardous condition or the instruction to be communicated to the employee. Examples include: "High Voltage," "Close Clearance," "Do Not Start," or "Do Not Use" or a corresponding pictograph used with a written text or alone.

(c) "Pictograph" means a pictorial representation used to identify a hazardous condition or to convey a safety instruction.

(d) "Signal word" means that portion of a tag's inscription that contains the word or words that are intended to capture the employee's immediate attention.

(e) "Tag" means a device usually made of card, paper, pasteboard, plastic or other material used to identify a hazardous condition.

(3) Use.

(a) Tags shall be used as a means to prevent accidental injury or illness to employees who are exposed to hazardous or potentially hazardous conditions, equipment or operations which are out of the ordinary, unexpected or not readily apparent.

(b) Tags shall be used until such time as the identified hazard is eliminated or the hazardous operation is completed. Tags need not be used where signs, guarding or other positive means of protection are being used.

(c) Do not start tags shall be placed in a conspicuous location or shall be placed in such a manner that they effectively block the starting mechanism which would cause hazardous conditions should the equipment be energized. See Fig. J-11.

(4) General tag criteria.

(a) All required tags shall meet the following criteria:

(i) Tags shall contain a signal word and a major message.

(ii) The signal word shall be either "Danger," "Caution," or "Biological Hazard," "biohazard," or the biological hazard symbol.

(iii) The major message shall indicate the specific hazardous condition or the instruction to be communicated to the employee.

(b) The signal word shall be readable at a minimum distance of five feet (1.52 m) or such greater distance as warranted by the hazard.

(c) The tag's major message shall be presented in either pictographs, written text or both.

(d) The signal word and the major message shall be understandable to all employees who may be exposed to the identified hazard.

(e) All employees shall be informed as to the meaning of the various tags used throughout the workplace and what special precautions are necessary.

(f) Tags shall be affixed as close as safely possible to their respective hazards by a positive means such as string, wire, or adhesive that prevents their loss or unintentional removal.

(g) The tag and attachment method or device used shall be constructed of such material that they will not be likely to deteriorate in the environment in which the tag is used during the time period of intended use.

(5) Danger tags.

(a) Danger tags shall be used in major hazard situations where an immediate hazard presents a threat of death or serious injury to employees. Danger tags shall be used only in these situations. See Fig. J-11.

(b) All employees should be instructed that danger tags indicate immediate danger and that special precautions are necessary.

(6) Caution tags.

(a) Caution tags shall be used in minor hazard situations where a nonimmediate or potential hazard or unsafe practice presents a lesser threat of employee injury. Caution tags shall be used only in these situations. See Fig. J-12.

(b) All employees should be instructed that caution tags indicate a possible hazard against which proper precautions should be taken.

(7) Warning tags. Warning tags may be used to represent a hazard level between "Caution" and "Danger," instead of the required "Caution" tag, provided that they have a signal word of "Warning," an appropriate major message, and otherwise meet the general tag criteria of subsection (4) of this section.

(8) Out of order tags. Out of order tags should be used only for the specific purpose of indicating that a piece of equipment, machinery, etc., is out of order and to attempt to use it might present a hazard. (See Fig. J-13.)

(9) Radiation tags.

(a) The standard background for radiation tags shall be yellow; the panel shall be reddish purple. Any letters used against the yellow background shall be black. The colors shall be those of opaque glossy samples as specified in Table 1, Fundamental Specification of Safety Colors for CIE Standard Source "C" American National Standards Institute, Safety Color Code for Marking Physical Hazards and the Identification of Certain Equipment, Z53.1-1971.

(b) The method of dimension, design, and orientation of the standard symbol (one blade pointed downward and centered on the vertical axis) shall be executed as illustrated in Figure J-14. The symbol shall be prominently displayed and of a size consistent with the size of the equipment or area in which it is to be used.

(10) Biological hazard tags.

(a) Biological hazard tags shall be used to identify the actual or potential presence of a biological hazard and to identify equipment, containers, rooms, experimental animals, or combinations thereof, that contain or are contaminated with hazardous biological agents.

(b) The symbol design for biological hazard tags shall conform to the design shown in Fig. J-15.

(11) Other tags. Other tags may be used in addition to those required by this section or in other situations where this section does not require tags, provided that they do not detract from the impact or visibility of the signal word and major message of any required tag.



Fig. J-1
Danger Sign

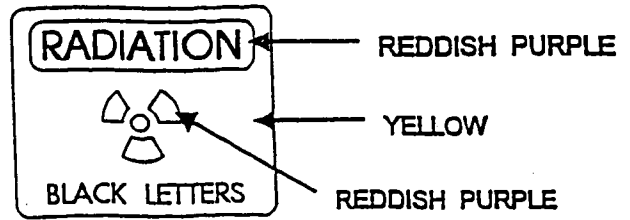


Fig. J-2
Radiation Warning Sign

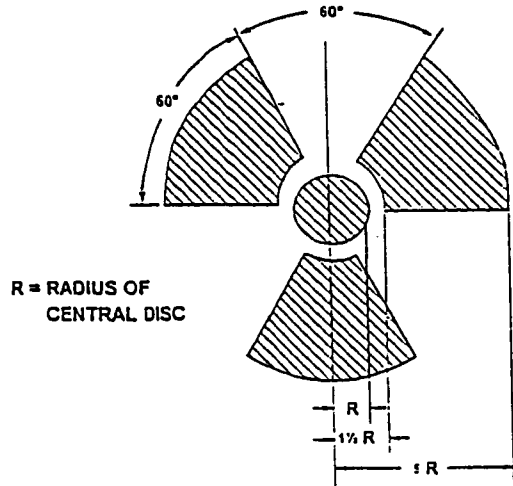


Fig. J-3
Standard Radiation Symbol



Fig. J-4
Caution Sign

PERMANENT



Fig. J-5

Safety Instruction Signs

(Note: The words "think" and "be careful," given here, are only illustrations. Other wordings may be used.)

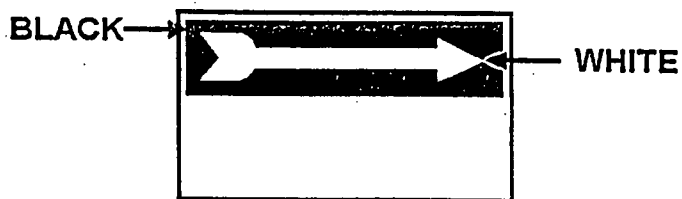


Fig. J-6

Directional Signs

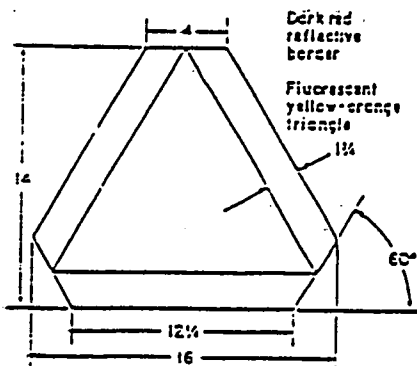


Fig. J-7

Slow-Moving Vehicle Emblem

Note: All dimensions are in inches.

POISON:



ELECTRICITY:

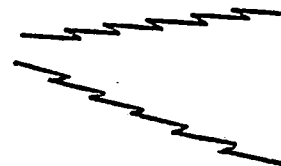
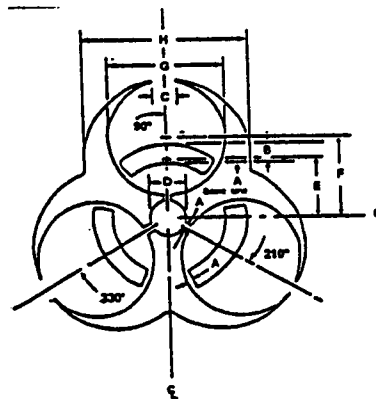


Fig. J-8

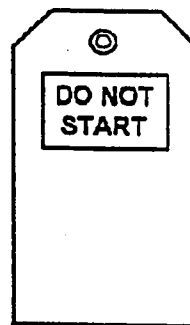
Symbols Used on Signs



Dimension	A	B	C	D	E	F	G	H
Units	1	3/4	4	8	11	15	21	30

Fig. J-9

Symbol for Biological Hazard

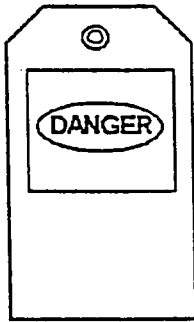


White tag
white letters on
red square

Fig. J-10

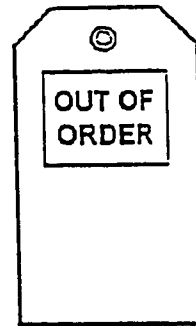
Do Not Start Tag

PERMANENT



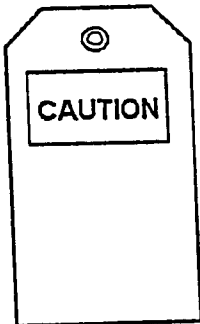
White tag
white letters on
red oval with a
black square

Fig. J-11
Danger Tag



White tag
white letters on
black background

Fig. J-13
Out of Order Tag



Yellow tag
yellow letters on a
black background

Fig. J-12
Caution Tag

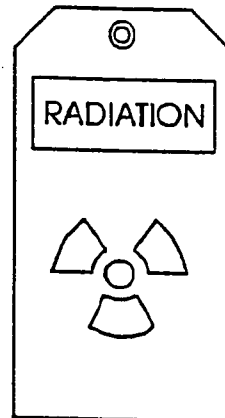


Fig. J-14
Radiation Tag

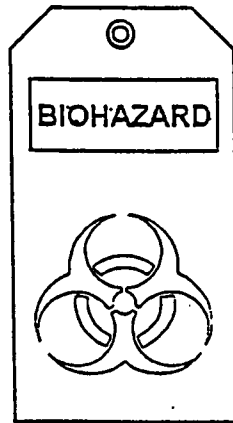


Fig. J-15

Biological Hazard Tag

TABLE J-1

STANDARD PROPORTIONS FOR DANGER SIGNS

Sign size, inches	Black rectangular panel, inches	Red oval, inches	Word danger, height	Maximum space available for sign wording, inches
Height	Height	Height	inches	width
Width	Width	Width	inches	width

HORIZONTAL PATTERN

7x10	3 1/4 x 9 3/8	2 7/8 x 8 1/2	1 7/16	2 3/4 x 9 3/8
10x14	4 5/8 x 13 3/8	4 1/8 x 11 7/8	2 1/16	4 1/4 x 13 3/8
14x20	6 1/2 x 19 3/8	5 3/4 x 17	2 7/8	6 1/4 x 19 3/8
20x28	9 1/4 x 27 3/8	8 1/4 x 23 7/8	4 1/8	9 1/2 x 27 3/8

UPRIGHT PATTERN

10x 7	2 3/8 x 6 3/8	2 1/8 x 5 7/8	1 1/16	6 3/8 x 6 3/8
14x10	3 1/4 x 9 3/8	2 7/8 x 8 1/2	1 7/16	9 1/2 x 9 3/8
20x14	4 5/8 x 13 3/8	4 1/8 x 11 7/8	2 1/16	14 x 13 3/8
28x20	6 1/2 x 19 3/8	5 3/4 x 17	2 7/8	20 1/4 x 19 3/8

TABLE J-2

STANDARD PROPORTIONS FOR CAUTION SIGNS

Sign size, inches	Black rectangular panel, inches	Word "Caution" height of letter, inches	Maximum space available for sign wording below panel inches
height	height	width	height
width	width	inches	width

HORIZONTAL PATTERN

7 x 10	2 1/4 x 9 3/8	1 5/8	3 1/4 x 9 3/8
10 x 14	3 1/4 x 13 3/8	2 1/4	5 1/2 x 13 3/8
14 x 20	3 3/4 x 19 3/8	2 3/4	9 x 19 3/8
20 x 28	4 1/4 x 27 3/8	3 1/4	14 1/2 x 27 3/8

UPRIGHT PATTERN

10 x 7	1 5/8 x 6 3/8	1 1/8	7 x 6 3/8
14 x 10	2 1/4 x 9 3/8	1 5/8	10 1/2 x 9 3/8
20 x 14	3 1/4 x 13 3/8	2 1/4	15 1/2 x 13 3/8
28 x 20	3 3/4 x 19 3/8	2 3/4	24 x 19 3/8

TABLE J-3

STANDARD PROPORTIONS FOR SAFETY INSTRUCTION SIGNS

(TABLE J-3: PART 1—"Think" Safety Sign)

Sign size, inches, height, width	Maximum		
	Green rectangular panel, inches, height, width	Word "Think" height letters, inches	Space available for sign wording below panel, inches height, width
7x10	2 3/4 x 9 3/8	1 5/8	3 1/2 x 9 3/8
10x14	3 1/4 x 13 3/8	2 1/4	5 1/2 x 13 3/8
14x20	3 3/4 x 19 3/8	2 3/4	9 x 19 3/8
20x28	4 1/4 x 27 3/8	3 1/4	14 1/2 x 27 3/8

(TABLE J-3: PART 2—"Be Careful" Safety Sign)

Sign size, inches, height, width	Maximum			
	Green panel, inches, height, width	Word "Be" height of letters, inches	Word "Careful" height of letters, inches	Space available for sign wording below panel, inches, height, width
7x10	3 3/8 x 9 3/8	1 1/4	1 3/16	2 1/2 x 9 3/8
10x14	4 1/4 x 13 3/8	1 3/4	2 3/16	4 x 13 3/8
14x20	6 1/4 x 19 3/8	2 1/2	3 1/8	6 x 19 3/8
20x28	9 1/2 x 27 3/8	3 1/2	4 3/8	9 1/4 x 27 3/8

TABLE J-4

STANDARD PROPORTIONS FOR DIRECTIONAL SIGNS

Sign size, inches, height	Black rectangular panel, inches, height, width	White arrow, inches			Maximum space for sign wording below panel height	
		Overall length	Arrow head height, width	Arrow shaft height, width		
6 1/2x14	3 1/4 x 13 3/8	12 5/8	2 3/4 x 3	1 1/8	2 3/8 x 3 1/4	2 1/4 x 13 3/8
9x20	4 1/2 x 19 3/8	18 5/8	3 3/4 x 4 1/8	1 5/8	3 1/4 x 4 1/2	3 3/8 x 19 3/8
12x28	6 x 27 3/8	26 5/8	5 1/8 x 5 5/8	2 1/8	4 3/8 x 27 3/8	4 3/4 x 27 3/8
15x36	7 1/2 x 35 3/8	34 5/8	6 3/8 x 6 7/8	2 5/8	5 1/2 x 7 1/2	6 1/4 x 35 3/8

Appendix A—Recommended color coding.

While the standard does not specifically mandate colors to be used on accident prevention tags, the following color scheme is recommended by OSHA for meeting the requirements of this section:

PERMANENT

"DANGER"—Red, or predominantly red, with lettering or symbols in a contrasting color.

"CAUTION"—Yellow, or predominantly yellow, with lettering or symbols in a contrasting color.

"WARNING"—Orange, or predominantly orange, with lettering or symbols in a contrasting color.

"BIOLOGICAL HAZARD"—Fluorescent orange or orange-red, or predominantly so, with lettering or symbols in a contrasting color.

Appendix B—References for further information.

The following references provide information which can be helpful in understanding the requirements contained in various sections of the standard:

1. *Bresnahan, Thomas F., and Bryk, Joseph. "The Hazard Association Values of Accident Prevention Signs", Journal of American Society of Safety Engineers: January 1975.*

2. *Dreyfuss, H., Symbol Sourcebook, McGraw Hill: New York, NY, 1972.*

3. *Glass, R. A. and others, Some Criteria for Colors and Signs in Workplaces, National Institute of Standards and Technology, Quince Orchard and Clopper Roads, Gaithersburg, MD 20899-0011, 1983.*

4. *Graphic Symbols for Public Areas and Occupational Environments, Treasury Board of Canada, Ottawa, Canada, July 1980.*

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AMENDATORY SECTION (Amending Order 93-17, filed 3/2/94, effective 3/1/95)

WAC 296-24-33003 Scope. This section applies to the handling, storage, and use of flammable and combustible liquids with a flash point below 200°F. This section does not apply to:

(1) Bulk transportation of flammable and combustible liquids;

(2) Storage, handling, and use of fuel oil tanks and containers connected with oil burning equipment;

(3) ~~((This section shall apply to agriculture March 1, 1995.))~~ Storage of flammable and combustible liquids on farms.

(4) Liquids without flashpoints that may be flammable under some conditions, such as certain halogenated hydrocarbons and mixtures containing halogenated hydrocarbons;

~~((4))~~ (5) Mists, sprays, or foams, except flammable aerosols covered in WAC 296-24-33009; or

~~((5))~~ (6) Installations made in accordance with requirements of the following standards:

(a) National Fire Protection Association Standard for Drycleaning Plants, NFPA No. 32-1970;

(b) National Fire Protection Association Standard for the Manufacture of Organic Coatings, NFPA No. 35-1970;

(c) National Fire Protection Association Standard for Solvent Extraction Plants, NFPA No. 36-1967; or

(d) National Fire Protection Association Standard for the Installation and Use of Stationary Combustion Engines and Gas Turbines, NFPA No. 37-1970.

AMENDATORY SECTION (Amending Order 93-17, filed 3/2/94, effective 3/1/95)

WAC 296-24-58503 Scope, application and definitions applicable. (1) **Scope.** This section contains requirements for fire brigades, and all portable and fixed fire suppression equipment, fire detection systems, and fire or employee alarm systems installed to meet the fire protection requirements of this chapter.

(2) **Application.** This section applies to all employments except for maritime, ~~((and))~~ construction and agriculture. ~~((This section shall apply to agriculture March 1, 1995.))~~

(3) **Definitions applicable to this section.**

(a) "After-flame," means the time a test specimen continues to flame after the flame source has been removed.

(b) "Aqueous film forming foam (AFFF)," means a fluorinated surfactant with a foam stabilizer which is diluted with water to act as a temporary barrier to exclude air from mixing with the fuel vapor by developing an aqueous film on the fuel surface of some hydrocarbons which is capable of suppressing the generation of fuel vapors.

(c) "Approved," means acceptable to the director under the following criteria:

(i) If it is accepted, or certified, or listed, or labeled or otherwise determined to be safe by a nationally recognized testing laboratory; or

(ii) With respect to an installation or equipment of a kind which no nationally recognized testing laboratory accepts, certifies, lists, labels, or determines to be safe, if it is inspected or tested by another federal agency and found in compliance with the provisions of the applicable National Fire Protection Association Fire Code; or

(iii) With respect to custom-made equipment or related installations which are designed, fabricated for, and intended for use by its manufacturer on the basis of test data which the employer keeps and makes available for inspection to the director; and

(iv) For the purposes of (c) of this subsection:

(A) Equipment is listed if it is of a kind mentioned in a list which is published by a nationally recognized testing laboratory which makes periodic inspections of the production of such equipment and which states that such equipment meets nationally recognized standards or has been tested and found safe for use in a specified manner;

(B) Equipment is labeled if there is attached to it a label, symbol, or other identifying mark of a nationally recognized testing laboratory which makes periodic inspections of the production of such equipment and whose labeling indicates compliance with nationally recognized standards or tests to determine safe use in a specified manner;

(C) Equipment is accepted if it has been inspected and found by a nationally recognized testing laboratory to conform to specified plans or to procedures of applicable codes;

(D) Equipment is certified if it has been tested and found by a nationally recognized testing laboratory to meet nationally recognized standards or to be safe for use in a specified manner or is of a kind whose production is periodically inspected by a nationally recognized testing laboratory, and if it bears a label, tag, or other record of certification; and

(E) Refer to federal regulation 29 CFR 1910.7 for definition of nationally recognized testing laboratory.

(d) "Automatic fire detection device," means a device designed to automatically detect the presence of fire by heat, flame, light, smoke or other products of combustion.

(e) "Buddy-breathing device," means an accessory to self-contained breathing apparatus which permits a second person to share the same air supply as that of the wearer of the apparatus.

(f) "Carbon dioxide," means a colorless, odorless, electrically nonconductive inert gas (chemical formula CO_2) that is a medium for extinguishing fires by reducing the concentration of oxygen or fuel vapor in the air to the point where combustion is impossible.

(g) "Class A fire," means a fire involving ordinary combustible materials such as paper, wood, cloth, and some rubber and plastic materials.

(h) "Class B fire," means a fire involving flammable or combustible liquids, flammable gases, greases and similar materials, and some rubber and plastic materials.

(i) "Class C fire," means a fire involving energized electrical equipment where safety to the employee requires the use of electrically nonconductive extinguishing media.

(j) "Class D fire," means a fire involving combustible metals such as magnesium, titanium, zirconium, sodium, lithium and potassium.

(k) "Dry chemical," means an extinguishing agent composed of very small particles of chemicals such as, but not limited to, sodium bicarbonate, potassium bicarbonate, urea-based potassium bicarbonate, potassium chloride, or monoammonium phosphate supplemented by special treatment to provide resistance to packing and moisture absorp-

tion (caking) as well as to provide proper flow capabilities. Dry chemical does not include dry powders.

(l) "Dry powder," means a compound used to extinguish or control Class D fires.

(m) "Education," means the process of imparting knowledge or skill through systematic instruction. It does not require formal classroom instruction.

(n) "Enclosed structure," means a structure with a roof or ceiling and at least two walls which may present fire hazards to employees, such as accumulations of smoke, toxic gases and heat similar to those found in buildings.

(o) "Extinguisher classification," means the letter classification given an extinguisher to designate the class or classes of fire on which an extinguisher will be effective.

(p) "Extinguisher rating," means the numerical rating given to an extinguisher which indicates the extinguishing potential of the unit based on standardized tests developed by Underwriters' Laboratories, Inc.

(q) "Fire brigade," (private fire department, industrial fire department) means an organized group of employees who are knowledgeable, trained, and skilled in at least basic fire fighting operations.

(r) "Fixed extinguishing system," means a permanently installed system that either extinguishes or controls a fire at the location of the system.

(s) "Flame resistance," is the property of materials, or combinations of component materials, to retard ignition and restrict the spread of flame.

(t) "Foam," means a stable aggregation of small bubbles which flow freely over a burning liquid surface and form a coherent blanket which seals combustible vapors and thereby extinguishes the fire.

(u) "Gaseous agent," is a fire extinguishing agent which is in the gaseous state at normal room temperature and pressure. It has low viscosity, can expand or contract with changes in pressure and temperature, and has the ability to diffuse readily and to distribute itself uniformly throughout an enclosure.

(v) "Halon 1211," means a colorless, faintly sweet smelling, electrically nonconductive liquefied gas (chemical formula CBrClF_2) which is a medium for extinguishing fires by inhibiting the chemical chain reaction of fuel and oxygen. It is also known as bromochlorodifluoromethane.

(w) "Halon 1301," means a colorless, odorless, electrically nonconductive gas (chemical formula CBrF_3) which is a medium for extinguishing fires by inhibiting the chemical chain reaction of fuel and oxygen. It is also known as bromotrifluoromethane.

(x) "Helmet," is a head protective device consisting of a rigid shell, energy absorption system and chin strap intended to be worn to provide protection for the head or portions thereof, against impact, flying or falling objects, electric shock, penetration, heat and flame.

(y) "Incipient stage fire," means a fire which is in the initial or beginning stage and which can be controlled or extinguished by portable fire extinguishers, Class II stand-pipe or small hose systems without the need for protective clothing or breathing apparatus.

(z) "Inspection," means a visual check of fire protection systems and equipment to ensure that they are in place, charged, and ready for use in the event of a fire.

(aa) "Interior structural fire fighting," means the physical activity of fire suppression, rescue or both, inside of buildings or enclosed structures which are involved in a fire situation beyond the incipient stage.

(bb) "Lining," means a material permanently attached to the inside of the outer shell of a garment for the purpose of thermal protection and padding.

(cc) "Local application system," means a fixed fire suppression system which has a supply of extinguishing agent, with nozzles arranged to automatically discharge extinguishing agent directly on the burning material to extinguish or control a fire.

(dd) "Maintenance," means the performance of services on fire protection equipment and systems to assure that they will perform as expected in the event of a fire. Maintenance differs from inspection in that maintenance requires the checking of internal fitting, devices and agent supplies.

(ee) "Multipurpose dry chemical," means a dry chemical which is approved for use on Class A, Class B and Class C fires.

(ff) "Outer shell," is the exterior layer of material on the fire coat and protective trousers which forms the outermost barrier between the fire fighter and the environment. It is attached to the vapor barrier and liner and is usually constructed with a storm flap, suitable closures, and pockets.

(gg) "Positive-pressure breathing apparatus," means self-contained breathing apparatus in which the pressure in the breathing zone is positive in relation to the immediate environment during inhalation and exhalation.

(hh) "Predischage employee alarm," means an alarm which will sound at a set time prior to actual discharge of an extinguishing system so that employees may evacuate the discharge area prior to system discharge.

(ii) "Quick disconnect valve," means a device which starts the flow of air by inserting of the hose (which leads from the facepiece) into the regulator of self-contained breathing apparatus, and stops the flow of air by disconnection of the hose from the regulator.

(jj) "Sprinkler alarm," means an approved device installed so that any waterflow from a sprinkler system equal to or greater than that from single automatic sprinkler will result in an audible alarm signal on the premises.

(kk) "Sprinkler system," means a system of piping designed in accordance with fire protection engineering standards and installed to control or extinguish fires. The system includes an adequate and reliable water supply, and a network of specially sized piping and sprinklers which are interconnected. The system also includes a control valve and a device for actuating an alarm when the system is in operation.

(ll) "Standpipe systems:"

(i) "Class I standpipe system," means a two and one-half-inch (6.3 cm) hose connection for use by fire departments and those trained in handling heavy fire streams.

(ii) "Class II standpipe system," means a one and one-half-inch (3.8 cm) hose system which provides a means for the control or extinguishment of incipient stage fires.

(iii) "Class III standpipe system," means a combined system of hose which is for the use of employees trained in the use of hose operations and which is capable of furnishing effective water discharge during the more advanced stages of fire (beyond the incipient stage) in the interior of

workplaces. Hose outlets are available for both one and one-half-inch (3.8 cm) and two and one-half-inch (6.3 cm) hose.

(iv) "Small hose system," means a system of hose ranging in diameter from five-eighths-inch (1.6 cm) up to one and one-half-inch (3.8 cm) which is for the use of employees and which provides a means for the control and extinguishment of incipient stage fires.

(mm) "Total flooding system," means a fixed suppression system which is arranged to automatically discharge a predetermined concentration of agent into an enclosed space for the purpose of fire extinguishment or control.

(nn) "Training," means the process of making proficient through instruction and hands-on practice in the operation of equipment, including respiratory protection equipment, that is expected to be used in the performance of assigned duties.

(oo) "Vapor barrier," means that material used to prevent or substantially inhibit the transfer of water, corrosive liquids and steam or other hot vapors from the outside of a garment to the wearer's body.

AMENDATORY SECTION (Amending Order 93-17, filed 3/2/94, effective 3/1/95)

WAC 296-24-73501 General requirements. This section applies to all permanent places of employment, except where domestic ~~((or))~~, mining, or agricultural work only is performed. ~~((This section shall apply to agriculture March 1, 1995.))~~ Construction work is not to be deemed as a permanent place of employment. Measures for the control of toxic materials are considered to be outside the scope of this section.

AMENDATORY SECTION (Amending WSR 94-16-145, filed 8/3/94, effective 9/12/94)

WAC 296-62-05407 Hazard determination. (1) Chemical manufacturers and importers shall evaluate chemicals produced in their workplaces or imported by them to determine if they are hazardous. Employers are not required to evaluate chemicals unless they choose not to rely on the evaluation performed by the chemical manufacturer or importer for the chemical to satisfy this requirement.

(2) Chemical manufacturers, importers or employers evaluating chemicals shall identify and consider the available scientific evidence concerning physical and health hazards. For health hazards, evidence which is statistically significant and which is based on at least one positive study conducted in accordance with established scientific principles is considered to be sufficient to establish a hazardous effect if the results of the study meet the definitions of health hazards in this part. WAC 296-62-05421, Appendix A, shall be consulted for the scope of health hazards covered, and WAC 296-62-05423, Appendix B, shall be consulted for the criteria to be followed with respect to the completeness of the evaluation, and the data to be reported.

(3) The chemical manufacturer, importer or employer evaluating chemicals shall treat the following sources as establishing that the chemicals listed in them are hazardous:

(a) Chapter 296-62 WAC, General occupational health standard;

(b) 29 CFR Part 1910, Subpart Z, Toxic and Hazardous Substances, Occupational Safety and Health Administration (OSHA); or

(c) *Threshold Limit Values for Chemical Substances and Physical Agents in the Work Environment*, American Conference of Governmental Industrial Hygienists (ACGIH) (latest edition).

~~(Note:)~~ (d) The chemical manufacturer, importer, or employer is ~~(still)~~ responsible for evaluating the hazards associated with the chemicals in these source lists in accordance with this requirement of the standard.

(4) Chemical manufacturers, importers and employers evaluating chemicals shall treat the following sources as establishing that a chemical is a carcinogen or potential carcinogen for hazard communication purposes:

(a) National Toxicology Program (NTP), Annual Report on Carcinogens (latest edition);

(b) International Agency for Research on Cancer (IARC) Monographs (latest editions);

(c) Chapter 296-62 WAC, General occupational health standards; or

(d) 29 CFR Part 1910, Subpart Z, Toxic and Hazardous Substances, Occupational Safety and Health Administration.

Note: The *Registry of Toxic Effects of Chemical Substances* published by the National Institute for Occupational Safety and Health indicates whether a chemical has been found by NTP or IARC to be a potential carcinogen.

(5) The chemical manufacturer, importer or employer shall determine the hazards of mixtures of chemicals as follows:

(a) If a mixture has been tested as a whole to determine its hazards, the results of such testing shall be used to determine whether the mixture is hazardous;

(b) If a mixture has not been tested as a whole to determine whether the mixture is a health hazard, the mixture shall be assumed to present the same health hazards as do the components which comprise one percent (by weight or volume) or greater of the mixture, except that the mixture shall be assumed to present a carcinogenic hazard if it contains a component in concentrations of 0.1 percent or greater which is considered to be a carcinogen under WAC 296-62-05407(4);

(c) If a mixture has not been tested as a whole to determine whether the mixture is a physical hazard, the chemical manufacturer, importer, or employer may use whatever scientifically valid data is available to evaluate the physical hazard potential of the mixture; and

(d) If the chemical manufacturer, importer, or employer has evidence to indicate that a component present in the mixture in concentrations of less than one percent (or in the case of carcinogens, less than 0.1 percent) could be released in concentrations which would exceed an established WISHA or OSHA permissible exposure limit or ACGIH threshold limit value, or could present a health risk to employees in those concentrations, the mixture shall be assumed to present the same hazard.

(6) Chemical manufacturers, importers, or employers evaluating chemicals shall describe in writing the procedures they use to determine the hazards of the chemical they evaluate. The written procedures are to be made available,

upon request, to employees, their designated representatives, the director or his/her designee and the National Institute of Occupational Safety and Health (NIOSH). The written description may be incorporated into the written hazard communication program required under WAC 296-62-05409.

AMENDATORY SECTION (Amending WSR 94-16-145, filed 8/3/94, effective 9/12/94)

WAC 296-62-05403 Scope and application. (1) This part requires chemical manufacturers or importers to assess the hazards of chemicals which they produce or import, and all employers to provide information to their employees about the hazardous chemicals to which they are exposed, by means of a hazard communication program, labels and other forms of warning, material safety data sheets, and information and training. In addition, this part requires distributors to transmit the required information to employers.

Employers who do not produce or import chemicals need only focus on those parts of this rule that deal with establishing a workplace program and communicating information to their workers. Appendix E of this section is a general guide for such employers to help them determine their compliance obligations under the rule.

Even though the Occupational Safety and Health Administration (OSHA) PELs or American Conference of Governmental Industrial Hygienists (ACGIH) threshold limit values (TLVs) may be printed on the material safety data sheet (MSDS), employers within Washington state are required to use the permissible exposure limits (PELs) established in Washington state as listed in the general occupational health standard, WAC 296-62-075, for evaluation of employee exposures and training ((even though the Occupational Safety and Health Administration (OSHA) PELs or American Conference of Governmental Industrial Hygienists (ACGIH) threshold limit values (TLVs) may be printed on a material safety data sheet (MSDS))).

(2) This part applies to any chemical which is known to be present in the workplace in such a manner that employees may be exposed under normal conditions of use or in a foreseeable emergency.

(3) This part applies to laboratories only as follows:

(a) Employers shall ensure that labels on incoming containers of hazardous chemicals are not removed or defaced;

(b) Employers shall maintain any material safety data sheets that are received with incoming shipments of hazardous chemicals, and ensure that they are readily accessible to laboratory employees when they are in their work areas;

(c) Employers shall ensure that laboratory employees are provided information and training in accordance with WAC 296-62-05415, except for the location and availability of the written hazard communication program under WAC 296-62-05415 (1)(c); and

Note: Laboratories are not required to have a written hazard communication program, but they may be required to have a written chemical hygiene plan under WAC 296-62-400.

(d) Laboratory employers that ship hazardous chemicals are considered to be either a chemical manufacturer or a distributor under this rule, and thus must ensure that any containers of hazardous chemicals leaving the laboratory are labeled in accordance with WAC 296-62-05411, and that a

material safety data sheet is provided to distributors and other employers in accordance with WAC 296-62-05413.

(4) In work operations where employees only handle chemicals in sealed containers which are not opened under normal conditions of use (such as are found in marine cargo handling, warehousing, or retail sales), this part applies to these operations only as follows:

(a) Employers shall ensure that labels on incoming containers of hazardous chemicals are not removed or defaced;

(b) Employers shall maintain copies of any material safety data sheets that are received with incoming shipments of the sealed containers of hazardous chemicals, shall obtain a material safety data sheet as soon as possible for sealed containers of hazardous chemicals received without a material safety data sheet if an employee requests the material safety data sheet, and shall ensure that the material safety data sheets are readily accessible during each work shift to employees when they are in their work area(s); and

(c) Employers shall ensure that employees are provided with information and training in accordance with WAC 296-62-05415 (except for the location and availability of the written hazard communication program under WAC 296-62-05415 (1)(c)) to the extent necessary to protect them in the event of a spill or leak of a hazardous chemical from a sealed container.

(5) This part does not require labeling of the following chemicals:

(a) Any pesticide as such term is defined in the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), when subject to the labeling requirements of that act and labeling regulations issued under that act by the Environmental Protection Agency;

(b) Any chemical substance or mixture as such terms are defined in the Toxic Substance Control Act (15 U.S.C. 2601 et seq.), when subject to the labeling requirements of that act and labeling requirements issued under that act by the Environmental Protection Agency;

(c) Any food, food additive, color additive, drug, cosmetic, or medical or veterinary device or product, including materials intended for use as ingredients in such products (e.g., flavors and fragrances), as such terms are defined in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or the Virus-Serum Toxin Act of 1913 (21 U.S.C. 151 et seq.) and regulations issued under those acts, when they are subject to the labeling requirements under those acts by either the Food and Drug Administration or the department of agriculture;

(d) Any distilled spirits (beverage alcohols), wine, or malt beverage intended for nonindustrial use, as such terms are defined in the Federal Alcohol Administration Act (27 U.S.C. 201 et seq.) and regulations issued under that act, when subject to the labeling requirements of that act and labeling regulations issued under that act by the Bureau of Alcohol, Tobacco, and Firearms;

(e) Any consumer product or hazardous substance as those terms are defined in the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) and Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) respectively, when subject to a consumer product safety standard or labeling requirement of those acts, or regulations issued under those acts by the Consumer Product Safety Commission; and

(f) Agricultural or vegetable seed treated with pesticides and labeled in accordance with the Federal Seed Act (7 U.S.C. 1551 et seq.) and the labeling requirements issued under that act by the department of agriculture.

(6) This part does not apply to:

(a) Any hazardous waste as such term is defined by the Hazardous Waste Management Act chapter 70.105 RCW, when subject to regulations issued under that act by the department of ecology which describes specific safety, labeling, personnel training and other standards for the accumulation, handling and management of hazardous waste;

(b) Any hazardous waste as such term is defined by the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6901 et seq.), when subject to regulations issued under that act by the Environmental Protection Agency;

(c) Any hazardous substance as such term is defined by the Comprehensive Environmental Response, Compensation(±) and Liability Act (CERCLA) (42 U.S.C. 9601 et seq.), when ~~((subject to regulations issued under that act by))~~ the hazardous substance is the focus of remedial or removal action being conducted under CERCLA in accordance with Environmental Protection Agency regulations;

(d) Tobacco or tobacco products;

(e) Wood or wood products, including lumber which will not be processed, where the chemical manufacturer or importer can establish that the only hazard they pose to the employees is the potential for flammability or combustibility (wood or wood products which have been treated with hazardous chemicals covered by this standard, and wood which may be subsequently sawed or cut, generating dust, are not exempted);

(f) Articles (as that term is defined in WAC 296-62-05405(1));

(g) Food or alcoholic beverages which are sold, used, or prepared in a retail establishment (such as grocery store, restaurant, or drinking place), and foods intended for personal consumption by employees while in the workplace;

(h) Any drug, as that term is defined in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), when it is in solid, final form for direct administration to the patient (e.g., tablets or pills); drugs which are packaged by the chemical manufacturer for sale to consumers in a retail establishment (e.g., over-the-counter drugs); and drugs intended for personal consumption by employees while in the workplace (e.g., first aid supplies);

(i) Cosmetics which are packaged for sale to consumers in a retail establishment, and cosmetics intended for personal consumption by employees while in the workplace;

(j) Any consumer product or hazardous substance, as those terms are defined in the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) and Federal Hazardous Substance Act (15 U.S.C. 1261 et seq.) respectively, where the employer can show that it is used in the workplace for the purpose intended by the chemical manufacturer or importer of the product, and the use results in a duration and frequency of exposure which is not greater than the range of exposures that could reasonably be experienced by consumers when used for the purpose intended;

(k) Ionizing and nonionizing radiation; and

(l) Biological hazards.

AMENDATORY SECTION (Amending WSR 94-16-145, filed 8/3/94, effective 9/12/94)

WAC 296-62-05405 Definitions applicable to this part. (1) Article means a manufactured item other than a fluid or particle:

(a) Which is formed to a specific shape or design during manufacture;

(b) Which has end use function(s) dependent in whole or in part upon its shape or design during end use; and

(c) Which under normal conditions of use does not release more than very small quantities, e.g., minute or trace amounts of a hazardous chemical (as determined under WAC 296-62-05407), and does not pose a physical hazard or health risk to employees.

(2) Chemical means any element, chemical compound or mixture of elements and/or compounds.

(3) Chemical manufacturer means an employer with a workplace where chemical(s) are produced for use or distribution.

(4) Chemical name means the scientific designation of a chemical in accordance with the nomenclature system developed by the International Union of Pure and Applied Chemistry (IUPAC) or the Chemical Abstracts Service (CAS) rules of nomenclature, or a name which will clearly identify the chemical for the purpose of conducting a hazard evaluation.

(5) Combustible liquid means any liquid having a flashpoint at or above 100°F (37.8°C), but below 200°F (93.3°C), except any mixture having components with flashpoints of 200°F (93.3°C), or higher, the total volume of which make up ninety-nine percent or more of the total volume of the mixture.

(6) Commercial account means an arrangement whereby a retail distributor sells hazardous chemical(s) to an employer, generally in large quantities over time and/or at costs that are below the regular retail price.

(7) Common name means any designation or identification such as code name, code number, trade name, brand name or generic name used to identify a chemical other than by its chemical name.

(8) Compressed gas means:

(a) A gas or mixture of gases having, in a container, an absolute pressure exceeding 40 psi at 70°F (21.1°C); or

(b) A gas or mixture of gases having, in a container, an absolute pressure exceeding 104 psi at 130°F (54.4°C) regardless of the pressure at 70°F (21.1°C); or

(c) A liquid having a vapor pressure exceeding 40 psi at 100°F (37.8°C) as determined by ASTM D-323-72.

(9) Container means any bag, barrel, bottle, box, can, cylinder, drum, reaction vessel, storage tank, or the like that contains a hazardous chemical. For purposes of this part, pipes or piping systems are not considered to be containers.

(10) Designated representative means any individual or organization to whom an employee gives written authorization to exercise such employee's rights under this section. A recognized or certified collective bargaining agent shall be treated automatically as a designated representative without regard to written employee authorization.

(11) Director means the director of the department of labor and industries or his/her designee.

(12) Distributor means a business, other than a chemical manufacturer or importer, which supplies hazardous chemicals to other distributors or to employers.

(13) Employee means an employee of an employer who is employed in the business of his or her employer whether by way of manual labor or otherwise and every person in this state who is engaged in the employment of or who is working under an independent contract the essence of which is personal labor for an employer under this standard whether by way of manual labor or otherwise. However, for the purposes of this part, employee shall not mean immediate family members of the officers of any corporation, partnership, sole proprietorship, or other business entity or officers of any closely held corporation engaged in agricultural production of crops or livestock. This part applies to employees who may be exposed to hazardous chemicals under normal operating conditions or in foreseeable emergencies.

(14) Employer means any person, firm, corporation, partnership, business trust, legal representative, or other business entity that engages in any business, industry, profession, or activity in this state and employs one or more employees or who contract with one or more persons, the essence of which is the personal labor of such person or persons and includes the state, counties, cities, and all municipal corporations, public corporations, political subdivisions of the state, and charitable organizations. This part applies to employers engaged in a business where chemicals are either used, distributed, or are produced for use or distribution, including a contractor or subcontractor.

(15) Explosive means a chemical that causes a sudden, almost instantaneous release of pressure, gas, and heat when subjected to sudden shock, pressure, or high temperature.

(16) Exposure or exposed means that an employee is/was subjected to a hazardous chemical in the course of employment through any route of entry (inhalation, ingestion, skin contact or absorption, etc.), and includes potential (e.g., accidental or possible) exposure.

(17) Flammable means a chemical that falls into one of the following categories:

(a) Aerosol flammable means an aerosol that, when tested by the method described in 16 CFR 1500.45 yields a flame projection exceeding eighteen inches at full valve opening, or a flashback (a flame extending back to the valve) at any degree of valve opening;

(b) Gas, flammable means:

(i) A gas that, at ambient temperature and pressure, forms a flammable mixture with air at a concentration of thirteen percent by volume or less; or

(ii) A gas that, at ambient temperature and pressure, forms a range of flammable mixtures with air wider than twelve percent by volume, regardless of the lower limit;

(c) Liquid, flammable means any liquid having a flashpoint below 100°F (37.8°C), except any mixture having components with flashpoints of 100°F (37.8°C) or higher, the total of which make up ninety-nine percent or more of the total volume of the mixture.

(d) Solid, flammable means a solid, other than a blasting agent or explosive as defined in WAC 296-52-417 or 29 CFR 1910.109(a), that is liable to cause fire through friction, absorption of moisture, spontaneous chemical change, or retained heat from manufacturing or processing, or which

can be ignited readily and when ignited burns so vigorously and persistently as to create a serious hazard. A chemical shall be considered to be a flammable solid if, when tested by the method described in 16 CFR 1500.44, it ignites and burns with a self-sustained flame at a rate greater than one-tenth of an inch per second along its major axis.

(18) Flashpoint means the minimum temperature at which a liquid gives off a vapor in sufficient concentration to ignite when tested as follows:

(a) Tagliabue closed tester: (See American National Standard Method of Test for Flash Point by Tag Closed Tester, Z11.24-1979 (ASTM D 56-79)) for liquids with a viscosity of less than 45 Saybolt Universal Seconds (SUS) at 100°F (37.8°C), that do not contain suspended solids and do not have a tendency to form a surface film under test; or

(b) Pensky-Martens closed tester: (See American National Standard Method of Test for Flash Point by Pensky-Martens Closed Tester, Z11.7-1979 (ASTM D 93-79)) for liquids with a viscosity equal to or greater than 45 SUS at 100°F (37.8°C), or that contain suspended solids, or that have a tendency to form a surface film under test; or

(c) Setaflash closed tester: (See American National Standard Method of Test for Flash Point by Setaflash Closed Tester (ASTM D 3278-78)).

Note: Organic peroxides, which undergo autoaccelerating thermal decomposition, are excluded from any of the flashpoint determination methods specified above.

(19) Foreseeable emergency means any potential occurrence such as, but not limited to, equipment failure, rupture of containers, or failure of control equipment which could result in an uncontrolled release of a hazardous chemical into the workplace.

(20) Hazardous chemical means any chemical which is a physical hazard or a health hazard.

(21) Hazard warning means any words, pictures, symbols, or combination thereof appearing on a label or other appropriate form of warning which convey the specific physical ((☉)) and health hazard(s), including target organ effects, of the chemical(s) in the container(s). (See definition for "physical hazard" and "health hazard" to determine the hazards which must be covered.)

(22) Health hazard means a chemical for which there is statistically significant evidence based on at least one study conducted in accordance with established scientific principles that acute or chronic health effects may occur in exposed employees. The term "health hazard" includes chemicals which are carcinogens, toxic or highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic system, and agents which damage the lungs, skin, eyes, or mucous membranes. Appendix A provides further definitions and explanations of the scope of health hazards covered by this part, and Appendix B describes the criteria to be used to determine whether or not a chemical is to be considered hazardous for purposes of this standard.

(23) Identity means any chemical or common name which is indicated on the material safety data sheet (MSDS) for the chemical. The identity used shall permit cross-references to be made among the required list of hazardous chemicals, the label and the MSDS.

(24) Immediate use means that the hazardous chemical will be under the control of and used only by the person who transfers it from a labeled container and only within the work shift in which it is transferred.

(25) Importer means the first business within the Customs Territory of the United States which receives hazardous chemicals produced in other countries, for the purpose of supplying them to distributors or employers within the United States.

(26) Label means any written, printed, or graphic material displayed on or affixed to containers of hazardous chemicals.

(27) Material safety data sheet (MSDS) means written or printed material concerning a hazardous chemical which is prepared in accordance with WAC 296-62-05413.

(28) Mixture means any combination of two or more chemicals if the combination is not, in whole or in part, the result of a chemical reaction.

(29) Organic peroxide means an organic compound that contains the bivalent-O-O-structure and which may be considered to be a structural derivative of hydrogen peroxide where one or both of the hydrogen atoms has been replaced by an organic radical.

(30) Oxidizer means a chemical other than a blasting agent or explosive as defined in WAC 296-52-417 or CFR 1910.109(a), that initiates or promotes combustion in other materials, thereby causing fire either of itself or through the release of oxygen or other gases.

(31) Permissible exposure limits (PELs) refer to airborne concentrations of substances without regard to the use of respiratory protection and represent conditions under which it is believed that nearly all workers may be repeatedly exposed day after day without adverse effect. The permissible exposure limits (PELs) shall include the following four categories:

(a) Permissible exposure limits - Time-weighted average (PEL-TWA) is the time weighted average airborne exposure to any 8-hour work shift of a 40-work week which shall not be exceeded.

(b) Permissible exposure limits - Short-term exposure limit (PEL-STEL) is the employee's 15-minute time weighted average exposure which shall not be exceeded at any time during a work day unless another time limit is specified in a parenthetical notation below the limit. If another time period is specified, the time weighted average exposure over that time period shall not be exceeded at any time during the working day.

(c) Permissible exposure limits - Ceiling (PEL-C) is the employee's exposure which shall not be exceeded during any part of the work day. If instantaneous monitoring is not feasible, then the ceiling shall be assessed as a 15-minute time weighted average exposure which shall not be exceeded at any time over a working day.

(d) "Skin" notation is the potential contribution to the overall employee exposure by the cutaneous route including mucous membranes and eye, either by airborne, or more particularly, by direct contact with the substance. These substances are identified as having a "skin" notation in the OSHA and WISHA PEL tables (29 CFR Part 1910 Subpart Z and WAC 296-62-075, respectively).

(32) Physical hazard means a chemical for which there is scientifically valid evidence that it is a combustible liquid,

a compressed gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable (reactive) or water-reactive.

(33) Produce means to manufacture, process, formulate, blend, extract, generate, emit, or repackage.

(34) Purchaser means an employer with a workplace who purchases a hazardous chemical for use within that workplace.

(35) Pyrophoric means a chemical that will ignite spontaneously in air at a temperature of 130°F (54.4°C) or below.

(36) Responsible party means someone who can provide additional information on the hazardous chemical and appropriate emergency procedures, if necessary.

(37) Specific chemical identity means the chemical name, Chemical Abstracts Service (CAS) registry number, or any other information that reveals the precise chemical designation of the substance.

(38) Threshold limit values (TLVs) refer to airborne concentrations of substances without regard to the use of respiratory protection and represent conditions under which it is believed that nearly all workers may be repeatedly exposed day after day without adverse effect. The TLV includes the TLV-Time weighted average (TLV-TWA), TLV-Short term exposure limit (TLV-STEL), TLV-Ceiling (TLV-Ceiling) and "skin" notation as stated in the most recent edition of the *Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices* from the American Conference of Governmental Industrial Hygienists (ACGIH).

(39) Trade secret means any confidential formula, pattern, process, device, information or compilation of information that is used in an employer's business, and that gives the employer an opportunity to obtain an advantage over competitors who do not know or use it. WAC 296-62-05427, Appendix D, provides a legal definition of trade secret and WAC 296-62-05417 sets out the criteria to be used in evaluating trade secrets.

(40) Unstable (reactive) means a chemical which in the pure state, or as produced or transported, will vigorously polymerize, decompose, condense, or will become self-reactive under conditions of shocks, pressure or temperature.

(41) Use means to package, handle, react, emit, extract, generate as a by-product, or transfer.

(42) Water-reactive means a chemical that reacts with water to release a gas that is either flammable or presents a health hazard.

(43) Work area means a room or defined space in a workplace where hazardous chemicals are produced or used, and where employees are present.

(44) Workplace means an establishment, job site, or project, at one geographical location containing one or more work areas.

AMENDATORY SECTION (Amending WSR 94-16-145, filed 8/3/94, effective 9/12/94)

WAC 296-62-05413 Material safety data sheets. (1) Chemical manufacturers and importers shall obtain or develop a material safety data sheet (MSDS) for each hazardous chemical they produce or import. Employers shall

have a material safety data sheet in the workplace for each hazardous chemical which they use.

(2) Each material safety data sheet shall be in English (although the employer may maintain copies in other languages ~~((as one way to provide employees with effective information and training as required by WAC 296-62-05415)))~~ and shall contain at least the following information:

(a) The identity used on the label, and, except as provided for in WAC 296-62-05417 on trade secrets:

(i) If the hazardous chemical is a single substance, its chemical and common name(s);

(ii) If the hazardous chemical is a mixture which has been tested as a whole to determine its hazards, the chemical and common name(s) of the ingredients which contribute to these known hazards, and the common name(s) of the mixture itself; or

(iii) If the hazardous chemical is a mixture which has not been tested as a whole:

(A) The chemical and common name(s) of all ingredients which have been determined to be health hazards, and which comprise 1% or greater of the composition, except that chemicals identified as carcinogens under WAC 296-62-05407(4) shall be listed if the concentrations are 0.1% or greater; and

(B) The chemical and common name(s) of all ingredients which have been determined to be health hazards, and which comprise less than one percent (0.1% for carcinogens) of the mixture, if there is evidence that the ingredient(s) could be released from the mixture in concentrations which would exceed an established WISHA or OSHA permissible exposure limit or ACGIH Threshold Limit Value, or could present a health risk to employees; and

(C) The chemical and common name(s) of all ingredients which have been determined to present a physical hazard when present in the mixture;

(b) Physical and chemical characteristics of the hazardous chemical (such as vapor pressure, flash point);

(c) The physical hazards of the hazardous chemical, including the potential for fire, explosion, and reactivity;

(d) The acute and chronic health hazards of the hazardous chemical, including signs and symptoms of exposure, and any medical conditions which are generally recognized as being aggravated by exposure to the chemical;

(e) The primary route(s) of entry;

(f) The WISHA or OSHA permissible exposure limit, ACGIH threshold limit value, and any other exposure limit used or recommended by the chemical manufacturer, importer, or employer preparing the material safety data sheet (the PELs and TLVs include the 8-hour TWA, STEL, ceiling value and skin notation defined in WAC 296-62-05405), where available;

(g) Whether the hazardous chemical is listed in the National Toxicology Program (NTP) Annual Report on Carcinogens (latest edition) or has been found to be a potential carcinogen in the International Agency for Research on Cancer (IARC) Monographs (latest editions), or by WISHA or OSHA;

(h) Any generally applicable precautions for safe handling and use which are known to the chemical manufacturer, importer or employer preparing the material safety data sheet, including appropriate hygienic practices, protective

measures during repair and maintenance of contaminated equipment, and procedures for clean-up of spills and leaks;

(i) Any generally applicable control measures which are known to the chemical manufacturer, importer or employer preparing the material safety data sheet, such as appropriate engineering controls, work practices, or personal protective equipment;

(j) Emergency and first aid procedures;

(k) The date of preparation of the material safety data sheet or the last change to it; and

(l) The name, address and telephone number of the chemical manufacturer, importer, employer or other responsible party preparing or distributing the material safety data sheet, who can provide additional information on the hazardous chemical and appropriate emergency procedures, if necessary.

(3) If no relevant information is found for any given category on the material safety data sheet, the chemical manufacturer, importer or employer preparing the material safety data sheet shall mark it to indicate that no applicable information was found.

(4) Where complex mixtures have similar hazards and contents (i.e. the chemical ingredients are essentially the same, but the specific composition varies from mixture to mixture), the chemical manufacturer, importer or employer may prepare one material safety data sheet to apply to all of these similar mixtures.

(5) The chemical manufacturer, importer or employer preparing the material safety data sheet shall ensure that the information recorded accurately reflects the scientific evidence used in making the hazard determination. If the chemical manufacturer, importer or employer preparing the material safety data sheet becomes newly aware of any significant information regarding the hazards of a chemical, or ways to protect against the hazards, this new information shall be added to the material safety data sheet within three months. If the chemical is not currently being produced or imported the chemical manufacturer or importer shall add the information to the material safety data sheet before the chemical is introduced into the workplace again.

(6)(a) Chemical manufacturers or importers shall ensure that distributors and employers are provided an appropriate material safety data sheet with their initial shipment, and with the first shipment after a material safety data sheet is updated;

(b) The chemical manufacturer or importer shall either provide material safety data sheets with the shipped containers or send them to the distributor or employer prior to or at the time of the shipment;

(c) If the material safety data sheet is not provided with a shipment that has been labeled as a hazardous chemical, the distributor or employer shall obtain one from the chemical manufacturer or importer as soon as possible; and

(d) The chemical manufacturer or importer shall also provide distributors or employers with a material safety data sheet upon request.

(7) (a) Distributors shall ensure that material safety data sheets, and updated information, are provided to other distributors and employers with their initial shipment and with the first shipment after a material safety data sheet is updated;

(b) The distributor shall either provide material safety data sheets with the shipped containers, or send them to the other distributor or employer prior to or at the time of the shipment;

(c) Retail distributors selling hazardous chemicals to employers having a commercial account shall provide a material safety data sheet to such employers upon request, and shall post a sign or otherwise inform them that a material safety data sheet is available;

(d) Wholesale distributors selling hazardous chemicals to employers over-the-counter may also ~~((as an alternative to keeping a file of material safety data sheets for all hazardous chemicals they sell,))~~ provide material safety data sheets ~~((upon the request of the employer at the time of the over the counter purchase, and shall post a sign or otherwise inform such employers that a material safety data sheet is available));~~

(e) If an employer without a commercial account purchases a hazardous chemical from a retail distributor not required to have material safety data sheets on file (i.e., the retail distributor does not have a commercial account and does not use the materials), the retail distributor shall provide the employer, upon request, with the name, address, and telephone number of the chemical manufacturer, importer, or distributor from which a material safety data sheet can be obtained;

(f) Wholesale distributors shall also provide material safety data sheets to employers or other distributors upon request; and

(g) Chemical manufacturers, importers, and distributors need not provide material safety data sheets to retail distributors that have informed them that the retail distributor does not sell the product to commercial accounts or open the sealed container to use it in their own workplaces.

(8) The employer shall maintain in the workplace copies of the required material safety data sheets for each hazardous chemical, and shall ensure that they are readily accessible during each work shift to employees when they are in their work area(s). (Electronic access, microfiche, and other alternatives to maintaining paper copies of the material safety data sheets are permitted as long as no barriers to immediate employee access in each workplace are created by such options.)

(9) Where employees must travel between workplaces during a workshift, i.e., their work is carried out at more than one geographical location, the material safety data sheets may be kept at a central location at the primary workplace facility. In this situation, the employer shall ensure that employees can immediately obtain the required information in an emergency.

(10) Material safety data sheets may be kept in any form, including operating procedures, and may be designed to cover groups of hazardous chemicals in a work area where it may be more appropriate to address the hazards of a process rather than individual hazardous chemicals. However, the employer shall ensure that in all cases the required information is provided for each hazardous chemical, and is readily accessible during each work shift to employees when they are in their work area(s).

(11) Material safety data sheets shall also be made readily available, upon request, to designated representatives and to the director or his/her designee in accordance with the

requirements of WAC 296-62-05209. NIOSH shall also be given access to material safety data sheets in the same manner.

(12) If a purchaser has not received a material safety data sheet within thirty calendar days after making a written request to the chemical manufacturer, importer, or distributor in accordance with WAC 296-62-05413(6), he/she may make a written request for assistance to the Department of Labor and Industries, Right-to-Know Program, P.O. Box 44610, Olympia, Washington 98504-4610. Such written request shall include:

(a) A copy of the purchaser's written request to the chemical manufacturer, importer, or distributor;

(b) The name of the product suspected of containing a hazardous chemical;

(c) The identification number of the product if available;

(d) A copy of the product label if available; and

(e) The name and address of the chemical manufacturer, importer, or distributor from whom the product was obtained.

Upon receipt of a written request for material safety data sheet, the department shall attempt to procure the material safety data sheet from the chemical manufacturer, importer or distributor and upon procurement, shall forward a copy of the material safety data sheet at no cost to the purchaser. In providing this service priority will be given to small employers.

AMENDATORY SECTION (Amending WSR 95-04-006, filed 1/18/95, effective 3/10/95)

WAC 296-304-010 Scope and application. (1) The provisions and standards of the general safety and health standards, chapters 296-24 and 296-62 WAC, and such other codes and standards as are promulgated by the department of labor and industries which are applicable to all industries, shall be applicable in the ship repairing, shipbuilding, or shipbreaking industries whenever the employees are covered under the Washington State Industrial Safety and Health Act, chapter 49.17 RCW. The rules of this chapter and the rules of the aforementioned chapters 296-24 and 296-62 WAC are applicable to all ship repairing, shipbuilding, and shipbreaking industries and operations, provided that such rules shall not be applicable to those operations under the exclusive safety jurisdiction of the federal government.

(2) The responsibility for compliance with these regulations is placed upon "employers" as defined in WAC 296-304-01001(3).

(3) It is not the intent of these regulations to place additional responsibilities or duties on owners, operators, agents or masters of vessels unless such persons are acting as employers, nor is it the intent of these regulations to relieve such owners, operators, agents or masters of vessels from responsibilities or duties now placed upon them by law, regulation or custom.

(4) The responsibilities placed upon the competent person herein shall be deemed to be the responsibilities of the employer.

~~((5) Safety standards for ship repairing, shipbuilding, and shipbreaking are written, promulgated, and applicable to workplace hazards found in shipyards and boatyards located on navigable waters, provided such installations are not~~

~~under the exclusive safety jurisdiction of the federal government or the United States Coast Guard. Such operations shall include adjoining shore installations such as wharves, drydocks, graving docks, terminals, building ways, marine railways, and other adjoining areas customarily used by the employer in ship repairing, shipbuilding, or shipbreaking operations.~~

~~(6) Small vessel manufacturing operations not located on navigable waters shall be cited from general safety and health standards, chapters 296-24 and 296-62 WAC.)~~

AMENDATORY SECTION (Amending WSR 95-04-006, filed 1/18/95, effective 3/10/95)

WAC 296-304-02003 Precautions and the order of testing before entering confined and enclosed spaces and other dangerous atmospheres. The employer shall ensure that atmospheric testing is performed in the following sequence: Oxygen content, flammability, toxicity.

(1) Oxygen content.

(a) The employer shall ensure that the following spaces are visually inspected and tested by a competent person to determine the atmosphere's oxygen content prior to initial entry into the space by an employee:

(i) Spaces that have been sealed, such as, but not limited to, spaces that have been coated and closed up, and nonventilated spaces that have been freshly painted;

(ii) Spaces and adjacent spaces that contain or have contained combustible or flammable liquids or gases;

(iii) Spaces and adjacent spaces that contain or have contained liquids, gases, or solids that are toxic, corrosive, or irritant;

(iv) Spaces and adjacent spaces that have been fumigated; and

(v) Spaces containing materials or residues of materials that create an oxygen-deficient atmosphere.

(b) If the space to be entered contains an oxygen deficient atmosphere, the space shall be labeled "not safe for workers" or, if oxygen-enriched, "not safe for workers—not safe for hot work." If an oxygen-deficient or oxygen-enriched atmosphere is found, ventilation shall be provided at volumes and flow rates sufficient to ensure that the oxygen content is maintained at or above 19.5 percent and below 22.0 percent by volume. The warning label may be removed when the oxygen content is equal to or greater than 19.5 and less than 22.0 percent by volume.

(c) An employee may not enter a space where the oxygen content, by volume, is below 19.5 percent or above 22.0 percent.

Exception: An employee may enter for emergency rescue or for a short duration for installation of ventilation equipment necessary to start work in the space provided:

(i) The atmosphere in the space is monitored for oxygen content, by volume, continuously; and

(ii) Respiratory protection and other appropriate personal protective equipment and clothing are provided in accordance with WAC 296-304-090 through 296-304-09007.

Note to (a): Other provisions for work in IDLH atmospheres are located in WAC 296-304-090 through 296-304-09007.

(2) Flammable atmospheres.

(a) The employer shall ensure that spaces and adjacent spaces that contain or have contained combustible or flammable liquids or gases are:

(i) Inspected visually by the competent person to determine the presence of combustible or flammable liquids; and

(ii) Tested by a competent person prior to entry by an employee to determine the concentration of flammable vapors and gases within the space.

(b) If the concentration of flammable vapors or gases in the space to be entered is equal to or greater than 10 percent of the lower explosive limit, the space shall be labeled "not safe for workers" and "not safe for hot work." Ventilation shall be provided at volumes and flow rates sufficient to ensure that the concentration of flammable vapors is maintained below 10 percent of the lower explosive limit. The warning labels may be removed when the concentration of flammable vapors is below 10 percent of the lower explosive limit.

(c) An employee may not enter a space where the concentration of flammable vapors or gases is equal to or greater than 10 percent of the lower explosive limit. Exception: An employee may enter for emergency rescue or for a short duration for installation of ventilation equipment necessary to start work in the space, provided:

(i) No ignition sources are present;

(ii) The atmosphere in the space is monitored continuously;

(iii) ~~(The atmosphere in the space is maintained above the upper explosive limit.)~~ Atmospheres at or above the upper explosive limit are maintained; and

(iv) Respiratory protection and other appropriate personal protective equipment and clothing are provided in accordance with WAC 296-304-090 through 296-304-09007.

Note 1 to (2): Additional provisions for work in IDLH atmospheres are located in WAC 296-304-090 through 296-304-09007.

Note 2 to (2): Additional provisions for work in spaces containing a flammable substance which also has a permissible exposure limit, are located in subsection (3) of this section and chapter 296-62 WAC, Part H.

(3) Toxic, corrosive, irritant or fumigated atmospheres and residues.

(a) The employer shall ensure that spaces or adjacent spaces that contain or have contained liquids, gases, or solids that are toxic, corrosive or irritant are:

(i) Inspected visually by the competent person to determine the presence of toxic, corrosive, or irritant residue contaminants; and

(ii) Tested by a competent person prior to initial entry by an employee to determine the air concentration of toxics, corrosives, or irritants within the space.

(b) If a space contains an air concentration of a material which exceeds a chapter 296-62 WAC, Part H, permissible exposure limit (PEL) or is IDLH, the space shall be labeled "not safe for workers." Ventilation shall be provided at volumes and flow rates which will ensure that air concentrations are maintained within the PEL or, in the case of contaminants for which there is no established PEL, below the IDLH. The warning label may be removed when the concentration of contaminants is maintained within the PEL or below IDLH level.

(c) If a space cannot be ventilated to within the PELs or is IDLH, a marine chemist or CIH must re-test until the space can be certified "enter with restrictions" or "safe for workers."

(d) An employee may not enter a space whose atmosphere exceeds a PEL or is IDLH.

Exception: An employee may enter for emergency rescue, or for a short duration for installation of ventilation equipment provided:

(i) The atmosphere in the space is monitored continuously;

(ii) Respiratory protection and other necessary and appropriate personal protective equipment and clothing are provided in accordance with WAC 296-304-090 through 296-304-09007.

Note to (3): Other provisions for work in IDLH atmospheres are located in WAC 296-304-090 through 296-304-09007.

(4) Training of employees entering confined and enclosed spaces or other dangerous atmospheres.

(a) The employer shall ensure that each employee that enters a confined or enclosed space and other areas with dangerous atmospheres is trained to perform all required duties safely.

(b) The employer shall ensure that each employee who enters a confined space, enclosed space, or other areas with dangerous atmospheres is trained to:

(i) Recognize the characteristics of the confined space;

(ii) Anticipate and be aware of the hazards that may be faced during entry;

(iii) Recognize the adverse health effects that may be caused by the exposure to a hazard;

(iv) Understand the physical signs and reactions related to exposures to such hazards;

(v) Know what personal protective equipment is needed for safe entry into and exit from the space;

(vi) Use personal protective equipment; and

(vii) Where necessary, be aware of the presence and proper use of barriers that may be needed to protect an entrant from hazards.

(c) The employer shall ensure that each entrant into confined or enclosed spaces or other dangerous atmospheres is trained to exit the space or dangerous atmosphere whenever:

(i) The employer or his or her representative orders evacuation;

(ii) An evacuation signal such as an alarm is activated; or

(iii) The entrant perceives that he or she is in danger.

(d) The employer shall provide each employee with training:

(i) Before the entrant begins work addressed by this chapter; and

(ii) Whenever there is a change in operations or in an employee's duties that presents a hazard about which the employee has not previously been trained.

(e) The employer shall certify that the training required by (a) through (d) of this subsection has been accomplished.

(i) The certification shall contain the employee's name, the name of the certifier, and the date(s) of the certification.

(ii) The certification shall be available for inspection by the director, employees, and their representatives.

(5) Rescue teams. The employer shall either establish a shipyard rescue team or arrange for an outside rescue team which will respond promptly to a request for rescue service.

(a) Shipyard rescue teams shall meet the following criteria:

(i) Each employee assigned to the shipyard team shall be provided with and trained to use the personal protective equipment he or she will need, including respirators and any rescue equipment necessary for making rescues from confined and enclosed spaces and other dangerous atmospheres.

(ii) Each employee assigned to the shipyard rescue team shall be trained to perform his or her rescue functions including confined and enclosed and other dangerous atmosphere entry.

(iii) Shipyard rescue teams shall practice their skills at least once every 12 months. Practice drills shall include the use of mannequins and rescue equipment during simulated rescue operations involving physical facilities that approximate closely those facilities from which rescue may be needed.

Note to (5)(a)(iii): If the team (~~preforms~~) performs an actual rescue during the 12 month period, an additional practice drill for that type of rescue is not required.

(iv) At least one person on each rescue team shall maintain current certification in basic first aid which includes maintenance of an airway, control of bleeding, maintenance of circulation and cardiopulmonary resuscitation (CPR) skills.

(b) The employer shall inform outside rescue teams of the hazards that the team may encounter when called to perform confined and enclosed space or other dangerous atmosphere rescue at the employer's facility so that the rescue team can be trained and equipped.

Note to (5): The criteria for in-house rescue, listed in (5)(a) can be used by the employer in evaluating outside rescue services.

(6) Exchanging hazard information between employers. Each employer whose employees work in confined and enclosed spaces or other dangerous atmospheres shall ensure that all available information on the hazards, safety rules, and emergency procedures concerning those spaces and atmospheres is exchanged with any other employer whose employees may enter the same spaces.

AMENDATORY SECTION (Amending WSR 95-04-006, filed 1/18/95, effective 3/10/95)

WAC 296-304-02007 Hot work. (1) Hot work requiring testing by a marine chemist or Coast Guard authorized person.

(a) The employer shall ensure that hot work is not performed in or on any of the following confined and enclosed spaces and other dangerous atmospheres, boundaries of spaces or pipelines until the work area has been tested and certified by a marine chemist or a U.S. Coast Guard authorized person as "safe for hot work":

(i) Within, on, or immediately adjacent to spaces that contain or have contained combustible or flammable liquids or gases.

(ii) Within, on, or immediately adjacent to fuel tanks that contain or have last contained fuel; and

(iii) On pipelines, heating coils, pump fittings or other accessories connected to spaces that contain or have last contained fuel.

(iv) Exception: (~~Within spaces adjacent to spaces in which the flammable~~) On dry cargo, miscellaneous and passenger vessels and in the landside operations within spaces which meet the standards for oxygen, flammability and toxicity in WAC 296-304-02003, but are adjacent to spaces containing flammable gases or liquids, as long as the gases or liquids have a flash point below 150 deg. F (65.6 deg. C) and the distance between such spaces and the work is (~~greater than~~) 25 feet (7.5 m) or greater.

Note: For flammable liquids with flash points above 150 deg. F (65.6 deg. C), see subsection (2) of this section.

Note to (1)(a): The criteria for "safe for hot work" is located in the definition section, WAC 296-304-020(2).

(b) The certificate issued by the marine chemist or Coast Guard authorized person shall be posted in the immediate vicinity of the affected operations while they are in progress and kept on file for a period of at least three months from the date of the completion of the operation for which the certificate was generated.

(2) Hot work requiring testing by a competent person.

(a) Hot work is not permitted in or on the following spaces or adjacent spaces or other dangerous atmospheres until they have been tested by a competent person and determined to contain no concentrations of flammable vapors equal to or greater than 10 percent of the lower explosive limit:

(i) Dry cargo holds;

(ii) The bilges;

(iii) The engine room and boiler spaces for which a marine chemist or a Coast Guard authorized person certificate is not required under subsection (1)(a)(i) of this section; and

(iv) Vessels and vessel sections for which a marine chemist or Coast Guard authorized person certificate is not required under subsection (1)(a)(i) of this section; and

(v) Land-side confined and enclosed spaces or other dangerous atmospheres not covered by subsection (1)(a) of this section.

(b) If the concentration of flammable vapors or gases is equal to or greater than 10 percent of the lower explosive limit in the space or an adjacent space where the hot work is to be done, then the space shall be labeled "not safe for hot work" and ventilation shall be provided at volumes and flow rates sufficient to ensure that the concentration of flammable vapors or gases is below 10 percent by volume of the lower explosive limit. The warning label may be removed when the concentration of flammable vapors and gases are below 10 percent of the lower explosive limit.

Note to WAC 296-304-02007: See WAC 296-304-02013—Appendix A, for additional information relevant to performing hot work safely.

AMENDATORY SECTION (Amending WSR 95-04-006, filed 1/18/95, effective 3/10/95)

WAC 296-304-02009 Maintenance of safe conditions.

(1) Preventing hazardous materials from entering. Pipelines that could carry hazardous materials into spaces that have been certified "safe for workers" or "safe for hot work" shall be disconnected, blanked off, or otherwise blocked by a positive method to prevent hazardous materials from being discharged into the space.

(2) Alteration of existing conditions. When a change that could alter conditions within a tested confined or enclosed space or other dangerous atmosphere occurs, work in the affected space or area shall be stopped. Work may not be resumed until the affected space or area is visually inspected and retested and found to comply with WAC 296-304-02003, 296-304-02005, and 296-304-02007, as applicable.

Note to (2): Examples of changes that would warrant the stoppage of work include: The opening of manholes or other closures or the adjusting of a valve regulating the flow of hazardous materials.

(3) Tests to maintain the conditions of a marine chemist's or Coast Guard authorized person's certificates. A competent person shall visually inspect and test each space certified as "safe for workers" or "safe for hot work," as often as necessary to ensure that atmospheric conditions within that space is maintained within the conditions established by the certificate after the certificate has been issued.

(4) Change in the conditions of a marine chemist's or Coast Guard authorized person's certificate. If a competent person finds that the atmospheric conditions within a certified space fail to meet the applicable requirements of WAC 296-304-02003, 296-304-02005, and 296-304-02007, work in the certified space shall be stopped and may not be resumed until the space has been retested by a marine chemist or Coast Guard authorized person and a new certificate issued in accordance with WAC 296-304-02007(1).

(5) Tests to maintain a competent person's findings. After a competent person has conducted a visual inspection and tests required in WAC 296-304-02003, 296-304-02005, and 296-304-02007 and determined a space to be safe for an employee to enter, he or she shall continue to test and visually inspect spaces as often as necessary to ensure that the required atmospheric conditions within the tested space are maintained.

(6) Changes in conditions determined by competent person's findings. After the competent person has determined initially that a space is safe for an employee to enter and he or she finds subsequently that the conditions within the tested space fail to meet the requirements of WAC 296-304-02003, 296-304-02005, and 296-304-02007, as applicable, work shall be stopped until the conditions in the tested space are corrected to comply with WAC 296-304-02003, 296-304-02005, and 296-304-02007, as applicable.

WSR 95-22-016

PERMANENT RULES

INSURANCE COMMISSIONER'S OFFICE

[Order R 95-2—Filed October 20, 1995, 11:49 a.m.]

Date of Adoption: October 20, 1995.

Purpose: To implement chapter 161, Laws of 1995 by specifying fees and information to be submitted with applications for licensing and renewals of licenses for viatical settlement providers and viatical settlement brokers; and setting form and rate filing requirements, minimum standards for providers, brokers, disclosure and annual statement requirements.

Statutory Authority for Adoption: RCW 48.02.060.

Other Authority: RCW 48.30.010, sections 2, 4, 5 and 10, chapter 161, Laws of 1995.

Adopted under notice filed as WSR 95-18-105 on September 6, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 6, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

October 20, 1995

Krishna Fells

Chief Deputy

Insurance Commissioner

Chapter 284-97 WAC

VIATICAL SETTLEMENT REGULATION

NEW SECTION

WAC 284-97-010 Purpose, scope, and effective date.

(1) The purpose of this chapter is to effectuate chapter 48.102 RCW, by establishing minimum standards and disclosure requirements to be met by viatical settlement providers and viatical settlement brokers with respect to viatical settlement contracts advertised, solicited, or issued for delivery in this state, and licensing requirements for viatical settlement providers and viatical settlement brokers.

(2) Except as otherwise specifically provided, this chapter applies to every viatical settlement provider or viatical settlement broker as defined in RCW 48.102.005, that transacts viatical settlement business in this state on or after July 23, 1995. This chapter also applies to every viatical settlement contract executed between a viator and a viatical settlement provider in this state on or after July 23, 1995.

(3) This regulation is not exclusive, and acts or omissions, whether or not specific in this chapter, may also be

violations of other sections of the insurance code or other regulations promulgated thereunder.

NEW SECTION

WAC 284-97-015 Definitions. For purposes of this chapter:

(1) "Solicitation" means, for example; proposing, negotiating, signing, or doing any act in furtherance of making or proposing to make a viatical settlement contract. Solicitation specifically includes advertising by mail, use of the print or electronic media, telephone, or any other method of presenting, distributing, issuing, circulating, or permitting to be issued or circulated any information or material in connection with a viatical settlement contract.

(2) "Viatical settlement contract" has the meaning set forth at RCW 48.102.005(3). The commissioner finds that the purchase of a life insurance policy or certificate is outside the scope of this chapter if the viatical settlement contract is entered into between the viator and a close friend or relative.

NEW SECTION

WAC 284-97-020 Licensing requirements for viatical settlement providers. (1) Beginning July 23, 1995, no individual, partnership, corporation, or other entity may act as a viatical settlement provider, or enter into or solicit a viatical settlement contract in this state unless it has first obtained a license from the commissioner.

(2) An initial application for licensing as a viatical settlement provider, or a subsequent application for reinstatement of a viatical settlement provider's license if the license has lapsed for more than three months, shall be accompanied by a licensing fee in the amount of two hundred fifty dollars. The annual renewal fee shall be twenty-five dollars, due and payable on or before July 1 of each year.

(3) The application for a license as a viatical settlement provider shall furnish all of the applicable following information, on a form prescribed by the commissioner:

(a) The name of the applicant, its address, and organizational structure.

(b) Copies of its organizational documents, including but not limited to its: Articles of incorporation and any amendments thereto, certificate of incorporation and any amendments thereto, bylaws and any amendments thereto, partnership agreement and any amendments thereto, and articles of association and any amendments thereto.

(c) The identity of all: Stockholders holding ten percent or more of the voting securities; investors holding a ten percent or greater interest; partners; corporate officers; trustees; if an association, all of the members; and parent and affiliate entities, together with a chart showing the relationship of the applicant to any parent, affiliated or subsidiary entities.

(d) A list of all stockholders holding ten percent or more of the voting securities, investors holding a ten percent or greater interest, partners, and officers of any parent or affiliate entities.

(e) Biographical affidavits of all its officers, directors, investors holding a ten percent or greater interest, partners, and members (if an association).

(f) For domestic viatical settlement providers, fingerprint cards of all its officers, directors, trustees, investors holding a ten percent or greater interest, partners, and members (if an association).

(g) A list of states in which the viatical settlement provider is licensed on the date of application, a copy of each effective license, and a list of the states in which it is or was doing business.

(h) A list of all business licenses from any level of government, for which the applicant, its officers, partners, trustees, and members (if an association), have applied, together with a certificate of incorporation from the Washington secretary of state, and a statement showing the current status of any such licenses, such as whether it has been revoked or suspended.

(i) A report stating whether any formal or informal regulatory action, by any level of state or federal government, is pending or has been taken against the applicant or its officers, directors, trustees, investors holding a ten percent or greater interest, partners, or members (if an association).

(j) A report stating whether any criminal action or civil action has been taken, or is pending, against the applicant or its officers, directors, trustees, investors holding a ten percent or greater interest, partners, or members (if an association).

(k) A copy of its most recent financial and operating reports, audited and unaudited.

(l) Copies of documents filed with the federal Securities and Exchange Commission and any applicable state securities regulator.

(m) A detailed plan of operations for the applicant's business, including but not limited to information regarding or identification of the following items:

(i) Escrow accounts and banks;

(ii) Advertising, brokerage, or distribution system to be used;

(iii) Marketing techniques to be used;

(iv) Marketing training program; and

(v) Contract offering and servicing facilities.

(n) Appointment of the commissioner to receive service of process and a designation of the person to whom the commissioner shall forward legal process.

(o) Such other information as the commissioner may reasonably require.

(4) To qualify for authority to transact business as a viatical settlement provider, the applicant must possess unimpaired capital, and thereafter maintain unimpaired capital, in the amount of not less than one hundred fifty thousand dollars.

(5) Each viatical settlement provider holding a license in this state shall annually, on or before March 1 of each year, file with the commissioner an annual statement for the preceding calendar year. The annual statement shall be on a form prescribed by the commissioner.

(6) The commissioner may issue a temporary viatical settlement provider's license, that will expire no later than December 31, 1995, upon receipt and review of the application required in subsection (3) of this section. After reviewing the application, the commissioner may issue the viatical settlement provider's license, refuse to issue such license, or revoke the temporary viatical settlement provider's license.

NEW SECTION

WAC 284-97-030 Licensing requirements for viatical settlement brokers. On and after July 23, 1995, no person may act as a viatical settlement broker, or solicit, negotiate, or enter into viatical settlement contracts in this state, unless licensed as a viatical settlement broker by the commissioner. A viatical settlement broker shall be qualified as a life insurance agent and appointed as a viatical settlement broker by each viatical settlement provider represented.

(1) Each applicant for a viatical settlement broker's license shall:

(a) Complete an application form furnished by the commissioner. The form shall be accompanied by a license fee in the amount of one hundred dollars. Applicants shall answer inquiries concerning their identity, provide fingerprint cards, and supply information about personal and business history and experience.

(b) A viatical settlement broker shall be appointed by each viatical settlement provider he or she represents. An appointment request form and the appointment fee in the amount of twenty dollars shall be submitted with the application for licensing.

(c) Applicants for a firm or corporate license shall provide copies of articles of incorporation, partnership agreements, or other indicia of current legal status, as appropriate.

(d) Every individual who acts as a viatical settlement broker on behalf of a firm or corporation shall be licensed and affiliated with the entity represented prior to solicitation or negotiation of a viatical settlement contract. Each request by a firm or corporation for an affiliation certificate shall be accompanied by a twenty-dollar filing fee.

(e) Applicants for a viatical settlement broker's license shall provide satisfactory evidence that no disciplinary action has resulted in the suspension or revocation of any federal or state license.

(f) Prior to application for a resident viatical settlement broker's license, an applicant shall pass the life insurance agent's examination in this state, but need not be licensed as a life insurance agent.

(g) Nonresident applicants may be licensed as viatical settlement brokers. Each nonresident applicant shall provide satisfactory proof that he or she has successfully passed a life insurance agent's examination in a state within the two-year period immediately preceding the date of the application, or that he or she holds a valid license as a life insurance agent or viatical settlement broker in his or her state of residence. In addition, the nonresident applicant shall certify that no disciplinary action has resulted in suspension or revocation of any federal or state license. Applicants for a nonresident viatical settlement broker's license shall designate and authorize the commissioner as his or her agent for service of process and shall specify the person to whom the commissioner shall forward legal process.

(2) A person applying for a viatical settlement broker's license who is transacting viatical settlement business on the effective date of this chapter, may apply to the commissioner for a temporary resident or nonresident viatical settlement broker's license. A temporary license may be issued by the commissioner if the person is otherwise eligible for such license but has not taken and passed a life insurance agent's

examination in a state. The temporary license issued by the commissioner shall expire no later than December 31, 1995. After review of the application, the commissioner may issue the viatical settlement broker's license, refuse to issue such license, or revoke the temporary viatical settlement broker's license.

(3) A viatical settlement broker's license is renewable every two years, upon payment of a renewal fee in the amount of one hundred dollars. A viatical settlement broker's license expires on the licensee's month and day of birth plus one year from the date the license is first issued, if an individual, or two years from the issue date in the case of a firm or corporation. Failure to pay the renewal fee by the renewal date will automatically terminate the authority conferred by the license.

(4) Appointments of a viatical settlement broker expire on July 1 following their issue dates and every two years thereafter, unless previously cancelled or revoked.

(5) Affiliations expire on the renewal date for the licensed firm or corporation to which they apply, and expire every two years thereafter, unless previously cancelled or revoked.

NEW SECTION

WAC 284-97-040 Contract and rate filing requirements for viatical settlement providers and viatical settlement brokers. Beginning September 1, 1995, all viatical settlement contracts shall be approved by the commissioner prior to use in this state.

(1)(a) Every viatical settlement contract shall be in writing, in a type size of no less than ten points, shall be identified by a form number in the lower left-hand corner of the first page, and include the terms under which the viatical settlement provider will pay compensation (called by whatever name) to the viator in exchange for the assignment, transfer, sole devise, or bequest of the death benefit or assignment of ownership of the life insurance policy or certificate to the viatical settlement provider or viatical settlement broker.

(b) Every viatical settlement contract shall provide for payment to the viator in a lump sum and shall be voidable at the option of the viator if the agreed value is not paid in full within thirty days of the date the viatical settlement contract is executed by both the viator and the viatical settlement provider.

(c) Every viatical settlement contract shall provide for transfer of the entire life insurance policy: *Provided, however,* That if agreed to in writing by both the insurer and the viator, a stated dollar value which is less than the full face amount of the life insurance policy (less any outstanding loans) may be transferred if:

(i) The viatical settlement provider obtains a bond in favor of all beneficiaries of the policy other than the viatical settlement provider in an amount sufficient to guarantee the payment of all premium for the balance of the premium-paying period as calculated on the effective date of the life insurance policy; or

(ii) Another arrangement acceptable to the commissioner is made which guarantees that the insurance policy will remain in full force and effect for the protection of benefi-

ciaries designated by the viator (other than the viatical settlement provider) until the death of the insured.

(2) The viatical settlement contract shall provide for rescission no less favorable to the viator than as set forth in RCW 48.102.040 (3) and (4). The rescission provision shall appear on the first page of the contract. It shall provide that if the insured dies during the period of time allowed for rescission, the contract will be terminated effective the date of application and the parties are returned to their original positions. The contract shall provide a method for giving notice of rescission. If notice of rescission is given by mail, it shall be deemed given when deposited in the United States mail, first class postage prepaid.

(3)(a) Each form of viatical settlement contract filed with the commissioner shall include all of the following:

(i) A viatical settlement contract, completed in John Doe fashion;

(ii) A copy of a viator's application, completed in John Doe fashion;

(iii) A copy of an "Insurance Commissioner's Worksheet" as described in WAC 284-97-050(3), completed in John Doe fashion;

(iv) A copy of any written disclosure material that will be provided to a viator as required by RCW 48.102.035; this written disclosure shall set forth the name, address, and telephone number of the viatical settlement provider; and

(v) A copy of the pricing memorandum.

(b) That portion of the disclosure notice warning of possible tax consequences and possible effects on eligibility for public funds shall be prominently displayed.

(c) The disclosure notice shall state that before entering into a viatical settlement contract, the viator should consult with his or her life insurance agent or life insurer to determine whether accelerated benefits are available.

(d) The disclosure notice shall contain the definition of accelerated benefits set forth in WAC 284-23-620(1) in its entirety.

(4) The viatical settlement contract shall specify any effect entering into the contract will have upon the continued availability of supplemental benefits or riders that are or may be attached to the life insurance policy that is the subject of the viatical settlement contract, including assigning the responsibility for the continued payment of premiums. The benefits and riders considered shall include, but need not be limited to, the following:

(a) Guaranteed insurability options;

(b) Accidental death benefits, or accidental death and dismemberment benefits;

(c) Disability income or loss of income protection;

(d) Waiver of premium or monthly deduction waiver; and

(e) Family, spousal, or children's riders or benefits.

(5) No viatical settlement contract may contain any limitation or restriction on the use of the proceeds by the viator.

NEW SECTION

WAC 284-97-050 Standards for evaluating reasonability of compensation. In order to assure that benefits offered to a viator are reasonable in relation to the rate, fee, or other compensation that is charged, any payout shall be

no less than the greater of the amounts defined in subsections (1) and (2) of this section.

(1) Payouts shall be no less than the following percentage of the expected death benefit under the insurance policy, net of loans. The following are minimum standards and shall not be presumed to be proof of fairness as to any specific transaction.

(a) If the insured's life expectancy is less than twelve months, then the percentage of the expected death benefit under the insurance policy, net of loans, to be received by the viator shall be no less than seventy-five percent.

(b) If the insured's life expectancy is at least twelve months, but less than twenty-four months, then the percentage of the expected death benefit under the insurance policy, net of loans, to be received by the viator shall be no less than sixty-five percent.

(c) If the insured's life expectancy is at least twenty-four months, but less than thirty-six months, then the percentage of the expected death benefit under the insurance policy, net of loans, to be received by the viator shall be no less than fifty percent.

(d) If the insured's life expectancy is at least thirty-six months, then the percentage of the expected death benefit under the insurance policy, net of loans, to be received by the viator, shall be no less than thirty percent.

(2) Payouts shall be no less than the expected death benefit under the insurance policy, net of loans, reduced by the sum of the amounts described in (a), (b), and (c) of this subsection.

(a) The viatical settlement provider may retain the amounts it would be required to pay to the insurer to keep the policy in force during the period of time ending concurrently with the insured's life expectancy.

(b) The viatical settlement provider may retain an allowance of fifteen percent of the expected death benefit, net of loans, to provide for a risk charge and for its expenses and profit.

(c) The viatical settlement provider may retain an allowance for the time value of money. The interest rate to be used is fifteen percent per annum, compounded monthly. The calculation shall be performed on the basis that the viatical settlement provider pays the present value of the expected death benefit under the insurance policy, net of loans, reduced by the amounts defined in (a) and (b) of this subsection. The payment to the viator shall reflect an interest adjustment for the period of time beginning when the viator is paid and ending concurrently with the insured's life expectancy.

(3) The viatical settlement provider shall maintain for each viator, a document bearing the title, "Insurance Commissioner's Worksheet" for ten years after the death of the insured, or rescission of the contract. The viatical settlement contract shall provide that the viator may at any time obtain upon request, without charge, a copy of the "Insurance Commissioner's Worksheet," the purpose of which is to assure that benefits comply with this section. This provision shall appear on the same page or page following the first occurrence of the statement of the amount to be paid to the viator. In addition to identifying the insured, the "Insurance Commissioner's Worksheet" shall be dated and shall include the text shown in items (a) through (j) of this subsection.

(a) Line one shall state, "(1) Life expectancy (measured from the date the viator is paid) is n= _____ months."

(b) Line two shall state, "(2) Death benefit proceeds expected from insurer is \$ _____."

(c) Line three shall state, "(3) Amount expected to be paid by company to insurer is \$ _____." The viatical settlement provider may substitute its name for the word "company."

(d) Line four shall state, "(4) Allowance for risk, expenses and profit, 15% of (2), is \$ _____."

(e) Line five shall state, "(5) Interest rate is 15%."

(f) Line six shall state, "(6) Line (2), net of allowance for interest, is $(2)/1.0125^n = \$$ _____."

(g) Line seven shall state, "(7) Line (6), less (3) and less (4), is \$ _____."

(h) Line eight shall state, "(8) Minimum percentage, 75%, 65%, 50%, or 30%, of (2) is \$ _____."

(i) Line nine shall state, "(9) Minimum amount required by the commissioner, the greater of (7) or (8), is \$ _____."

(j) Line ten shall state, "(10) Amount to be paid by company, no less than (9), is \$ _____." The viatical settlement provider may substitute its name for the word "company."

(4) The viatical settlement provider shall enclose with the submission of a viatical settlement contract form, and with the submission of a rate revision, for approval prior to use in this state, a pricing memorandum providing a description of the method and assumptions used in determining the value to be paid viators. At the time of submission of a pricing memorandum or at the time of submission of any subsequent supporting documentation, the viatical settlement provider may request the commissioner to withhold that material from public inspection in order to preserve trade secrets or prevent unfair competition, in accordance with RCW 48.02.120(3). Each page covered by such request shall be clearly marked "confidentiality requested." The memorandum shall include a description, which may use reasonable ranges, of the following:

(a) The procedure used to determine the insured's life expectancy including medical evaluation and use of health care professionals in such evaluation;

(b) The portion of the discount (difference between the death benefit of the life insurance policy or certificate and viatical settlement provider payment) due to market value interest rate (current worth of money) and how this interest rate is determined;

(c) The portion of the discount due to agent or broker compensation paid by the viatical settlement provider;

(d) The portion of the discount that is the viatical settlement provider's operation costs in connection with viatical settlements, including acquisition and maintenance cost and risk charge;

(e) The portion of the discount due to other overhead costs and profit margin;

(f) The effect, if any, that policy loans, surrender charges, and the net cash surrender value in the insurance plan have on the pricing determination;

(g) How provision is made in the settlement determination for future insurance plan premiums, dividends or excess amounts, if any; and

(h) What provision, if any, is made in the settlement determination for supplemental insurance benefits or riders.

WSR 95-22-030

PERMANENT RULES

DEPARTMENT OF ECOLOGY

[Order 94-15—Filed October 24, 1995, 2:58 p.m.]

Date of Adoption: October 24, 1995.

Purpose: Repeal Part 6, chapter 173-175 WAC, Dam safety regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 173-175-700 - 173-175-820; and amending WAC 173-175-020, 173-175-030, 173-175-070, and 173-175-390.

Statutory Authority for Adoption: Chapter 8, Laws of 1995.

Adopted under notice filed as WSR 95-18-104 on September 6, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 4, repealed 13.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

October 24, 1995

Mary Riveland
Director

AMENDATORY SECTION (Amending Order 92-35, filed 12/16/92, effective 1/16/93)

WAC 173-175-020 Applicability. (1) These regulations are applicable to dams which can impound a volume of ten acre-feet or more of water as measured at the dam crest elevation. The ten acre-feet threshold applies to dams which can impound water on either an intermittent or permanent basis. Only water that can be stored above natural ground level and which could be released by a failure of the dam is considered in assessing the storage volume.

The ten acre-feet threshold applies to any dam which can impound water of any quality, or which contains any substance in combination with sufficient water to exist in a liquid or slurry state at the time of initial containment.

(2) For a dam whose dam height is six feet or less and which meets the conditions of subsection (1) of this section, the department may elect to exempt the dam from these regulations.

The decision by the department to exempt a dam will be made on a case-by-case basis for those dams whose failure is not judged to pose a risk to life and minimal property damage would be expected (downstream hazard class 3).

(3) These regulations do not apply to dams that are, or will be, owned, by an agency of the federal government which has oversight on operation and maintenance and has

its own dam safety program for periodic inspection of completed projects. The department will continue to be the state repository for pertinent plans, reports, and other documents related to the safety of federally owned dams.

(4) These regulations do not apply to transportation facilities such as roads, highways, or rail lines which cross watercourses and exist solely for transportation purposes and which are regulated by other governmental agencies.

Those transportation facilities which cross watercourses and which have been, or will be, modified with the intention of impounding water on an intermittent or permanent basis and which meet the conditions of subsection (1) of this section shall be subject to these regulations.

(5) These regulations do not apply to dikes or levees constructed adjacent to or along a watercourse for protection from natural flooding or for purposes of floodplain management.

(6) These regulations do not apply to concrete or steel water storage tanks.

(7) ~~((Applicability of))~~ These regulations do not apply to FERC licensed projects and to FERC exempted projects ~~((is described in Part Six of this chapter))~~. The department will continue to maintain a repository for pertinent plans, reports, and other documents related to the safety of FERC licensed and FERC exempted projects.

AMENDATORY SECTION (Amending Order 92-35, filed 12/16/92, effective 1/16/93)

WAC 173-175-030 Definitions. As used in this chapter:

"Acceptance" means acceptance by the department that the proposed plan(s) will satisfactorily address issues associated with proper operation, maintenance, inspection, or emergency action.

"Approval" means approval by the department that the proposed design, and plans and specifications conform to accepted engineering practice and department guidelines.

"Appurtenant works" means such structures as outlet works and associated gates and valves; water conveyance structures such as spillways, channels, fish ladders, tunnels, pipelines, or penstocks; powerhouse sections; and navigation locks, either in the dam or adjacent thereto.

"Authorization" means written acknowledgement from the department to proceed with proposed actions.

"Construction change order" means a revision to the department approved plans and specifications that is initiated during construction.

"Construction permit" means the permit which authorizes construction and that the project's plans and specifications and construction inspection plan have been reviewed and approved by the department.

"Construction permit process" means the sequence of activities specified in WAC 173-175-110 inclusive, beginning with the application for construction permit and ending with the submission of a report summarizing construction records.

"Crest length" means the total horizontal distance measured along the axis of the dam, at the elevation of the top of the dam, between abutments or ends of the dam. Where applicable, this includes the spillway, powerhouse

sections, and navigation locks, where they form a continuous part of the impounding structure.

"Critical project element" means an element of a project whose failure could result in the uncontrolled release of the reservoir.

"Dam" means any artificial barrier and/or any controlling works, together with appurtenant works that can or does impound or divert water.

"Dam abutment" means that contact location at either end and beneath the flanks of a dam where the artificial barrier joins or faces against the natural earth or rock foundation material upon which the dam is constructed.

"Dam height" means the vertical distance from the natural bed of the stream or watercourse at the downstream toe of the impounding barrier to the maximum storage elevation. If the dam is not across a stream or watercourse, the height is measured from the lowest elevation of the outside limit of the impounding barrier to the maximum storage elevation.

"Department" means the department of ecology.

"Design step level" means an integer value between one and ~~((ten))~~ eight used to designate increasingly stringent design loadings and conditions for design of critical project elements.

"Downstream hazard classification" means a rating to describe the potential for loss of human life and/or property damage if the dam were to fail and release the reservoir onto downstream areas. Downstream hazard classifications of 3, 2 and 1C, 1B, 1A correspond to low, significant, and high downstream hazard classes respectively.

"Emergency condition" means a situation where life and property are at imminent risk and actions are needed within minutes or hours to initiate corrective actions and/or warn the public.

"Enlargement" means any modification of a project that will result in an increase in normal pool height and/or dam height.

"Exigency condition" means a situation where the dam is significantly underdesigned according to generally accepted engineering standards or is in a deteriorated condition and life and property are clearly at risk. Although present conditions do not pose an imminent threat, if adverse conditions were to occur, the situation could quickly become an emergency.

"FERC exempted project" means a project that is classified as exempt by the Federal Energy Regulatory Commission (FERC) under provisions of the Federal Power Act.

"FERC licensed project" means a project whose operation is licensed by the Federal Energy Regulatory Commission (FERC) under provisions of the Federal Power Act.

"Freeboard" means the vertical distance between the dam crest elevation and some reservoir level of interest.

"Hydrograph" means a graphical representation of discharge, stage, or other hydraulic property with respect to time for a particular location on a watercourse.

"Impounding barrier" means the structural element of the dam that has the primary purpose of impounding or diverting water. It may be constructed of natural and/or man-made materials.

"Incident" means the occurrence of any dam-related event where problems or conditions arise which may have

posed a threat to the safety or integrity of the project or which may have posed a threat of loss of life or which resulted in loss of life.

"Inflow design flood (IDF)" means the reservoir inflow flood hydrograph used for sizing the spillways and for determining freeboard. It represents the largest flood that a given project is designed to safely accommodate.

"Maintenance" means those tasks generally accepted as routine in keeping the project and appurtenant works in a serviceable condition.

"Maximum storage elevation" means the maximum attainable water surface elevation of the reservoir pool that could occur during extreme operating conditions. This elevation normally corresponds to the crest elevation of the dam.

"Miscellaneous construction elements" means a variety of construction elements or activities such as, but not limited to: Reservoir linings; parapet walls or low berms for wave containment; minor reconstruction of isolated portions of the impounding barrier; internal drainage improvements; and erosion protection.

"Modification" means any structural alteration of a dam, its reservoir, spillway(s), outlet(s), or other appurtenant works that could significantly influence or affect the project safety.

"Normal pool height" means the vertical distance between the lowest point of the upstream toe of the impounding barrier and the normal storage elevation.

"Normal storage elevation" means the maximum elevation to which the reservoir may rise under normal operating conditions. Where the principal spillway is ungated, the normal storage elevation is usually established by the elevation of the spillway crest.

"100-year floodplain" means the area inundated during the passage of a flood with a peak discharge having a one percent chance of being equalled or exceeded in any given year at a specified location on a watercourse.

"Outlet" means a conduit and/or channel structure for the controlled release of the contents normally impounded by a dam and reservoir.

"Owner" means the person holding lawful title to the dam or any person who owns or proposes to construct a dam.

"Periodic inspection" means a detailed inspection of the dam and appurtenant works conducted on regular intervals and includes, as necessary, associated engineering analyses to confirm the continued safe operation of the project.

"Person" means any individual, firm, association, county, public or municipal or private corporation, agency, or other entity whatsoever.

"Plans and specifications" means the detailed engineering drawings and specifications used to describe the layout, materials, construction methods, etc., for assembling a project or project element. These do not include shop drawings or other drawings prepared by the construction contractor for temporary construction support systems.

"Population at risk" means the number of people who may be present in areas downstream of a dam and could be in danger in the event of a dam failure.

"Project" means a dam and its reservoir either proposed or existing.

"Project engineer" means a professional engineer licensed in Washington, having direct supervision, as defined in WAC 196-24-095, in managing the engineering aspects of the project as representative of the owner.

"Reservoir" means any basin that contains or will contain the water impounded by a dam.

"Reservoir routing" means the procedures used to determine the attenuating effect of reservoir storage on a flood as it passes through a reservoir.

"Rule curve" means the rules and procedures used to regulate reservoir levels and project operation for various reservoir inflows and for both normal and unusual seasonal conditions.

"Significant enlargement" means any modification of an existing dam that results in the dam height or normal pool height being increased by an amount greater than 5.0 feet, and which also represents a ten percent or greater increase in dam height or normal pool height over that which existed prior to the modification.

"Spillway" means a channel structure and/or conduit for the safe release of water or floodwater.

"Stop work order" means an administrative order issued to temporarily halt construction work until a problem can be resolved.

"Substantially complete" means that a plan, action, or project element requires only minor additions to be complete, and in its present state will perform the necessary functions for its intended use.

"Surficial inspection" means a visual inspection conducted to identify obvious defects or changed conditions.

AMENDATORY SECTION (Amending Order 92-35, filed 12/16/92, effective 1/16/93)

WAC 173-175-070 Effective date. The effective date of Parts One through Five of this chapter shall be July 1, 1992. ~~((The effective date of Part Six of this chapter shall be January 15, 1993.))~~

AMENDATORY SECTION (Amending Order 92-35, filed 12/16/92, effective 1/16/93)

WAC 173-175-390 Payment of construction permit fees. (1) The amount of the construction permit fee will be determined by the department based upon procedures contained in WAC 173-175-360 and 173-175-370 and information contained in the construction plans.

(a) An initial payment, which may represent all or a portion of the construction permit fee shall be paid in conjunction with the submittal of the construction permit application described in WAC 173-175-120. The amount of the initial payment shall be:

(i) Ten dollars for the removal of a dam with safety deficiencies as described in WAC 173-175-370(3); or

(ii) Five hundred dollars for construction of a new dam or modification of an existing dam or project.

(b) The balance of the fee amount (less the initial payment above) is to be paid following notification by the department of the balance due.

(c) ~~((Fees for FERC licensed projects and FERC exempted projects are to be paid following notification by the department of the total amount due.))~~

(d)) All fees collected are nonrefundable.

(2) No fee shall be required for the review of conceptual plans which describe proposed repairs or improvements to existing dams to correct safety deficiencies. The normal construction permit process will apply at the time plans and specifications are submitted to the department.

(3) No additional fees shall be required for plan and specification changes and resubmittals required by the department as part of the review process.

(4) No additional fees shall be required for review of construction change orders.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 173-175-700 Applicability to projects licensed or exempted by the Federal Energy Regulatory Commission (FERC).
- WAC 173-175-710 Coordination between the department and the Federal Energy Regulatory Commission (FERC).
- WAC 173-175-720 Construction or modification of FERC licensed projects and FERC exempted projects.
- WAC 173-175-730 Construction permit fee for FERC licensed projects and FERC exempted projects.
- WAC 173-175-740 Construction inspection of FERC licensed projects and FERC exempted projects.
- WAC 173-175-750 Construction records reporting for FERC licensed projects and FERC exempted projects.
- WAC 173-175-760 Exceptions to construction permit for FERC licensed projects and FERC exempted projects.
- WAC 173-175-770 Operation of FERC licensed projects and FERC exempted projects.
- WAC 173-175-780 Periodic inspection of FERC licensed projects and FERC exempted projects.
- WAC 173-175-790 Emergency action plans for FERC licensed projects and FERC exempted projects.
- WAC 173-175-800 Right of entry at FERC licensed projects and FERC exempted projects.
- WAC 173-175-810 Enforcement at FERC licensed projects and FERC exempted projects.
- WAC 173-175-820 Appeals for FERC licensed projects and FERC exempted projects.

WSR 95-22-035

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Order 5085—Filed October 25, 1995, 9:34 a.m.]

Date of Adoption: October 23, 1995.

Purpose: The rule will allow the marketing order for farmed salmon to remain in effect after December 31, 1995, and the affected producer members on the board to be reduced from seven to five.

Citation of Existing Rules Affected by this Order: Amending WAC 16-580-020 and 16-580-070, Washington farmed salmon.

Statutory Authority for Adoption: RCW 15.65.050 and 15.65.280.

Adopted under notice filed as WSR 95-10-096 on May 3, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 2, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 2, repealed 0.

Effective Date of Rule: Thirty-one days after filing.
October 23, 1995

Jim Jesernig
Director

AMENDATORY SECTION (Amending WSR 92-22-062, filed 10/29/92, effective 12/1/92)

WAC 16-580-020 Farmed salmon commodity board.

(1) Administration. The provisions of this marketing order and the applicable provisions of chapter 15.65 RCW shall be administered and enforced by the board as the designee of the director.

(2) Board membership. The board shall consist of ~~(seven)~~ five producer representatives. The director shall appoint one additional member who is not an affected producer to represent the department and the general public.

(3) Board membership qualifications. The affected producer members of the board shall be residents of the state of Washington, over the age of twenty-five years, each of whom is and has been actually engaged in the activities of an affected producer within the state of Washington for a period of one year and has, during that time, derived a substantial portion of his/her income therefrom. The qualifications of members of the board as herein set forth must continue during the terms of office.

(4) Term of office.

(a) The term of office, for members of the board shall be three years, unless the marketing order is terminated

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earlier. One-third of the membership as nearly as possible shall be elected each year.

(b) Membership positions on the board shall be designated numerically; affected producers shall have positions one through ~~((seven))~~ five and the member appointed by the director, position ~~((eight))~~ six.

(c) Commencing on January 1, 1996, the term of office for the ~~((initial))~~ board members shall be as follows:

Position ~~((s))~~ one ~~((and two))~~ - one year - shall terminate on December 31, ~~((1993))~~ 1996.

Positions two and three ~~((, four, and five))~~ - two years - shall terminate on December 31, ~~((1994))~~ 1997.

Positions ~~((six, seven, and eight))~~ four and five - three years - shall terminate on December 31, ~~((1995))~~ 1998.

(5) Nomination and election of board members. Each year the director shall call for a nomination meeting. Such meeting shall be held at least thirty days in advance of the date set by the director for the election of board members. Notice of every such meeting shall be published in a newspaper of general circulation within the production area not less than ten days in advance of the date of such meeting; and, in addition, written notice of every such meeting shall be given to all affected producers according to the list maintained by the director pursuant to RCW 15.65.200. Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting. Any qualified affected producer may nominate a representative for membership on the board at such nomination meeting.

Nominations may also be made within five days after any such meeting by written petition filed with the director, signed by not less than five affected producers. At the inception of this marketing order, nominations may be made at the issuance hearing.

When only one nominee is nominated for any position on the board, and the director deems that said nominee satisfies the requirements of the position, then it shall be deemed that said nominee has been duly elected.

(6) Election of board members.

(a) Members of the board shall be elected by secret mail ballot within the month of October under the supervision of the director. Affected producer members of the board shall be elected by a majority of the votes cast by the affected producers. Each affected producer shall be entitled to one vote.

(b) If a nominee does not receive a majority of the votes on the first ballot, a run-off election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

(c) Notice of every election for board membership shall be published in a newspaper of general circulation within the production area not less than ten days in advance of the date of such election. Not less than ten days prior to every election for board membership, the director shall mail a ballot of the candidates to each affected producer entitled to vote whose name appears on the list of such affected producers maintained by the director in accordance with RCW 15.65.200. Any other affected producer entitled to vote may obtain a ballot by application to the director upon establishing his qualifications. Nonreceipt of a ballot by any affected producer shall not invalidate the election of any board members.

(7) Removal of board members. A board member may be removed by a vote of the board if that member fails to attend any three consecutive meetings of the board, duly noticed.

(8) Vacancies prior to election. In the event of a vacancy on the board, the board shall appoint a qualified person to fill the unexpired term.

(9) Quorum. A majority of the members shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board.

(10) Board compensation. No member of the board shall receive any salary or other compensation, but each member may be compensated for each day in actual attendance at or traveling to and from meeting of the board or on special assignment for the board in accordance with RCW 43.03.230 together with travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(11) Powers and duties of the board. The board shall have the following powers and duties:

(a) To administer, enforce, and control the provisions of this order as the designee of the director.

(b) To elect a chairman and such other officers as the board deems advisable.

(c) To employ and discharge at its discretion such personnel as the board determines necessary and proper to carry out the purpose of the order and effectuate the policies of the act.

(d) To pay from moneys collected as assessments or advances thereon the costs arising in connection with the formulation, issuance, administration, and enforcement of the order. Such expenses and costs may be paid by check, draft, or voucher in such form and in such manner and upon the signature of the person as the board may prescribe.

(e) To reimburse any applicant who has deposited funds with the director in order to defray the costs of formulating the order.

(f) To establish a fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board, except as the amount of petty cash for each day's needs, not to exceed one hundred dollars, shall be deposited each day.

(g) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, disbursements, moneys, and other financial transactions made and done pursuant to this order. Such records, books, and accounts shall be audited subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each fiscal year. A copy of such audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor, and the board.

(h) To require a bond of all board members and employees of the board in a position of trust in the amount the board shall deem necessary. The premium for such bond or bonds shall be paid by the board from assessments collected. Such bond shall not be necessary if any such board member or employee is covered by any blanket bond covering officials or employees of the state of Washington.

(i) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each fiscal year.

(j) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the board. All records, books, and minutes of board meetings shall be kept at such headquarters.

(k) To adopt rules and regulations of a technical or administrative nature, subject to the provisions of chapter 34.05 RCW (Administrative Procedure Act).

(l) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary of effectuate the provisions of the order and the act, along with the necessary authority and procedure for obtaining such information.

(m) To bring actions or proceedings upon joining the director as a party for specific performance, restraint, injunction, or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed upon the person by the act or the order.

(n) To confer with and cooperate with the legally constituted authorities of other states and of the United States for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements, or orders.

(o) To authorize the members of a commodity board, or their agents or designees, to participate in federal or state hearings or other proceedings concerning regulation of the manufacture, distribution, sale, or use of any pesticide as defined by RCW 15.38.030(1) or any agricultural chemical which is of use or potential use in producing the affected commodity, and may authorize the expenditure of commission funds for this purpose.

(p) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section.

(q) To sue or be sued.

(12) Procedures for board.

(a) The board shall hold regular meetings, at least semiannually, and such meetings shall be held in accordance with chapter 42.30 RCW (Open Public Meeting Act).

(b) The board shall hold an annual membership meeting, at which time an annual report will be presented. The proposed budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the board at least ten days prior to the meeting by written notice to each producer and by notifying the regular news media.

(c) The board shall establish by resolution, the time, place, and manner of calling special meetings of the board with reasonable notice to the members.

AMENDATORY SECTION (Amending WSR 92-22-062, filed 10/29/92, effective 12/1/92)

WAC 16-580-070 Effective time. This marketing order for farmed salmon products shall become effective on or after October 1, 1992, ~~and remain in full force and effect until December 31, 1995, unless terminated prior thereto under the provisions of chapter 15.65 RCW: Provided, That if it remains in effect until December 31, 1995, the director shall conduct a referendum as required for the approval of an order under chapter 15.65 RCW at such time prior to such date so that he may determine if the affected producers desire that the order be terminated on such date or continued in full force and effect beyond such~~

~~date. All costs of conducting such election shall be defrayed from the funds of the commission).~~

WSR 95-22-036
PERMANENT RULES
DEPARTMENT OF AGRICULTURE
 [Order 5086—Filed October 25, 1995, 9:51 a.m.]

Date of Adoption: October 25, 1995.

Purpose: Response to industry request for rule making to update and make uniform Washington state certification standards with standards of the state of Idaho.

Citation of Existing Rules Affected by this Order: Amending WAC 16-316-525, 16-316-715, and 16-316-727.

Statutory Authority for Adoption: RCW 15.49.005, 15.49.310, 15.49.370(3), and 15.49.370(4).

Pursuant to notice filed as WSR 95-18-062 on September 1, 1995.

Effective Date of Rule: Thirty-one days after filing.

October 25, 1995
 James M. Jesernig
 Director

AMENDATORY SECTION (Amending Order 5019, filed 11/23/93, effective 12/24/93)

WAC 16-316-525 Buckwheat—Chickpea—Field pea—Lentil—Millet—Soybean—Sorghum—Small grain—Eligible variety and stock seed.

Kind	Variety
Barley, spring	Belford, Camelot (P), Columbia (P), Colter, Cougar, Crest, Crystal, Exel, Gallatin, Harrington, Klages, Horsford, <u>Maranna, Medallion (P)</u> , Menuet (P), Melody (P), Meltan (P), <u>Morex</u> , Nancy (P), Russell, Steptoe, Baronesse (P), WestBred Gustoe (P), ((WestBred Medallion (P),)) WestBred Sprinter (P), Whitford (P)
Chickpea	<u>Dwellely, Myles, Sanford, Sara</u>
Barley, winter	Boyer, <u>Eight-Twelve, Hesk</u> , Hundred, Kamiak, Showin
Buckwheat, spring	Manor, Mancan
Field pea	<u>Alaska 81, Garfield, Latah, Umatilla</u>
Lentil	Brewer, Crimson, Red Chief
Oat, spring	Monida, Otana, Park,
Rye, winter	Puma, Rymin
Wheat, spring	<u>Alpowa, Butte 86, Calorwa, Centenial, Dirkwin, Edwall, ((Field-er)) Klastic (P), Nomad (P), ((Owens,)) Penawawa, Spillman, Treasure, Wadual, Wadual 94, Wakanz, Wampum, Wawawai, WestBred 906R (P), ((WestBred 911 (P),)) WestBred 926 (P), WestBred 936 (P), WestBred Express (P),</u>

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Wheat, winter

WestBred Sprite, WestBred Vanna (P), Yecora Rojo
 Andrews, Banner (P), Basin (P),
 Batum, Blizzard, Buchanan, Cashup
 (P), Daws, Durheim's Pride (P),
 Eltan, Gene, Hatton, Hill-81, Hoff,
 Hyak, John, Kmor, Lewjain,
MacVicar, Madsen, Malcolm, Me-
ridian, Moro, Nugaines, Quantum
542 (P), Rely, Rod, Rohde, Sprague,
 Stephens, (~~Syringa~~) Tres, (~~Tyee~~)
 Weston

Triticale, spring

Juan, Victoria, Grace, Trical 2700 (P)

Triticale, winter

Celia, Flora, (~~XR066A (P)~~) Stan I
 (P), Trical 6600 (P), Trical Jenkins
(P), Trical 102 (P), Trical Stan II (P),
Trical XTO-65 (P), Whitman

(P) means proprietary

The eligibility of other varieties may be approved by the certifying agency.

Foundation seed is eligible to produce registered seed or certified seed.

Registered seed is eligible to produce certified seed.

Certified seed is not eligible for recertification.

AMENDATORY SECTION (Amending Order 5019, filed 11/23/93, effective 12/24/93)

WAC 16-316-715 Miscellaneous field and seed inspection standards. (1) The field inspection will be made:

- (a) For field pea and chickpea (garbanzo bean)- when seedcrop is in full bloom and at maturity;
- (b) For lentil - when seedcrop is in full bloom and at maturity;
- (c) For soybean - when seedcrop is in full bloom and/or of mature color;
- (d) For open pollinated sorghum - when seedcrop is in full bloom, and optionally again when seedcrop begins to show mature color;
- (e) For hybrid sorghum - two inspections during bloom and one inspection after seed begins to show mature color.
- (f) For small grains - when seedcrop is fully headed and of mature color.
- (g) For millet - one inspection during bloom and one inspection after seed begins to show mature color.
- (h) For buckwheat - one inspection when seedcrop is in full bloom.

(2) Any condition or practice which permits or causes contamination of the seedcrop, such as failure to prevent seed formation in bindweeds, Canada thistle or jointed goatgrass, or excess weeds, or mechanical field mixing, shall be cause for rejection upon inspection for field standards.

Except: Fields of chickpea, lentil, and field pea will not be rejected for allowing seed formation of bindweed or Canada thistle. Fields rejected for jointed goatgrass at first inspection are not eligible for reinspection and shall remain ineligible for any production of certified classes of small grain seed until a reclamation procedure, as specified in subsection (3) of this section has been completed. Fields

rejected for other causes will remain eligible for reinspection.

(3) The jointed goatgrass reclamation procedure shall include the following:

(a) Each grower shall develop a reclamation plan for his/her affected fields. Such a plan shall be based on the most current recommendations of Pacific Northwest scientists and Washington State University cooperative extension as well as good management practices. Such plan may include use of certified seed, spring cropping practices, and late tilling and planting. No particular program is specified or endorsed and compliance with such program does not assure eligibility for the production of certified classes of small grain seed. Such eligibility shall be based solely upon results of field inspections as provided in (b) through (e) of this subsection.

(b) The rehabilitation and inspection program duration shall be three years for irrigated land and five years for dryland without production of certified small grain seed and the first year of certified seed production thereafter.

(c) Annual inspections of the affected fields shall be conducted by the Washington State Crop Improvement Association (WSCIA) during the prescribed rehabilitation period at such time that the jointed goatgrass would be most visible.

(d) Following the prescribed period of rehabilitation and during the first certified seed production year, a minimum of three field inspections shall be conducted by WSCIA.

(e) Should jointed goatgrass be found during any inspection as provided in (c) and (d) of this subsection, the rehabilitation program shall be determined to be unsuccessful or the field shall be declared ineligible and the rehabilitation and inspection program for that field shall begin again at year one of the procedure.

(4) No prohibited noxious weed seeds are permitted upon inspection for seed standards.

(5) Germination minimum refers to germination when sampled.

(6) If chemically controllable seed-borne diseases are noted upon inspection for field standards and seed standards for small grains, treatment of seed is required.

(7) Concerning wild oat, isolated patches and borders must be removed or clearly marked so as to avoid harvesting with the rest of the field. If rejected, a reinspection will be necessary to assure clean-up efforts have been satisfactory. Spot checks will occur on fields where heavy patches or contaminated borders were noted. Harvesting these areas with the rest of the field will be cause for rejection of the entire field.

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AMENDATORY SECTION (Amending Order 5045, filed 5/27/94, effective 6/27/94)

WAC 16-316-727 Chickpea standards. (1) Chickpea - land, isolation, and field standards:

CLASS	((LAND ISOLATION		OFF TYPE	OTHER CROP	ASCOCHYTA BLIGHT
	MINIMUM YEARS***	MINIMUM FEET	MAXIMUM PLANTS/ACRE	MAXIMUM PLANTS/ACRE	
Foundation	3	100*	None found	None found**	None found
Registered	3	100*	10	10**	None found
Certified	1	25*	20	20**	None found

* Reduce to three feet isolation from fields producing a class of certified seed of the same variety. In addition, field must be isolated from small grain fields by three feet. To prevent mechanical mixing of swathed chickpea seederops, the planting of small grains between fields, except for three feet isolation, is recommended.

** Refers to vetch except that no Austrian pea or rye is permitted

*** Field must not have grown Austrian pea for ten years.

(2) Chickpea seed standards:

CLASS	OFF TYPE	PURE SEED	INERT	OTHER CROP	WEED	GERMINATION
	MAXIMUM %	MINIMUM %	MAXIMUM %	MAXIMUM %	MAXIMUM %	MINIMUM %
Foundation	None found	99.00	1.00	None found	None found	85.00
Registered	None found	99.00	1.00	None found	0.25**	85.00
Certified	0.03	99.00	1.00	0.10*	0.25**	85.00

* No vetch, Austrian pea or rye is permitted.

** Other tolerance for weed seed:

OBJECTIONABLE WEED SEED MAXIMUM	
Registered	1/lb
Certified	2/lb

FIELD STANDARDS

Class	Land Requirements (1) (minimum years)	Isolation (min feet)	Off-type (plants/acre)	Other Crop (2) (plants/acre)	Noxious (3) Weeds	Ascochyta Blight (4) (plants/acre)
Foundation	3	100	none found	none found	none found	none found
Registered	3	50	5	none found	none found	none found
Certified	3	25	10	none found	none found	10

- (1) Shall not have been planted to chickpeas for three years, unless the previous crop is of the same variety and passed certification field standards of the same or higher generation.
- (2) Inseparable other crops.
- (3) Prohibited, restricted, and other weeds difficult to separate must be controlled.
- (4) None found in all classes of nontolerant varieties. Planting seedstock shall be treated with Thiabendazole (2-(4-triazoyl) benzimidazole).

FIELD INSPECTION

Foundation and registered class fields must have two field inspections. One at bloom stage and one at late pod stage. Certified class fields must have one inspection at bloom stage plus another at pod stage if ascochyta blight is observed during the bloom stage inspection.

SEED STANDARDS

Class (7)	Pure seed	Inert	Other crop	Weed seed	Germination
Foundation	99.00%	1.0%	none found	none found	85%
Registered	99.00%	1.0%	none found	none found	85%
Certified	99.00%	1.0%	2 seeds/lb (5)	2 seeds/lb (6)	85%

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- (5) None found for Austrian pea, rye, or vetch.
- (6) None found for nightshade berries or prohibited noxious weed seeds.
- (7) All classes shall be treated with Thiabendazole (2-(4-thiazoyl) benzimidazole at the labeled rate.)

WSR 95-22-037

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Order 5087—Filed October 25, 1995, 9:55 a.m.]

Date of Adoption: October 25, 1995.

Purpose: Response to industry request to increase seed certification fees for buckwheat, chickpea, field pea, lentil, millet, soybean, sorghum, and small grains.

Citation of Existing Rules Affected by this Order: Amending WAC 16-316-474.

Statutory Authority for Adoption: RCW 15.49.310 and 15.49.370(3).

Pursuant to notice filed as WSR 95-18-063 on September 1, 1995.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The fee increase is consistent with the fiscal growth factor.

Effective Date of Rule: Thirty-one days after filing.

October 25, 1995
James M. Jesernig
Director

AMENDATORY SECTION (Amending Order 5045, filed 5/27/94, effective 6/27/94)

WAC 16-316-474 Buckwheat—Chickpea—Field pea—Lentil—Millet—Soybean—Sorghum—Small grain—Application and fees. (1) An application for seed certification with application fee, field inspection fee, and late application fee (if due) for each field shall be filed by or for each grower with Washington State Crop Improvement Association, Inc., the certifying agency for seeds of buckwheat, chickpea (garbanzo beans), field pea, lentil, millet, soybean, sorghum and small grains.

(2) Due dates:

- (a) Buckwheat - June 1
- (b) Field pea - June 1
- (c) Chickpea - June 1
- (d) Lentil - June 1
- (e) Millet - June 1
- (f) Soybean - July 1
- (g) Sorghum - July 15
- (h) Small grains - June 1 for both winter varieties and spring varieties.

(i) After due date, an application with late application fee may be accepted for service.

(3) Fees:

- (a) Application fee per variety per grower ~~(\$16.00)~~ \$16.82
- (b) Field inspection fee per acre except millet and hybrid sorghum . . . ~~(\$ 2.25)~~ \$ 2.36
- (c) Millet - first acre \$25.00
 - each additional acre \$ 5.00
- (d) Hybrid sorghum - first acre \$25.00
 - each additional acre \$10.00

- (e) Special field inspection fee per acre . . . ~~(\$ 2.00)~~ \$ 2.10
- (f) Late application fee ~~(\$15.00)~~ \$15.76
- (g) Reinspection fee ~~(\$30.00)~~ \$31.53

minimum for each field which did not pass field inspection plus \$ 0.40 for each acre over twenty-five. The reinspection fee for isolation requirements only for a field of any size is ~~(\$30.00)~~ \$31.53.

(h) Final certification fee ~~(\$ 0.20)~~ \$ 0.21 per cwt. of clean seed sampled, which shall be charged to conditioning plant, or production fee . . . ~~(\$ 0.10)~~ \$0.105 per cwt. of production from fields inspected which is utilized for seed, which shall be charged to the grower or the final seller prior to brokerage, retail sale, sale to plant not approved for conditioning certified seed, or transshipment out-of-state.

(i) Sampling fee ~~(\$ 0.10)~~ \$0.105 per cwt. of clean seed sampled, with minimum charge of ten dollars per sample, which shall be charged to conditioning plant in lieu of mechanical sampling.

(4) A field may be withdrawn upon notification by the applicant to the certifying agency's office before field inspection. In such case, the field inspection fee shall be refunded upon request until June 30 of the year following harvest.

(5) Harvest before field inspection causes forfeitures of both the application and field inspection fees, and completion of certification.

WSR 95-22-039

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 3913, #100246—Filed October 25, 1995, 3:22 p.m., effective October 28, 1995]

Date of Adoption: October 25, 1995.

Purpose: Implement legislative changes to MI program, correct a typographical error, move rules concerning cata-racts to WAC 388-86-030. Inform department staff of MI changes. Restrict covered services. Increase EMER to \$2000. Restrict certification to three months.

Citation of Existing Rules Affected by this Order: Amending WAC 388-86-005 Services available to recipients of categorically needy medical assistance, 388-86-030 Vision care, 388-86-073 Occupational therapy, 388-86-075 Outpa-tient and emergency care, 388-86-090 Physical therapy, 388-86-098 Speech therapy services, 388-500-0005 Medical definitions, 388-503-0370 Medically indigent eligible persons, 388-519-1906 Base period, 388-518-1805 LCP-MI eligibility, 388-518-1810 LCP-MI emergency medical expense requirement (EMER), 388-518-1840 LCP-MI spenddown, 388-521-2140 Effective date for the medically

PERMANENT

indigent, and 388-529-2950 Scope of care—Medically indigent.

Statutory Authority for Adoption: RCW 74.08.090.

Adopted under notice filed as WSR 95-18-005 on August 23, 1995.

Changes Other than Editing from Proposed to Adopted Version: WAC 388-500-0005 Currently reads:

"Emergency medical expense requirement" means a specified amount of expenses for ambulance, emergency room or inpatient hospital services, including physician services, incurred for an emergency medical condition that a client must incur prior to certification for the medically indigent program.

"Medically indigent (MI)" means a state-funded medical program, part of the limited casualty program, for a person with limited income and resources who has an emergency medical condition requiring emergency room or inpatient hospital-based services.

WAC 388-500-0005 Revise to:

"Emergency medical expense requirement" means a specified amount of expenses for ambulance, emergency room or hospital services, including physician services, incurred for an emergency medical condition that a client must incur prior to certification for the medically indigent program.

"Medically indigent (MI)" means a state-funded medical program, part of the limited casualty program, for a person with limited income and resources who has an emergency medical condition requiring hospital-based services.

WAC 388-503-0370 Currently reads:

(1) Has an emergency medical condition requiring inpatient hospital or emergency room services.

WAC 388-503-0370 Revise to:

(1) Has an emergency medical condition requiring hospital services.

WAC 388-518-1810 Currently reads:

(5) The department shall consider only the following emergency medical services toward the EMER:

(a) Emergency ground or air ambulance;

(b) Emergency inpatient hospitalization and related physician services; and

(c) Hospital emergency room services and related physician services.

WAC 388-518-1810 Revise to:

(5) The department shall consider only the following emergency medical services toward the EMER:

(a) Emergency ground or air ambulance; and

(b) Emergency hospital services and related physician services in a hospital.

WAC 388-521-2140 Currently reads:

(2)when:

(a) The condition was an emergency medical condition requiring inpatient hospital or emergency room services; and

WAC 388-521-2140 Revise to:

(2)when:

(a) The condition was an emergency medical condition requiring hospital services; and

WAC 388-529-2950 Currently reads:

(1)(b) Physician services related to hospital emergency room services and emergency inpatient hospitalization.

WAC 388-529-2950 Revise to:

(1)(b) Physician services related to hospital services.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 14, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 2, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 14, repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Under RCW 34.05.380 (3)(a), such action is required by the state or federal Constitution, a statute, or a court order; and RCW 34.05.380 (3)(c), the earlier effective date is necessary because of imminent peril to the public health, safety or welfare.

Effective Date of Rule: October 28, 1995.

October 25, 1995

Sydney Doré

for Jeanette Sevedge-App

Acting Chief

Office of Vendor Services

Reviser's note: The material contained in this filing will appear in the 95-23 issue of the Register as it was received after the applicable closing date for the issue for agency-typed material exceeding the volume limitations of WAC 1-21-040.

WSR 95-22-040
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3912, #100241—Filed October 25, 1995, 3:24 p.m.]

Date of Adoption: October 25, 1995.

Purpose: This rule provides a necessary cross reference concerning the criteria for approval, denial or withdrawal of a medical application.

Citation of Existing Rules Affected by this Order: Amending WAC 388-504-0470 Application disposition.

Statutory Authority for Adoption: RCW 74.08.090.

Adopted under notice filed as WSR 95-19-100 on September 20, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 1, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

Effective Date of Rule: Thirty-one days after filing.
October 25, 1995
Sydney Doré
for Jeanette Sevedge-App
Acting Chief
Office of Vendor Services

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-504-0470 Application disposition. (1) The department shall ~~((set on))~~ approve or deny a request for medical care within:

(a) Sixty calendar days for a client requiring a disability decision;

(b) Forty-five calendar days for all other categories except a pregnant woman as described under subsection (1) (c) of this ((sub))section; and

(c) Fifteen working days for a pregnant woman, including an interview within five working days if an interview is requested by the client;

(d) When applying subsection (1) (a), (b), or (c) of this ((sub))section, the department shall count as day one the date following the date of application.

(2) The department shall:

(a) Act on each application as quickly as possible; and

(b) Not use the standards for timely processing of applications as a waiting period for determining eligibility.

(3) The department shall follow criteria under chapter 388-210 WAC for the approval, denial, or withdrawal of an application for:

(a) Medical assistance;

(b) Medical care services;

(c) The limited casualty program; and

(d) Children's health program.

WSR 95-22-056

PERMANENT RULES

TRANSPORTATION IMPROVEMENT BOARD

[Filed October 30, 1995, 9:08 a.m.]

Date of Adoption: October 30, 1995.

Purpose: To comply with ESHB 1107 that consolidated the Multimodal Transportation Programs and Projects Selection Committee with the Transportation Improvement Board and modify minor technical changes in existing WACs.

Statutory Authority for Adoption: Section 2601, chapter 269, Laws of 1995.

Adopted under notice filed as WSR 95-19-091 on September 20, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or

Recently Enacted State Statutes: New 11, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 3, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 11, amended 3, repealed 0.

Effective Date of Rule: Thirty-one days after filing.
October 30, 1995
Jerry M. Fay
Executive Director

AMENDATORY SECTION (Amending WSR 95-04-072, filed 1/30/95, effective 3/2/95)

WAC 479-01-010 Organization of transportation improvement board. The transportation improvement board is a ~~((eighteen-))~~ twenty-one member board, organized under the provisions of chapter ~~((172))~~ 269, Laws of ~~((1993))~~ 1995. The board administers the urban arterial trust account program, the transportation improvement account program, small city account program, city hardship assistance program, central Puget Sound public transportation account, public transportation systems account, Intermodal Surface Transportation and Efficiency Act of 1991, surface transportation program state-wide competitive, and evaluates petitions requesting any additions or deletions from the state highway system created and financed under the provisions contained therein. ~~((Fifteen))~~ Nineteen members of the board are appointed by the secretary of transportation, with six being city officials, six being county officials ~~((and a))~~, two representatives of ~~((a))~~ public transit systems, a private sector ~~((representative, and a public))~~ member, a member representing the ports, a member representing nonmotorized transportation, a member representing special needs transportation and two representatives from the department of transportation. One member shall be appointed by the governor. The county road administration engineer, created by RCW 36.78.060 is an ex officio member of the board. ~~((The assistant secretary for TransAid of the department of transportation is an ex officio member. The remaining ex officio member is the assistant secretary of the department of transportation whose primary responsibilities relate to planning and public transportation.))~~

NEW SECTION

WAC 479-01-050 Administration costs. The board costs for necessary staff services and facilities that are attributable to the urban arterial trust account, small city account, city hardship assistance account, transportation improvement account, central Puget Sound public transportation account and public transportation systems account shall be paid in proportion to the anticipated expenditures of the programs as determined by the biennial appropriation.

AMENDATORY SECTION (Amending WSR 95-04-072, filed 1/30/95, effective 3/2/95)

WAC 479-12-008 Definitions. For purposes of implementing the requirements of RCW 47.26.185 relative to the urban arterial trust account, the following definitions shall apply:

- (1) Board - when board is used in this chapter, it refers to the transportation improvement board.
- (2) UATA - this is the abbreviation for the urban arterial trust account.
- (3) Director - the executive director of the transportation improvement board.
- (4) Eligible agencies - the urban arterial trust account eligible agencies are the counties with federal designated urban areas and all urban cities (~~((with a population of five thousand or above))~~).
- (5) Urban area - the term "urban area" as used for the UATA program refers to the portion of a county within the federal urban area boundary as designated by FHWA.
- (6) Eligible project - improvement on federally classified arterials within the urban area.

AMENDATORY SECTION (Amending WSR 95-04-072, filed 1/30/95, effective 3/2/95)

WAC 479-112-0055 Definitions. For purposes of implementing the requirements of RCW 47.26.084 relative to the transportation improvement account, the following definitions shall apply:

- (1) Board - when board is used in this chapter, it refers to the transportation improvement board.
- (2) Director - the executive director of the transportation improvement board.
- (3) Urban area - the term "urban area" as used in this chapter refers to the portion of a county within the federal urban area boundary as designated by FHWA.
- (4) Eligible agencies - the transportation improvement account eligible agencies are:
 - (a) Counties that have an urban area (~~((or a population of five thousand or more))~~).
 - (b) ~~((A))~~ Cities (~~((within an urban area))~~) with a population of five thousand and over.
 - (c) Urban area transportation benefit districts.
- (5) Eligible projects.
 - (a) Improvements on federally classified arterials.
 - (b) Improvement involving state highway and transit when they are part of a joint project with eligible agencies.
 - (c) A project within the federal urban boundary or a project that extends partially or is totally beyond the federal urban boundary and is an extension of a federally classified arterial which connects two other federally classified arterials.
 - (d) A project that is on the federal functional classification system and in an area that is outside of the federal urban boundary, but has definite urban characteristics as defined by local comprehensive plans.

Chapter 479-510 WAC

CENTRAL PUGET SOUND PUBLIC TRANSPORTATION ACCOUNT, PUBLIC TRANSPORTATION SYSTEMS ACCOUNT, AND SURFACE TRANSPORTATION PROGRAMS

NEW SECTION

WAC 479-510-060 Application guidelines. The transportation improvement board shall prepare application guidelines for all fund accounts. At a minimum, such guidelines shall include all application forms needed and instructions on how to apply, sufficient information as to the scoring process to enable applicants to fairly compete, and a complete time schedule identifying key milestones from the opening of the application period to final project selection. Such guidelines shall be available upon request to the public records officer at least thirty days prior to the date applications are due to the transportation improvement board.

NEW SECTION

WAC 479-510-076 Funding shortfall. If it shall be determined by the transportation improvement board that the funding in any of the accounts will be insufficient to meet the contracted obligations identified for the selected projects, the transportation improvement board shall have discretion as to the remedial action it will take. Such actions may include, but not be limited to, termination of projects, reduction in funding to selected projects, and/or an across the board reduction in funding for all projects. Such action shall occur only after the transportation improvement board holds a public meeting during which the affected parties may testify as to impacts of such actions.

NEW SECTION

WAC 479-510-080 Over-programming of funds. The transportation improvement board shall select projects based on its estimate of revenues and expenditures. The transportation improvement board may utilize the principle of over-programming when selecting projects, the degree of such over-programming to be at the discretion of the transportation improvement board for each account and application period.

NEW SECTION

WAC 479-510-110 Central Puget Sound public transportation account—Eligibility. (1) Eligibility to apply shall be limited to public agencies with offices in King, Kitsap, Pierce, and Snohomish counties.

(2) Projects eligible for funding from the central Puget Sound public transportation account shall be limited to public transportation projects for:

- (a) Planning;
- (b) Development of capital projects;
- (c) Development of high capacity transportation systems as defined in RCW 81.104.015;
- (d) Development of high occupancy vehicle lanes and related facilities as defined in RCW 81.100.020; and
- (e) Public transportation system contributions required to fund projects under federal programs and those approved by the transportation improvement board.

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(3) Projects eligible for funding under the central Puget Sound public transportation account shall be limited to those located in King, Kitsap, Pierce, and Snohomish counties.

NEW SECTION

WAC 479-510-120 Central Puget Sound public transportation account—Criteria. (1) Projects selected for funding from the central Puget Sound public transportation account shall be consistent with the following criteria:

- (a) Local, regional, and state transportation plans;
- (b) Local transit development plans; and
- (c) Local comprehensive land use plans.

(2) The following criteria shall be considered by the transportation improvement board in selecting programs and projects:

(a) Objectives of the Growth Management Act, the High Capacity Transportation Act, the Commute Trip Reduction Act, transportation demand management programs, federal and state air quality requirements, and federal Americans with Disabilities Act and related state accessibility requirements; and

(b) Energy efficiency issues, freight and goods movement as related to economic development, regional significance, rural isolation, the leveraging of other funds including funds administered by the transportation improvement board, and safety and security issues.

NEW SECTION

WAC 479-510-210 Public transportation systems account—Eligibility. (1) Participation in the public transportation systems account shall be limited to those public transportation systems that contribute funds to the account.

(2) Projects eligible for funding from the public transportation systems account shall be limited to public transportation projects for:

- (a) Planning;
- (b) Development of capital projects;
- (c) Development of high capacity transportation systems as defined in RCW 81.104.015;

(d) Development of high occupancy vehicle lanes and related facilities as defined in RCW 81.100.020;

(e) Other public transportation system-related roadway projects on state highways, county roads, or city streets; and

(f) Public transportation system contributions required to fund projects under federal programs and those approved by the transportation improvement board.

(3) Projects eligible for funding under the public transportation systems account shall be limited to areas in Washington state outside of the central Puget Sound region identified in WAC 240-201-110(3).

NEW SECTION

WAC 479-510-220 Public transportation systems account—Criteria. (1) Projects selected for funding from the public transportation systems account shall be consistent with the following criteria:

- (a) Local, regional, and state transportation plans;
- (b) Local transit development plans; and
- (c) Local comprehensive land use plans.

(2) The following criteria shall be considered by the transportation improvement board in selecting programs and projects:

(a) Objectives of the Growth Management Act, the High Capacity Transportation Act, the Commute Trip Reduction Act, transportation demand management projects, federal and state air quality requirements, and federal Americans with Disabilities Act and related state accessibility requirements; and

(b) Energy efficiency issues, freight and goods movement as related to economic development, regional significance, rural isolation, the leveraging of other funds administered by the transportation improvement board, and safety and security issues.

NEW SECTION

WAC 479-510-410 Intermodal Surface Transportation Efficiency Act, surface transportation program, state-wide competitive program account—Eligibility. (1) Eligibility to apply shall be limited to public agencies.

(2) Programs and projects eligible for funding shall be limited to the following purposes:

- (a) Planning;
- (b) Preliminary engineering;
- (c) Right of way acquisition;
- (d) Construction; and
- (e) Capital equipment acquisition.

(3) Projects eligible for funding under the account shall be limited to applications that directly benefit Washington state.

NEW SECTION

WAC 479-510-420 Intermodal Surface Transportation Efficiency Act, surface transportation program, state-wide competitive program account—Criteria. (1) Projects selected for funding from the state-wide competitive program account shall be consistent with the following criteria:

- (a) Local, regional, and state transportation plans;
- (b) Local transit development plans; and
- (c) Local comprehensive land use plans.

(2) The following criteria shall be considered:

(a) Objectives of the Growth Management Act, the High Capacity Transportation Act, the Commute Trip Reduction Act, transportation demand management programs, federal and state air quality requirements, and federal Americans with Disabilities Act and related state accessibility requirements; and

(b) Energy efficiency issues, freight and goods movement as related to economic development, regional significance, rural isolation, the leveraging of other funds including funds administered by the transportation improvement board, and safety and security issues.

(3) In addition to the criteria identified in subsections (1) and (2) of this section, the transportation improvement board may choose to identify additional criteria for program and project selection for the state-wide competitive program. Such criteria shall be subject to public meetings as required by federal law, and shall be identified in the application guidelines.

(4) The transportation improvement board shall prepare application forms and guidelines to assist eligible applicants and ensure their distribution to all eligible applicants no later than thirty days prior to the date on which the applications must be submitted.

NEW SECTION

WAC 479-510-500 Financial and payment requirements. The financial and payment requirements for the central Puget Sound public transportation account projects and public transportation systems account projects shall be as specified in chapter 479-20 WAC except WAC 479-20-007.

WSR 95-22-058

PERMANENT RULES

CENTRAL WASHINGTON UNIVERSITY

[Filed October 30, 1995, 11:15 a.m.]

Date of Adoption: October 24, 1995.

Purpose: To provide exceptions to the current rule prohibiting commercial advertising by nonuniversity groups or individuals in facilities and on university property.

Citation of Existing Rules Affected by this Order: Amending WAC 106-140-036.

Statutory Authority for Adoption: RCW 28B.35.120(12) and 28B.10.528.

Adopted under notice filed as WSR 95-19-019 on September 8, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 1, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

October 24, 1995

Ivory V. Nelson
President

AMENDATORY SECTION (Amending Order 39, filed 7/11/78)

WAC 106-140-036 Publicity and literature—Commercial advertising prohibited. University facilities and property shall not be used for commercial advertising by nonuniversity groups or individuals except by written permission of the president, or designee.

WSR 95-22-062 **PERMANENT RULES** **DEPARTMENT OF HEALTH** [Filed October 30, 1995, 11:44 a.m.]

Date of Adoption: August 23, 1995.

Purpose: To implement Citizen's Initiative I-607, chapter 1, Laws of 1995, that regulates the profession of denturism, establishing eligibility, licensing and standards of practice criteria.

Statutory Authority for Adoption: RCW 18.30.070(3).

Adopted under notice filed as WSR 95-15-110 on July 19, 1995.

Changes Other than Editing from Proposed to Adopted Version: Editing changes only.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 34, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 34, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 34, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 34, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

October 30, 1995

Bruce A. Miyahara
Secretary

Chapter 246-812 WAC **BOARD OF DENTURE TECHNOLOGY**

DENTURISTS

NEW SECTION

WAC 246-812-001 Purpose. The purpose of these rules is to further clarify and define chapter 18.30 RCW, Denturists.

NEW SECTION

WAC 246-812-010 Definitions. The following terms are so defined for the purposes of this chapter:

"Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

"Approval" and "accreditation" are used interchangeably with reference to sanctioning of courses.

"Board" means the state board of denture technology, whose address is:

Department of Health
Health Profession Quality Assurance Division
Board of Denture Technology
1112 SE Quince Street, PO Box 47867
Olympia, WA 98504-7867

"Denture technology" for the purposes of application under RCW 18.30.090(3) is defined, at a minimum, as the making, constructing, altering, reproducing or repairing of a denture.

"Five years employment in denture technology" is defined as working a minimum of twenty hours per week during five of the last ten years.

"Office on AIDS" means that section within the department of health with jurisdiction over public health matters as defined in chapter 70.24 RCW.

"4,000 Hours practical work experience in denture technology" is defined and taken as a whole, which must have occurred within the past five years of date of application.

NEW SECTION

WAC 246-812-015 Adjudicative proceedings—Procedural rules. Adjudicative proceedings are conducted pursuant to the model procedural rules for adjudicative proceedings as adopted by the department of health and contained in chapter 246-10 WAC, including subsequent amendments.

LICENSURE—APPLICATION AND ELIGIBILITY REQUIREMENTS

NEW SECTION

WAC 246-812-101 Purpose. The purpose of WAC 246-812-101 through 246-812-170 is to establish guidelines on eligibility, and set forth the procedures for application to receive a license for the practice of denturism. By statute, the eligibility and application criterion are established in RCW 18.30.090.

NEW SECTION

WAC 246-812-120 Denturist licensure—Initial eligibility and application requirements. To be eligible for Washington state denturist licensure, the applicant shall complete an application and shall include written documentation to meet eligibility criteria. Each applicant shall provide:

(1) A signed, notarized application and required fee. Fees are set by the secretary and are nonrefundable. Fees must be in United States funds and made payable by check or money order, to the department of health. (Refer to WAC 246-812-990 for fee schedule.)

(2) Proof that they meet the basic eligibility requirements identified in RCW 18.30.090, documented by the signed, notarized affidavit processed as part of the application.

(3) Proof of seven hours of AIDS education and training as further defined by WAC 246-812-130.

(4) Photograph. A recent photograph, signed and dated, shall be attached to the application.

NEW SECTION

WAC 246-812-125 Denturist licensure—Endorsement. For the purposes of endorsement as provided in RCW 18.30.090 (1)(a) licensing authorities shall be determined to be substantially equivalent that meet the following criteria:

(1) Written examination - applicants must have successfully completed a written examination which included testing in the areas of:

- (a) Oral pathology;
- (b) Head and oral anatomy and physiology;
- (c) Dental laboratory technology;

Additionally, the examination must include four of the following test categories:

- (d) Partial denture construction and design;
- (e) Microbiology;
- (f) Clinical dental technology;
- (g) Clinical jurisprudence;
- (h) Asepsis;
- (i) Medical emergencies;
- (j) Cardiopulmonary resuscitation.

(2) Practical examination - applicants must have successfully completed a clinical examination.

NEW SECTION

WAC 246-812-130 Denturist licensure—Training course approval. For the purposes of eligibility as defined in RCW 18.30.090 (3)(b), secretary approval will be given to any course(s) that consists of course work at an accredited institution in each and all of the following areas:

- (1) Head and oral anatomy and physiology;
- (2) Oral pathology;
- (3) Partial denture construction and design;
- (4) Microbiology;
- (5) Clinical dental technology;
- (6) Dental laboratory technology;
- (7) Clinical jurisprudence;
- (8) Asepsis;
- (9) Medical emergencies;
- (10) Cardiopulmonary resuscitation.

NEW SECTION

WAC 246-812-140 Application for licensure—AIDS education requirements. (1) Application for licensure. Persons applying for a license shall submit, in addition to the other licensure requirements, evidence to show compliance with the education requirements of subsection (3) of this section.

(2) AIDS education and training. The secretary shall accept formal lecture-type education and training that is consistent with the topical outline available from the office on AIDS. Such education and training shall be a minimum of seven clock hours. As an alternative to formal lectures, the secretary will also accept education and training obtained through videos and/or self-study materials. Such videos and/or self-study materials must include a written examination that is graded by the provider of the materials.

All education and training shall include the subjects of prevention, transmission and treatment of AIDS.

(3) Documentation. The applicant shall:

- (a) Certify, on forms provided, that the minimum education and training occurred after January 1, 1986;
- (b) Keep records for two years documenting attendance and description of the learning;
- (c) Be prepared to validate, through submission of these records, that attendance has taken place.

NEW SECTION

WAC 246-812-150 Examination—Content and scores. An applicant seeking licensure in Washington by examination must successfully complete a written and practical examination as specified in RCW 18.30.100. In order to be licensed, an applicant shall be required to obtain an overall passing score of seventy percent on the written examination and an overall score of seventy percent on the practical examination.

NEW SECTION

WAC 246-812-155 Denturist examination scores. An applicant must pass all sections of the written examination and the practical demonstration of skills within three attempts. After three failures the applicant must petition the secretary for permission to take any further examination. The secretary shall have complete discretion regarding such petition and the conditions under which further examination permission may be granted.

NEW SECTION

WAC 246-812-160 Lapsed and inactive licenses—Requirements for reinstating or activating a license. (1) A licensee who allows their denturist license to lapse for more than three years must pay a penalty fee per WAC 246-812-990.

(2) A licensee whose license has been inactive for more than three years may be reexamined as provided for in RCW 18.25.040 at the secretary's discretion.

(3) A licensee who has placed their denturist license on inactive status and later requests to activate the license shall submit to the secretary, in writing, a request to activate their license from inactive status. The request to activate a license must include the following:

- (a) An applicable fee, per WAC 246-812-990.
- (b) Updated chronology from date license was placed into inactive status.
- (c) Proof of four hours of AIDS education refresher training.

NEW SECTION

WAC 246-812-170 License renewal form. A license shall not be renewed until the applicant has submitted completed renewal forms and the full amount of the renewal fee, including any penalty fee for late renewal of the license.

PRACTICE STANDARDSNEW SECTION

WAC 246-812-301 Purpose. The purpose of WAC 246-812-201 through 246-812-460 is to provide standards to guide denturists in the conduct of their practice.

NEW SECTION

WAC 246-812-320 Maintenance and retention of patient records. Any denturist who treats patients in the state of Washington shall maintain complete treatment records regarding patients treated. These records shall

include, but shall not be limited to, treatment plans, patient charts, patient histories, correspondence, financial data and billing. These records shall be retained by the denturist for five years in an orderly, accessible file and shall be readily available for inspection by the secretary or its authorized representative. Copies of records may be forwarded to a second party upon the patient's or authorized agent's written request. In such cases, office records shall state the date on which the records were released, method forwarded and to whom, and the reason for the release. A reasonable fee may be charged the patient to cover mailing and clerical costs.

In offices where more than one denturist is performing the services, the records must specify the denturist who performed the services.

NEW SECTION

WAC 246-812-330 Privileged communications. A denturist shall not, without the consent of the patient, reveal any information acquired in attending such patient, which was necessary to enable the denturist to treat the patient. This shall not apply to the release of information in an official proceeding where the release of information may be compelled by law.

NEW SECTION

WAC 246-812-340 Patient abandonment. The denturist shall always be free to accept or reject a particular patient, bearing in mind that whenever possible a denturist shall respond to any reasonable request for his/her services in the interest of public health and welfare.

NEW SECTION

WAC 246-812-350 License display—Notification of address. Every person who engages in the practice of denturism in this state shall display their license, at all times, in a conspicuous place within their office. Whenever requested, they shall exhibit their license to the secretary or the secretary's authorized agent. Every licensee shall notify the secretary of the address or addresses, including changes, where the licensee shall engage in the practice of denturism.

NEW SECTION

WAC 246-812-360 Identification of new dentures. Every complete upper and lower denture and removable partial denture fabricated by a denturist licensed under the provisions of chapter 18.30 RCW, or fabricated pursuant to the denturist's work order or under the denturist's direction or supervision, shall be marked with the name of the patient for whom the denture is intended. The markings shall be done during fabrication and shall be permanent, legible, and cosmetically acceptable. The exact location of the markings and the methods used to apply or implant them shall be determined by the denturist fabricating the denture. If, in the professional judgment of the denturist, this identification is not practical, identification shall be provided as follows:

(1) The initials of the patient may be shown alone, if use of the patient's name is impracticable; or

(2) The identification marks may be omitted in their entirety if none of the forms of identification specified in

subsection (1) of this section is practicable, clinically safe, or the patient declines.

NEW SECTION

WAC 246-812-390 Improper billing practices. The following acts shall constitute grounds for which disciplinary action may be taken:

(1) Rebating or offering to rebate to an insured any payment to the licensee by the third-party payor of the insured for services or treatments rendered under the insured's policy.

(2) Submitting to any third-party payor a claim for a service or treatment at a greater or an inflated fee or charge other than the usual fee the licensee charges for that service or treatment when rendered without third-party reimbursement.

NEW SECTION

WAC 246-812-400 Denturist associations or societies. The president or chief executive officer of any denturist association or society within this state shall report to the secretary when an association or society determines that a denturist has committed unprofessional conduct or that a denturist may not be able to practice denturism with reasonable skill and safety to patients as the result of any mental or physical condition and constitutes an apparent risk to the public health, safety, or welfare. The report required by this section shall be made without regard to whether the licensee holder appeals, accepts, or acts upon the determination made by the association or society. Notification of appeal shall be included.

NEW SECTION

WAC 246-812-410 Insurance carriers. The executive officer of every insurer, licensed under Title 48 RCW operating in the state of Washington, shall report to the secretary any evidence that a denturist has charged fees for denturist services not actually provided, or has otherwise committed unprofessional conduct.

NEW SECTION

WAC 246-812-420 Professional liability carriers. Every institution or organization providing professional liability insurance directly or indirectly to denturists shall send the secretary a complete report of any malpractice settlement, award or payment over five thousand dollars as a result of a claim or action for damages alleged to have been caused by an insured denturist's incompetence or negligence in the practice of denturism. Such institution or organization shall also report the payment of three or more claims during a year as the result of alleged incompetence or negligence in the practice of denturism regardless of the dollar amount of the payment.

NEW SECTION

WAC 246-812-430 Courts. The secretary requests the assistance of all clerks of trial courts within the state to report, to the secretary, all professional malpractice judgments

and all criminal convictions of licensed denturists, other than for minor traffic violations.

NEW SECTION

WAC 246-812-440 State and federal agencies. The secretary requests the assistance of executive officers of any state or federal program operating in the state of Washington, under which a denturist has been judged to have demonstrated incompetence or negligence in the practice of denturism, or has otherwise committed unprofessional conduct; or whose practice is impaired as a result of a mental, physical or chemical condition, to report to the secretary all professional malpractice judgments and decisions.

NEW SECTION

WAC 246-812-450 Professional standards review organizations. Unless prohibited by federal or state law, every professional standards review organization operating within the state of Washington shall report to the secretary any conviction, determination, or finding that a licensee holder has committed an act which constitutes unprofessional conduct, or to report information which indicates that the licensee holder may not be able to practice their profession with reasonable skill and safety to consumers as a result of a mental or physical condition.

NEW SECTION

WAC 246-812-460 Board conflict of interest. Members of the board shall not participate in a disciplinary case where their participation presents a conflict of interest or creates an appearance of a conflict of interest.

INFECTION CONTROL

NEW SECTION

WAC 246-812-501 Purpose. The purpose of WAC 246-812-501 through 246-812-520 is to establish requirements for infection control in denturist offices to protect the health and well-being of the people of the state of Washington. For purposes of infection control, all denturist staff members and all patients shall be considered potential carriers of communicable diseases. Infection control procedures are required to prevent disease transmission from patient to denturist and staff, denturist and staff to patient, and from patient to patient. Every denturist is required to comply with the applicable standard of care in effect at the time of treatment. At a minimum, the denturist must comply with the requirements defined in WAC 246-812-620 and 246-812-630.

NEW SECTION

WAC 246-812-510 Definitions. The following definitions pertain to WAC 246-812-501 through 246-812-520.

"Communicable diseases" 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.

"**Decontamination**" means the use of physical or chemical means to remove, inactivate, or destroy bloodborne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use, or disposal.

"**Direct care staff**" are the denturist staff who directly provide denturist care to patients.

"**Sterilize**" means the use of a physical or chemical procedure to destroy all microbial life including highly resistant bacterial endospores.

NEW SECTION

WAC 246-812-520 Use of barriers and sterilization techniques. The use of barriers and sterilization techniques is the primary means of assuring that there is the least possible chance of the transmission of communicable diseases from denturist and staff to patients, from patient to patient and from patient to denturist and staff. To prevent patient to patient cross contamination, instruments and supplies contaminated or likely to be contaminated with blood or saliva and touched during treatment must be sterilized between patients or discarded except as otherwise set forth below. Surfaces and equipment which are likely to be contaminated with blood or saliva and touched during treatment must be decontaminated or covered with a barrier which is discarded and replaced between patients except as otherwise set forth below:

(1) Denturists shall comply with the following barrier techniques:

(a) Gloves shall be used by the denturist and direct care staff during treatment which involves intraoral procedures or contact with items potentially contaminated with the patient's bodily fluids. Fresh gloves shall be used for every intraoral patient contact. Gloves shall not be washed or reused for any purpose. The same pair of gloves shall not be used, removed, and reused for the same patient at the same visit or for any other purpose. Gloves that have been used for denturist treatment shall not be reused for any nondenturist purpose.

(b) Masks shall be worn by the denturist and direct care staff when splatter or aerosol is likely.

(c) Unless effective surface decontamination methods are used, protective barriers shall be placed over areas which are likely to be touched during treatment, not removable to be sterilized, and likely to be contaminated by blood or saliva. These procedures must be followed between each patient. These include but are not limited to:

- (i) Delivery unit;
- (ii) Chair controls (not including foot controls);
- (iii) Light handles;
- (iv) Head rest;
- (v) Instrument trays;
- (vi) Treatment area and laboratory countertops/benches.

(d) Protective eyewear shields shall be worn by the denturist and direct care staff and provided to all patients during times when splatter or aerosol is expected.

(2) Denturists shall comply with the following sterilization requirements:

(a) Every denturist office shall have the capability to ultrasonically clean and sterilize contaminated items by autoclave, dry heat, unsaturated formaldehyde/alcohol vapor (such as MDT Chemiclave ®) or ethylene oxide, where adequate ventilation is provided. Sterilizers shall be tested by a biological spore test on at least a weekly basis. In the event of a positive biological spore test, the denturist shall take immediate remedial action to ensure the objectives of (a) of this subsection are accomplished. Documentation shall be maintained either in the form of a log reflecting dates and person(s) conducting the testing or copies of reports from an independent testing entity. The documentation shall be maintained for a period of at least five years.

(b) The following items shall be sterilized by an appropriate autoclave, dry heat, unsaturated formaldehyde/alcohol vapor (such as MDT Chemiclave ®) or ethylene oxide sterilization method between patients:

- (i) Hand instruments;
- (ii) Air-water syringe tips;
- (iii) High volume evacuator tips;
- (iv) Nose cone sleeves;
- (v) Metal impression trays.

(c) Gross debris shall be removed from items prior to sterilization. Ultrasonic disinfectant solution cleaning shall be used whenever possible.

(d) Nondisposable items used in patient care which cannot be autoclaved, dry heat, unsaturated formaldehyde/alcohol vapor (such as MDT Chemiclave ®) or ethylene oxide sterilized shall be immersed and ultrasonically cleaned in a chemical sterilant. If such a technique is used, the solution shall be approved by the Environmental Protection Agency and used in accordance with the manufacturer's directions for sterilization.

(e) Items such as impressions contaminated with blood or saliva shall be thoroughly rinsed, appropriately disinfected, placed in and transported to the denturist laboratory in an appropriate case containment device that is properly sealed and separately labeled.

(f) In the laboratory: Ragwheels shall be sterilized or disinfected; patient pumice shall be discarded after each use; and, patient burrs and stones shall be sterilized or disinfected.

SUBSTANCE ABUSE MONITORING

NEW SECTION

WAC 246-812-601 Purpose. The secretary recognizes the need to establish a means of proactively providing early recognition and treatment options for denturists whose competency may be impaired due to the abuse of drugs or alcohol. The secretary intends that such denturists be treated and their treatment monitored so that they can return to or continue to practice their profession in a way which safeguards the public. To accomplish this the secretary shall approve voluntary substance abuse monitoring programs and shall refer denturists impaired by substance abuse to approved programs as an alternative to instituting disciplinary proceedings as defined in RCW 18.130.160.

NEW SECTION

WAC 246-812-610 Definitions. The following general terms are defined within the context used in this chapter:

"**Aftercare**" is that period of time after intensive treatment that provides the dentist and the dentist's family with group or individual counseling sessions, discussions with other families, ongoing contact and participation in self-help groups and ongoing continued support of treatment program staff.

"**Approved substance abuse monitoring program**" or "**approved monitoring program**" is a program the secretary has determined meets the requirements of the law and the criteria established by the secretary in WAC 246-812-620 which enters into a contract with denturists who have substance abuse problems regarding the required components of the dentist's recovery activity and oversees the dentist's compliance with these requirements. Substance abuse monitoring programs do not provide evaluation or treatment to participating denturists.

"**Approved treatment facility**" is a facility approved by the bureau of alcohol and substance abuse, department of social and health services according to RCW 70.96A.020(2) or 69.54.030 to provide intensive alcoholism or drug treatment if located within Washington state. Drug and alcohol treatment programs located out-of-state must be equivalent to the standards required for approval under RCW 70.96A.020(2) or 69.54.030.

"**Contract**" is a comprehensive, structured agreement between the recovering dentist and the approved monitoring program stipulating the dentist's consent to comply with the monitoring program and its required components of the dentist's recovery activity.

"**Health care professional**" is an individual who is licensed, certified, or registered in Washington to engage in the delivery of health care to patients.

"**Random drug screens**" are laboratory tests to detect the presence of drugs of abuse in body fluids which are performed at irregular intervals not known in advance by the person being tested.

"**Substance abuse**" means the impairment, as determined by the secretary, of a dentist's professional services by an addiction to, a dependency on, or the use of alcohol, legend drugs, or controlled substances.

"**Support group**" is a group of health care professionals meeting regularly to support the recovery of its members. The group provides a confidential setting with a trained and experienced health care professional facilitator in which denturists may safely discuss drug diversion, licensure issues, return to work, and other professional issues related to recovery.

"**Twelve-step groups**" are groups such as alcoholics anonymous, narcotics anonymous, and related organizations based on a philosophy of anonymity, belief in a power outside of oneself, a peer group association, and self-help.

NEW SECTION

WAC 246-812-620 Approval of substance abuse monitoring programs. The secretary shall approve the monitoring program(s) which shall participate in the substance abuse monitoring program. A monitoring program approved by the secretary may be contracted with an entity

outside the department but within the state, out-of-state, or a separate structure within the department.

(1) The approved monitoring program shall not provide evaluation or treatment to the participating dentist.

(2) The approved monitoring program staff must have the qualifications and knowledge of both substance abuse and the practice of denturism as defined in this chapter to be able to evaluate:

- (a) Clinical laboratories;
- (b) Laboratory results;
- (c) Providers of substance abuse treatment, both individuals and facilities;
- (d) Support groups;
- (e) The dentist work environment; and
- (f) The ability of the dentist to practice with reasonable skill and safety.

(3) The approved monitoring program shall enter into a contract with the dentist and the secretary to oversee the dentist's compliance with the requirements of the program.

(4) The approved monitoring program may make exceptions to individual components of the contract on an individual basis.

(5) The approved monitoring program staff shall recommend, on an individual basis, whether a dentist shall be prohibited from engaging in the practice of denturism for a period of time and restrictions, if any, on the dentist's access to controlled substances in the work place.

(6) The approved monitoring program shall maintain records on participants.

(7) The approved monitoring program shall be responsible for providing feedback to the dentist as to whether treatment progress is acceptable.

(8) The approved monitoring program shall report to the secretary any dentist who fails to comply with the requirements of the monitoring program.

(9) The approved monitoring program shall receive from the secretary guidelines on treatment, monitoring, and limitations on the practice of denturism for those participating in the program.

NEW SECTION

WAC 246-812-630 Participation in approved substance abuse monitoring program. (1) In lieu of disciplinary action, the dentist may accept secretary referral into the approved substance abuse monitoring program.

(a) The dentist shall undergo a complete physical and psychosocial evaluation before entering the approved monitoring program. This evaluation shall be performed by health care professional(s) with expertise in chemical dependency. The person(s) performing the evaluation shall not also be the provider of the recommended treatment.

(b) The dentist shall enter into a contract with the secretary and the approved substance abuse monitoring program to comply with the requirements of the program which shall include, but not be limited to:

- (i) The dentist shall undergo intensive substance abuse treatment in an approved treatment facility.
- (ii) The dentist shall agree to remain free of all mind-altering substances including alcohol except for medications

prescribed by an authorized prescriber, as defined in RCW 69.41.030 and 69.50.101.

(iii) The dentist must complete the prescribed aftercare program of the intensive treatment facility, which may include individual and/or group psychotherapy.

(iv) The treatment counselor(s) shall provide reports to the approved monitoring program at specified intervals. Reports shall include treatment, prognosis, and goals.

(v) The dentist shall submit to random drug screening as specified by the approved monitoring program.

(vi) The dentist shall attend support groups facilitated by a health care professional and/or twelve-step group meetings as specified by the contract.

(vii) The dentist shall comply with specified employment conditions and restrictions as defined by the contract.

(viii) The dentist shall sign a waiver allowing the approved monitoring program to release information to the secretary if the dentist does not comply with the requirements of this contract.

(c) The dentist is responsible for paying the costs of the physical and psychosocial evaluation, substance abuse treatment, and random drug screens.

(d) The dentist may be subject to disciplinary action under RCW 18.130.160, if the dentist does not consent to be referred to the approved monitoring program, does not comply with specified employment restrictions, or does not successfully complete the program.

(2) A dentist who is not being investigated by the secretary or subject to current disciplinary action or currently being monitored by the secretary for substance abuse may voluntarily participate in the approved substance abuse monitoring program without being referred by the secretary. Such voluntary participants shall not be subject to disciplinary action under RCW 18.130.160 for their substance abuse, and shall not have their participation made known to the secretary if they meet the requirements of the approved monitoring program as defined in subsection (1) of this section.

(3) The treatment and pretreatment records of license holders referred to or voluntarily participating in approved monitoring programs shall be confidential, shall be exempt from RCW 42.17.250 through 42.17.450 and shall not be subject to discovery by subpoena or admissible as evidence except for monitoring records reported to the disciplinary authority for cause as defined in subsection (1) of this section. Records held by the secretary under this section shall be exempt from RCW 42.17.250 through 42.17.450 and shall not be subject to discovery by subpoena except by the license holder.

FEES

NEW SECTION

WAC 246-812-990 Denturist fees. The following fees shall be charged by the department of health and are nonrefundable:

Title of Fee	Fee
Application (includes the initial license which expires the following June 30)	\$ 1,000
Examination	1,500

Reexamination, written	500
Reexamination, practical	500
License renewal	2,750
Late renewal penalty	300
Inactive license renewal	1,500
Duplicate license	15
Certification	25
Multiple location licenses	50

**WSR 95-22-067
PERMANENT RULES
PARKS AND RECREATION
COMMISSION**

[Filed October 30, 1995, 3:38 p.m., effective January 1, 1996]

Date of Adoption: October 27, 1995.

Purpose: These rules specify fees that are charged for use of state park facilities, land, programs, and services. The modification of this rule eliminates the specific fees from the WAC and requires state parks to publish the fees for public information.

Citation of Existing Rules Affected by this Order: Repealing WAC 352-32-035; and amending WAC 352-12-020, 352-12-030, 352-12-040, 352-32-010, 352-32-030, 352-32-037, 352-32-045, 352-32-047, 352-32-165, 352-32-195, 352-32-250, 352-32-25002, 352-32-252, 352-32-255, 352-32-280, 352-32-285, 352-32-290, 352-37-200, 352-68-100, and 352-74-045.

Statutory Authority for Adoption: RCW 43.51.040, [43.51.]060.

Adopted under notice filed as WSR 95-19-090 on September 20, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 20, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 20, repealed 1.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 20, repealed 1.

Effective Date of Rule: January 1, 1996.

October 27, 1995
Bruce Hilyer
Chair

AMENDATORY SECTION (Amending WSR 93-08-025, filed 3/30/93, effective 5/1/93)

WAC 352-12-020 Moorage fees. (1) Vessels moored between 3 p.m. and 8 a.m. at those facilities designated by the ~~((commission))~~ director shall be charged ~~((a))~~ the nightly moorage fee published by state parks during the period May

PERMANENT

1 through September 30, inclusive (~~(, according to the following schedule:~~

~~(a) Vessels twenty six feet in length, and over, \$11.00 per night;~~

~~(b) Vessels under twenty six feet in length, \$8.00 per night):~~ *Provided, however,* This fee shall be applicable all year at Blake Island, Cornet Bay, Fort Worden, Jarrell Cove, and Mystery Bay State Parks(~~;~~

~~(c) Vessels moored to state park buoys, \$5.00 per night):~~ *Provided further,* Vessels properly displaying a valid annual permit shall not be charged a nightly moorage fee: *Provided further,* There shall be no moorage fee for any vessel riding on its own anchor: *Provided further,* There shall be no charge for temporary moorage for the purpose of loading or unloading a vessel, such temporary moorage shall be limited to thirty minutes.

(2) A vessel rafted to another vessel shall be charged the appropriate moorage fee based on that vessel's own length.

(3) Except as provided in WAC 352-12-060, any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 93-08-025, filed 3/30/93, effective 5/1/93)

WAC 352-12-030 Annual moorage permits. (1) Annual moorage permits may be obtained for the period January 1 through December 31, inclusive. Application for such permits may be obtained from most state park managers, or by writing to the Commission Headquarters, 7150 Cleanwater Lane, P.O. Box 42650, Olympia, WA 98504-2650.

(2) Annual moorage permits will be issued for a particular vessel. The charge for such permits will be based upon the length of the vessel for which the permit is issued and will be published by state parks. (~~Annual permits for vessels twenty six feet in length and over shall cost \$55.00; for vessels under twenty six feet in length shall cost \$35.00; Provided, however, Effective January 1, 1994, the permit for vessels twenty six feet in length and over shall cost \$80.00 and for vessels under twenty six feet in length shall cost \$50.00.)~~)

(3) Annual permits shall be visible from outside the vessel, and permanently affixed to the lower left corner of the vessel's left (port) forward windshield, or if not equipped with a windshield, to the left (port) outside transom, or if a sailboat, on the forward portion of the left (port) cabin trunk.

(4) Except as provided in WAC 352-12-060, any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 92-19-098, filed 9/17/92, effective 10/18/92)

WAC 352-12-040 Use of onshore campsites. If any person or persons from a vessel moored at a state park marine facility also occupies any designated campsite onshore, the appropriate fee for such campsite(s) (~~established in WAC 352-32-250~~) shall be paid in addition to any moorage fee (~~provided for herein~~) charged pursuant to this chapter as published by state parks. Except as provided in

WAC 352-12-060, any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 95-07-061, filed 3/13/95, effective 4/13/95)

WAC 352-32-010 Definitions. Whenever used in this chapter the following terms shall be defined as herein indicated:

"Boat launch" shall mean any facility located in a state park area designated for the purpose of placing or retrieving any vehicle-born or trailer-born watercraft into or out of the water.

"Camping" shall mean erecting a tent or shelter or arranging bedding, or both, or parking a recreation vehicle or other vehicle for the purpose of remaining overnight.

"Camping unit" shall mean a group of people (one or more persons) that is organized, equipped and capable of sustaining its own camping activity.

"Commission" shall mean the Washington state parks and recreation commission.

"Day area parking space" shall mean any designated parking space within any state park area designated for daytime vehicle parking.

"Director" shall mean the director of the Washington state parks and recreation commission.

"Emergency area" is an area in the park separate from the designated overnight camping area, which the park manager decides may be used for camping (~~(between the hours of 9 p.m. and 8 a.m.)~~) when no alternative camping facilities are available within reasonable driving distances.

"Environmental interpretation" shall mean the provision of services, materials, publications and/or facilities, including environmental learning centers (ELC), for other than basic access to parks and individual camping, picnicking, and boating in parks, that enhance public understanding, appreciation and enjoyment of the state's natural and cultural heritage through agency directed or self-learning activities.

"Environmental learning centers (ELC)" shall mean those specialized facilities, designated by the director, designed to promote outdoor recreation experiences and environmental education in a range of state park settings.

"Group camping areas" are designated areas usually primitive with minimal utilities and site amenities and are for the use of organized groups. Facilities and extent of development vary from park to park.

"Motorcycle" means every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a farm tractor and a moped.

"Multiple campsite" shall mean a designated and posted camping facility encompassing two or more individual standard, utility or primitive campsites.

"Overflow area" shall mean an area in a park separate from designated overnight and emergency camping areas, designated by the park manager, for primitive camping to accommodate peak camping demands in the geographic region.

"Paraglider" shall mean an unpowered ultralight vehicle capable of flight, consisting of a fabric, rectangular or elliptical canopy or wing connected to the pilot by suspension lines and straps, made entirely of nonrigid materials

except for the pilot's harness and fasteners. The term "paraglider" shall not include hanggliders or parachutes.

"Person" shall mean all natural persons, firms, partnerships, corporations, clubs, and all associations or combinations of persons whenever acting for themselves or by an agent, servant, or employee.

"Popular destination park" shall mean any state park designated by the director as a popular destination park because, it is typically occupied to capacity by Thursday or Friday night during the high use season and the typical park user plans to stay more than one night.

"Primitive campsite" shall mean a campsite not provided with flush comfort station nearby and which may not have any of the amenities of a standard campsite.

"Public assembly" shall mean a meeting, rally, gathering, demonstration, vigil, picketing, speechmaking, march, parade, religious service, or other congregation of persons for the purpose of public expression of views of a political or religious nature for which there is a reasonable expectation that more than one hundred persons will attend based on information provided by the applicant. Public assemblies must be open to all members of the public, and are generally the subject of attendance solicitations circulated prior to the event, such as media advertising, flyers, brochures, word-of-mouth notification, or other form of prior encouragement to attend.

Alternatively, the agency director may declare an event to be a public assembly in the following cases: Where evidentiary circumstances and supporting material suggest that more than one hundred persons will attend, even where the applicant does not indicate such an expectation; or where there is reason to expect a need for special preparations by the agency or the applicant, due to the nature or location of the event.

"Ranger" shall mean a duly appointed Washington state parks ranger who is vested with police powers under RCW 43.51.170, and shall include the park manager in charge of any state park area.

"Recreation vehicle" shall mean a vehicle/trailer unit, van, pickup truck with camper, motor home, converted bus, or any similar type vehicle which contains sleeping and/or housekeeping accommodations.

"Residence" shall mean the long-term habitation of facilities at a given state park for purposes whose primary character is not recreational. "Residence" is characterized by one or both of the following patterns:

Camping at a given park for more than twenty days within a thirty-day time period May 1 through September 30; or thirty days within a sixty-day time period October 1 through April 30. As provided in WAC 352-32-030(7), continuous occupancy of facilities by the same camping unit shall be limited to ten consecutive nights May 1 through September 30 and fifteen consecutive nights October 1 through April 30 in one park, after which the camping unit must vacate the overnight park facilities for three consecutive nights. The time period shall begin on the date for which the first night's fee is paid.

The designation of the park facility as a permanent or temporary address on official documents or applications submitted to public or private agencies or institutions.

"Special recreation event" shall mean a group recreation activity in a state park sponsored or organized by an individ-

ual or organization that requires reserving park areas, planning, facilities, staffing, or other services beyond the level normally provided at the state park to ensure public welfare and safety and facility and/or environmental protection.

"Standard campsite" shall mean a designated camping site which is served by nearby domestic water, sink waste, garbage disposal ~~((and)),~~ flush comfort station and picnic table. ~~((Each campsite includes a camp stove and picnic table.))~~

"State park area" shall mean any area under the ownership, management, or control of the commission, including trust lands which have been withdrawn from sale or lease by order of the commissioner of public lands and the management of which has been transferred to the commission, and specifically including all those areas defined in WAC 352-16-020. State park areas do not include the seashore conservation area as defined in RCW 43.51.655 and as regulated under chapter 352-36 WAC.

"Trailer dump station" shall mean any state park sewage disposal facility designated for the disposal of sewage waste from any recreation vehicle, other than as may be provided in a utility campsite.

"Upland" shall mean all lands lying above mean high water.

"Utility campsite" shall mean a standard campsite with the addition of electricity and which may have domestic water and/or sewer.

"Water trail advisory committee" shall mean the twelve-member committee constituted by RCW 43.51.456.

"Water trail camping sites" shall mean those specially designated group camp areas identified with signs, that are near water ways, and that have varying facilities and extent of development.

AMENDATORY SECTION (Amending WSR 94-23-024, filed 11/7/94, effective 1/1/95)

WAC 352-32-030 Camping. (1) Camping facilities of the state parks within the Washington state parks and recreation commission system are designed and administered specifically to provide recreational opportunities for park visitors. Use of park facilities for purposes which are of a nonrecreational nature, such as long-term residency at park facilities, obstructs opportunities for recreational use, and is inconsistent with the purposes for which those facilities were designed.

No person or camping unit may use any state park facility for residence purposes, as defined (WAC 352-32-010(17)).

(2) No person shall camp in any state park area except in areas specifically designated and/or marked for that purpose or as directed by a ranger.

(3) Occupants shall vacate camping facilities by removing their personal property therefrom prior to ~~((3:00))~~ 1:00 p.m., (or other appropriate, established time in parks where camping is reserved) if the applicable camping fee has not been paid or if the time limit for occupancy of the campsite has expired or the site is reserved by another party. Remaining in a campsite beyond the established checkout time shall subject the occupant to the payment of an additional camping fee.

(4) Use of utility campsites by tent campers shall be subject to payment of the utility campsite fee except when otherwise specified by a ranger.

(5) A campsite is considered occupied when it is being used for purposes of camping by a person or persons who have paid the camping fee within the applicable time limits or when it has been reserved through the appropriate procedures of the reservation system. No person shall take or attempt to take possession of a campsite when it is being occupied by another party, or when informed by a ranger that such site is occupied, or when the site is posted with a "reserved" sign. In the case of a reserved site, a person holding a valid reservation for that specific site may occupy it according to the rules relating to the reservation system for that park. In order to afford the public the greatest possible use of the state park system on a fair and equal basis, campsites in those parks not on the state park reservation system will be available on a first-come, first-serve basis. No person shall hold or attempt to hold campsite(s), for another camping unit for present or future camping dates, except as prescribed for multiple campsites. Any site occupied by a camping unit must be actively utilized for camping purposes.

(6) One person may register for one or more sites within a multiple campsite by paying the multiple campsite fee (~~(WAC 352-32-250(6))~~). Registration preference will be given to multiple camping units who want to use multiple sites. An individual may register and hold a multiple campsite for occupancy on the same day by other camping units. Multiple campsites in designated reservation parks are reservable under the reservation system.

(7) In order to afford the general public the greatest possible use of the state park system, on a fair and equal basis, and to prevent residential use, continuous occupancy of facilities by the same camping unit shall be limited to ten consecutive nights in one park, after which the camping unit must vacate the site for three consecutive nights, May 1 through September 30, not to exceed twenty days in a thirty-day time period; and fifteen consecutive nights in one park, after which the camping unit must vacate the site for three consecutive nights, October 1 through April 30, not to exceed thirty days in a sixty-day time period. This limitation shall not apply to those individuals who meet the qualifications of WAC 352-32-280 and 352-32-285.

(8) Only one camping unit with a maximum of eight people shall be permitted at a campsite, unless otherwise authorized by a ranger. The number of vehicles occupying a campsite shall be limited to one car or one recreational vehicle: *Provided*, That one additional vehicle without built-in sleeping accommodations may occupy a designated campsite when in the judgment of a ranger the constructed facilities so warrant. The number of tents allowed at each campsite shall be limited to the number that will fit on the designated or developed tent pad as determined by a ranger.

(9) Persons traveling by bicycles, motor bikes or other similar modes of transportation and utilizing campsites shall be limited to eight persons per site, provided no more than four motorcycles shall occupy a campsite.

(10) Water trail camping sites are for the exclusive use of persons traveling by human and wind powered beachable vessels as their primary mode of transportation to the areas. Such camping areas are not subject to the campsite capacity

limitations as otherwise set forth in this section. Capacities for water trail camping sites may be established by the ranger on an individual basis and are subject to change based upon the impacts to the area. All persons using water trail camping sites shall have in their possession a valid water trail permit.

(11) Emergency camping areas (~~(set aside in certain state parks)~~) may be used only when all designated campsites are full (~~(but may not be used prior to 9:00 p.m.)~~) and at the park manager's discretion. Persons using emergency areas must pay the (~~(standard)~~) primitive campsite fee and must vacate the site (~~(by 8:00 the following morning)~~) when directed by the park manager.

(12) Designated overflow camping areas may be used only when all designated campsites in a park are full and the demand for camping in the geographic area around the park appears to exceed available facilities. Persons using overflow camping areas must pay the primitive campsite fee. If a nearby flush comfort station is available, persons using overflow camping areas must pay the standard campsite fee.

(13) Except as provided in WAC 352-32-310, any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 95-07-061, filed 3/13/95, effective 4/13/95)

WAC 352-32-037 Environmental learning centers.
~~((4))~~ All ELCs are reservable by (~~(contacting Washington State Parks and Recreation Commission, 7150 Cleanwater Lane, Olympia, WA 98504)~~):

(1) Complying with the reservation procedure; and

(2) Paying the appropriate fees and deposits both of which are published by state parks.

Use of ELCs shall be on a first-come-first-served basis if the facility is not reserved.

~~((2)) Applications for overnight use of an ELC by any user group, for a maximum of seven consecutive days, during the period from Memorial Day to Labor Day, inclusive (summer season), shall be filed with the ELC reservation office by September 8th of the year next preceding the summer season for which the reservation application is made. As many applications as are desired may be filed. Applications thus submitted by September 8th will be confirmed (and a permit issued) or denied.~~

In the event of more than one application for the same dates and ELC, the following priorities, in order, shall be observed:

(a) ~~The group which does not already have a confirmed reservation for the ELC.~~

(b) ~~The group which has utilized the ELC for the greatest number of consecutive preceding years immediately prior to the year presently being scheduled.~~

(c) ~~The group which has utilized the ELC the greatest number of previous years.~~

(d) ~~The group which has utilized the ELC the greatest number of times (during the summer months).~~

~~Applications received after September 8th will be considered on a space available basis.~~

~~(3) A facility use fee schedule is available by contacting the ELC Reservation Office, Washington State Parks and~~

Recreation Commission, 7150 Cleanwater Lane, P.O. Box 42650, Olympia, WA 98504-2650-))

AMENDATORY SECTION (Amending WSR 94-23-024, filed 11/7/94, effective 1/1/95)

WAC 352-32-045 Reservations for use of designated group facilities. (1) All designated group facilities shall be reservable by groups. A group is defined as 20 or more people engaged together and commonly in outdoor recreation at one park location.

(2) All designated group facilities shall have a predetermined use capacity. No group exceeding this capacity in number shall use these areas. Groups making reservations shall be charged the applicable group fee for the minimum of 20 people, if less than that number actually use the group facility.

(3) Use of designated group facilities may be by reservation. Requests made at the park for reservations for groups of 20 to 250 shall be made 15 days in advance and for groups in excess of 250 shall be made 30 days in advance of the proposed use date, using the group use permit. All conditions outlined on the group use permit shall be binding on the group.

(4) ~~((For use of these facilities))~~ Submittal of the group use permit request, payment of appropriate fees, which may include a nonrefundable reservation transaction fee, a first day/night use fee and a damage deposit ~~((will be))~~ are required for the use of these facilities. ~~((Fees are specified in WAC 352-32-250. Payment of the fee must be made with the submission of the group use permit request.))~~ Fees are published by state parks. In those cases where the fee is submitted at a later date, it must be paid by certified check, bank money order, or postal money order. Refunds will be made only to those groups which cancel their reservations thirty or more days before the effective date of the reservations.

(5) For overnight group use, parking will be in the provided, defined areas. If additional parking is required, it may be available in the park's extra vehicle parking facility following the payment of the appropriate extra vehicle parking fee.

(6) A damage deposit may be required by the park manager as part of the reservation. In those cases where the deposit is submitted at a date later than the reservation request, it must be paid by certified check, bank money order, or postal money order. This deposit shall be held by the Washington state parks and recreation commission to encourage the cleanliness and good order of the group facility. Deposits are ~~((specified in WAC 352-32-250))~~ published by state parks with the schedule of fees. Refund of this deposit shall be determined after an inspection of the area by a ranger and the individuals responsible for the group.

(7) Facility reservations made at the park will be accepted for the calendar year, on or after the first working day in January of that calendar year. Reservations shall be made by a person of the age of majority, who must be in attendance during the group's activities. Reservations at the parks will be accepted in writing, in person, or by phone at the discretion of the park manager. In person and phone reservation requests shall only be accepted during normal

park operation hours. All reservation requests will be processed in order of arrival. Group facility areas not reserved are available on a first-come, first-serve basis.

(8) Any group wishing to sell or dispense alcoholic beverages must request and obtain all appropriate licenses and permits. In order to sell alcoholic beverages, the group must obtain a temporary concession permit from the headquarters office of the Washington state parks and recreation commission.

(9) It shall be within the authority of the park manager, or his representative, to rescind the rights of a reservation, and remove from the park, any or all members of the group whose behavior, at any time, is in conflict with any state laws, becomes detrimental to the health and safety of the group or other park users, or becomes so unruly as to affect the reasonable enjoyment of the park by other park users.

AMENDATORY SECTION (Amending Orders 89-01 and 89-01-A, filed 3/7/89 and 3/22/89)

WAC 352-32-047 Special recreation event permit. Any person or group, hereinafter referred to as the "applicant," desiring to make use of a portion of a state park for a special recreation event which will require special planning, facilities, staffing, or environmental protection measures, or the closure of the area to, or restriction of, established recreational uses, shall apply for a special recreation event permit. The director or designee may consult with the appropriate local government in reviewing the application and may issue a permit according to the criteria listed below. The permit may set forth certain conditions including but not limited to the closure of the specified area to other recreational activities, including motor vehicle traffic, which are determined to have the potential to interfere with the event or which could risk the safety of the recreating public or the special event participants. However, no such permit may result in the unreasonable exclusion of recreationists from the remainder of the park. All events authorized under this permit shall be open to public participation and/or observation at the option of the applicant.

In determining whether to issue the permit, the director or designee will review the proposal for consistency with the following criteria:

- (1) The event is consistent with activities that are appropriate for a specific park classification;
- (2) The event will not exceed nor damage facilities or resources or interfere with park operations;
- (3) The event will not disrupt wildlife;
- (4) Past experience has not shown that the applicant has failed to comply with laws or regulations or satisfactory conduct of a previous event;
- (5) The event does not present a clear and present danger to the public health and safety;
- (6) A prior applicant for another event for the same general time and place;
- (7) The event will not unreasonably conflict with all park user's recreational pursuits;
- (8) The event will conform with all of the applicable statutes, rules, policies, and procedures of the commission and instructions of the commission staff who supervise the event.

A special recreation event permit shall be issued only for recreational events where there is a reasonable expectation that a minimum of twenty persons will participate. The event must be oriented towards a recreational pursuit. Not more than three permits will be issued to a given applicant for a similar event at the same park during a one-year period.

Persons or organizations that desire to conduct a special recreation event in a state park shall submit a permit application obtainable at any state park and the basic permit application fee (~~of ten dollars~~) as published by state parks to the park where the event is proposed to take place.

Such application shall be submitted at least thirty days in advance of the proposed date of the event, to allow, where applicable, for necessary internal review and analysis, consultation with local governments, public notice, establishment of permit conditions, and required agency preparations and coordination. The director or designee shall approve or disapprove a permit application and establish the conditions for an approved application. The permittee must pay any fees published by state parks for the use of park lands or facilities. The director or designee shall determine the need for any fees necessary to cover costs incurred by the agency for additional staffing, equipment, facilities, or special services not normally provided by state parks, as well as the need for any bond, damage deposit, or liability insurance arising from any potential hazards associated with the conduct of the event. Any such fees, bond, damage deposit, or liability insurance shall be provided by the applicant prior to the issuance of the permit.

If additional unanticipated costs are incurred by the commission resulting from the event, the applicant shall reimburse the commission for such costs in a timely manner. If the additional costs are not paid, the director may recover such costs from the bond or damage deposits provided. Any funds remaining from the bond or damage deposit shall be returned to the applicant.

AMENDATORY SECTION (Amending Order 102, filed 11/24/87)

WAC 352-32-165 Public assemblies, meetings. (1) Public assemblies are permitted in state park areas on grounds which are open to the public generally, provided a permit therefor has been issued as herein provided.

(2) An application for such a permit may be submitted on such forms as may be provided by the commission, or in any written form so long as the permit application sets forth the following:

- (a) Name, address and phone number of the applicant;
- (b) Date, time, duration, nature and place of the proposed event, including a description or schedule of events and activities;
- (c) Estimate of the number of persons expected to attend including the basis for the estimate;
- (d) Special equipment, including temporary structures such as speakers' stands, platforms, lecterns, chairs, benches or the like, and any sound amplification equipment to be used in connection with the event;
- (e) Special facilities, including emergency first aid, additional sanitation and refuse collection facilities, to be used in connection with the event;

- (f) Crowd control to be provided by the event sponsor;
- (g) Designation of a responsible contact individual with whom park officials may coordinate event activities, plans and preparations.

(3) The equipment and facilities referenced in subsection (2)(d) and (e), of this section, are to be provided by the event sponsor, unless other mutually satisfactory arrangements are made to use locally available commission owned equipment and facilities.

(4) The applicant must supply satisfactory evidence of arrangements for such equipment, facilities, and crowd control.

(5) The applicant must submit a completed environmental checklist along with the application. Environmental checklists are available at libraries, city planning offices, state parks, and similar outlets. Upon request, the agency will assist the applicant in completing the environmental checklist.

(6) It is recommended that permit applications be submitted at least fifteen days in advance of the proposed event so that the information supplied in the application may be verified and so that the agency can notify and coordinate action with officials of other jurisdictions and agencies responsible for health, safety and welfare.

(7) The permit application must be submitted along with a (~~ten dollar~~) nonrefundable permit fee as published by state parks to the director of the Washington State Parks and Recreation Commission, 7150 Cleanwater Lane, Olympia, Washington 98504. The director, or his or her designee, may issue a permit consistent with the application, or otherwise modified in a manner which is acceptable to the applicant. The director will issue a permit on proper application unless:

- (a) A prior application for the same time and place has been made which has been or will be granted; or
- (b) The event will present a clear and present danger to the public health or safety; or
- (c) The event is of such nature or duration that it cannot reasonably be accommodated in the particular park area applied for. In considering this, the director shall take into account the potential for significant environmental impact.

(8) All permit applications shall be deemed granted if not denied or otherwise conditioned or limited as herein specified, and the applicant advised of such action by written notification mailed, first-class postage prepaid, within ten days of receipt of the application. The granting of this permit does not exempt the applicant from complying with other state, county or local permit requirements nor does it excuse compliance with the State Environmental Policy Act, where applicable. A threshold determination will be made by the agency to determine potential environmental impact. Applicants should be aware that timelines may exist under the state Environmental Policy Act and implementing regulations which are independent of this permit requirement.

(9) All permit denials will be in writing, will contain a statement of the specific reasons for the denial, and will advise the applicants of the right to request judicial review of the denial as provided in subsection (11) of this section.

(10) A permit issued by the director may contain such conditions as are reasonably consistent with protection and use of the park area for the purposes for which it is main-

tained. It may also contain reasonable limitations on the time and area within which the event is permitted.

(11) Applicants whose permit application is denied may in writing request that the commission seek judicial review of the denial, in which event the commission shall timely seek a declaratory judgment pursuant to the Uniform Declaratory Judgment Act, chapter 7.24 RCW, and Superior Court Rule 57, in the superior court for Thurston County. Such requests shall be mailed, or otherwise delivered to the Director, Washington State Parks and Recreation Commission, 7150 Cleanwater Lane, Olympia, Washington 98504.

AMENDATORY SECTION (Amending WSR 94-16-026, filed 7/25/94, effective 8/25/94)

WAC 352-32-195 Solicitation. Except as may be otherwise allowed in connection with a permit issued under WAC 352-32-165 or 352-32-047, or a cooperative agreement pursuant to RCW 43.51.060(2), no person shall engage in ~~((commercial))~~ solicitation, or sell or peddle any services goods, wares, merchandise, liquids, or edibles for human consumption in any state park area, except by concession or permit granted by the commission. Except as provided in WAC 352-32-310, any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 95-07-061, filed 3/13/95, effective 4/13/95)

WAC 352-32-250 Standard fees charged. ~~((The following))~~ Fees shall be charged in ~~((all))~~ parks operated by the Washington state parks and recreation commission for use of lands, facilities, programs, services, and materials as published by state parks: Provided, however, That the director has the authority to discount fees to a maximum of 50% below the published fee amounts ~~((listed or referenced in this section))~~ in order to take advantage of marketing opportunities to encourage use and increase revenues. Any such discounts shall be effective for a limited period of time less than one year in duration. The director may consider the following factors in discounting fees:

- Prevailing rates for comparable facilities;
- Day of the week;
- Season of the year;
- Amenities of the park area and site;
- Demand for facilities; and

Such other considerations as the director deems appropriate. The director may also waive fees for marketing or promotional purposes or to redress visitor complaints, provided, however, that annual fees may not be waived.

(1) ~~((Overnight camping - standard campsite: \$10.00 per night;))~~ The director may authorize reciprocity with other state or federal agencies for the use of annual permits of like services, provided, that Washington licensed vehicles and/or residents shall be required to have and/or display the appropriate Washington permit;

(2) Overnight camping - standard campsite; utility campsite ~~((: \$15.00 per night-));~~ emergency campsite; overflow campsite; primitive campsite for nonmotorized vehicle; primitive campsite for motorized vehicle - fees will be charged as published by state parks. Payment for utility campsite will be collected whether utility hookups are actually used or not, except when otherwise specified by a

ranger ~~((: The electrical hookup surcharge reference in WAC 352-32-252(3) shall be \$3.00 per night;))~~;

(3) ~~((Overnight camping - primitive campsite: \$5.00 per night for nonmotorized vehicle and \$7.00 per night for motorized vehicle;))~~

(4) ~~Reservation fee: As specified in WAC 352-32-035;~~

(5) ~~Overnight camping - multiple campsites: Where campsites are designated and posted as a "multiple campsite," an individual may rent the multiple campsite by paying the multiple campsite fee. The multiple campsite fee will be calculated by multiplying the standard utility or primitive campsite fee, as applicable, by the number of individual campsites to be used in the designated multiple campsite;~~

~~((6))~~ (4) Group camping area - certain parks: (\$1.00 per person for groups of 20 or more per day and/or night; nonrefundable reservation/registration fee \$25.00-) Individual camping units using these facilities must pay the primitive campsite fee or other appropriate fee based on facilities available;

~~((7))~~ (5) Environmental interpretation ~~((:))~~;

(a) Service fees will be established by the director in order to recover, to the maximum extent practicable, all direct and indirect costs of environmental interpretation services on a program-wide basis based on anticipated attendance.

(b) Material and publication fees will be established by the director. All material and publication fees will be deposited in the parks improvement account to be used for purposes specified in RCW 43.51.052.

(c) Facility use, including environmental learning center fees, will be established by the commission. A facility use fee schedule is available by contacting Washington State Parks and Recreation Commission, 7150 Cleanwater Lane, P.O. Box 42650, Olympia, WA 98504-2650;

~~((8))~~ Hot showers: \$.25 for a maximum of six minutes shower time;

(9) Electric stoves: \$.25 for thirty minutes cooking time;

~~((10))~~ (6) 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))~~ (7) Extra vehicle overnight parking fee ~~((: \$5.00 per night))~~ will be charged for each additional unhitched vehicle in excess of the one recreational vehicle allowed at each campsite: Provided, An extra vehicle overnight parking fee shall not be imposed when the recreational vehicle and the towed vehicle arrive at the park hitched together, and after the camper has registered for and occupied the assigned campsite either the recreational vehicle or the towed vehicle remain parked at the campsite for the duration of the camper's stay;

~~((12))~~ Marine park moorage facilities - see WAC 352-12-020 and 352-12-030;

(13) ~~Overnight camping - emergency camp area: The fee shall be the standard campsite fee.~~

(14) (8) Unattended vehicle overnight parking permit: (\$5.00 per night per vehicle-) Unoccupied vehicles parked overnight in designated areas must register and pay the nightly permit fee. The permit must be prominently displayed in the vehicle;

~~((15))~~ (9) Boat launch permit fee - ~~(\$4.00 per day per watercraft for use of all designated boat launches with hard surface ramps, maintained bathrooms, parking areas, and docking facilities. \$3.00 per day per watercraft for use of all other designated boat launches with hard surface ramps)~~ charged according to facilities provided. Boat launch permit shall not be required for:

(a) Vehicles registered for camping or overnight mooring in the park containing the boat launch area;

(b) Vehicles of persons using any recreational housing or conference facilities at Fort Worden State Park;

(c) Vehicles of persons holding limited-income senior citizen, disability or disabled veteran passes;

(d) Vehicles displaying a valid annual boat launch permit;

~~((16))~~ (10) Annual boat launch permit ~~(fee—\$40.00 per boat launching vehicle per calendar year.)~~ valid January 1 - December 31 at any launch designated by the commission. Permit must be displayed as instructed on permit backing;

~~((17))~~ (11) Trailer dump station fee - ~~(\$3.00 per use)~~ Fee shall not be required for registered camping vehicles in the park containing the dump station;

~~((18))~~ (12) Popular destination park ~~(fee—\$1.00)~~ - a surcharge will apply for use of standard or utility campsite located in a popular destination park during ~~(the)~~ such periods (of April 1 through September 30) as the director may specify;

~~((19))~~ (13) Water trail site permits -

(a) Unlimited use within the calendar year, annual fee to be set by the director after consultation with the water trail advisory committee, based on a cumulative charge of \$1.00 per site available for public use at the start of the calendar year;

(b) One day/night use within the calendar year, annual fee to be set by the director after consultation with the water trail advisory committee, based on a cumulative charge of \$.35 per site available for public use at the start of the calendar year;

(c) For children under 13 years of age the permits shall be issued at no cost;

(d) Water trail permits issued to persons by another state or Canadian province will be honored provided that a similar reciprocal provision for Washington water trail permit holders is issued by that state or province;

(e) Water trail permits will be issued to holders of Washington state parks passes (WAC 352-32-251) for the applicable discounts;

~~((20))~~ (14) A surcharge ~~(of \$5.00)~~ per collection shall be assessed for any staff collected fee at a self-registration overnight facility;

~~((21))~~ (15) Group day use facilities - a minimum daily permit fee ~~(of fifty dollars)~~ will be charged for groups of 20 ~~(to 50 persons, plus additional fifty dollar increments as the group increases by increments of 50 people)~~ or more;

~~((22))~~ Group facilities deposit for groups of 20 to 50 persons, this deposit shall be \$50. For groups of 51 to 100 persons, this deposit shall be \$100. For groups of 101 to 500 persons, this deposit shall be \$250. For groups in excess of 500, this deposit shall be \$500;

~~(23) Fort Worden recreational and conference center—see WAC 352-32-25001 and 352-32-25002;~~

~~(24) Filming within state parks—see chapter 352-74 WAC.~~

~~These))~~ (16) Reservation transaction - fee will be charged as published by state parks;

~~(17) Moorage facilities - fee will be charged as published by state parks;~~

~~(18) Hot showers, electric stoves - fees will be charged as published by state parks. Fees published by state parks do not apply in those circumstances set forth in WAC 352-32-280 and 352-32-285 as now or hereafter amended.~~

AMENDATORY SECTION (Amending WSR 95-03-005, filed 1/5/95, effective 2/5/95)

WAC 352-32-25002 Campsite and rally area reservations—Fort Worden State Park. (1) Advance individual campsite reservations will be available at Fort Worden State Park. They may be made throughout the year for no more than ten consecutive nights within the current and first succeeding calendar month, except that a continuous reservation may carry from the end of the first succeeding month into the beginning of the next succeeding month. Reservations may be made by mail, or in person, at Fort Worden State Park, and will require a completed application, the first night's camping fee and the nonrefundable reservation transaction fee (provided for in WAC 352-32-035) published by state parks. Mail-in reservations will be processed in the order that they are received. Reservation requests postmarked earlier than the twentieth day of the preceding month will be returned to the sender. Reservation of campsites will not be accepted by telephone. Walk-in reservations will be accepted beginning the first day of the current month for the current month and the first succeeding month. During the period from the Friday before Memorial Day through Labor Day an individual may reserve no more than ten campsites for use at the same time, and, may reserve campsites for no more than ten nights in each calendar month. Other state parks are subject to continuous occupancy rules provided for in WAC 352-32-030(6).

(2) Reservations for a specific campsite will not be guaranteed.

A refund of the first night's camping fee will be issued for any reservation which is not used, provided a cancellation request is made in person, by mail, or by telephone prior to 5:00 p.m. on the first day of the reservation. Campers will be declared no-show and, in addition to the nonrefundable reservation fee, will forfeit their reservation as well as the first night's camping fee if they have not cancelled and if the reservation is not claimed by 8:00 a.m. on the day after the confirmed arrival date.

(3) Campers who arrive at the park without a reservation may use unreserved campsites for up to ten consecutive nights during the period from May 1 through September 30 and fifteen consecutive nights during the period from October 1 through April 30, beginning the day of arrival, on a first-come-first-served basis, without paying a reservation fee.

(4) Advance reservations will be available for groups of self-contained recreational vehicles in the Fort Worden State Park rally area. The group must have a minimum of ten recreational vehicles and may not exceed two hundred

recreational vehicles. Rally area reservations may be made by contacting Fort Worden State Park.

AMENDATORY SECTION (Amending WSR 94-08-036, filed 3/31/94, effective 5/1/94)

WAC 352-32-252 Off-season senior citizen pass—Fee. (1) Persons who are senior citizens, are at least sixty-two years of age, and have been residents of Washington state for at least one year shall, upon application to the commission, receive an off-season senior citizen pass which entitles the holder and the holder's camping unit to camp at any camping areas made available by the commission, as well as use of agency mooring facilities, at no cost beyond the charges provided for in subsection (3) of this section, effective October 1 through March 31, and Sunday through Thursday nights in April as determined by the director and posted. Each such pass shall be valid only during one off-season period.

(2) Applications for off-season senior citizen passes shall be made on forms prescribed by the commission and shall be accepted only after August 1 for the following off-season period.

(3) ~~((The))~~ There shall be a fee for each off-season senior citizen pass ((shall be \$30.00, except)). Limited income senior citizen pass holders ~~((who))~~ may purchase the off-season pass at a 50% discount. A surcharge equal to the fee for an electrical hookup ~~((established in WAC 352-32-250))~~ published by state parks shall be assessed for each night an off-season senior citizen pass holder uses a campsite with an electrical hookup.

(4) For pass holders who travel by car or recreational vehicle a camping unit shall include the pass holder and up to seven guests of the holder who travel with the holder and use one campsite or portion of a designated group camping or emergency area. One additional vehicle without built-in sleeping accommodations may be part of the camping unit of a holder at one campsite or portion of a designated group camping or emergency area, when in the judgment of a ranger, the constructed facilities so warrant and the total number of guests of the holder do not exceed seven.

(5) For pass holders who travel by a mode of transportation other than car or recreational vehicle a camping unit shall include the pass holder and up to five guests who travel with the holder and use one campsite or portion of a designated group camping or emergency area.

(6) If a pass holder changes residency to a place outside Washington state during the time period when a pass is valid, the pass holder shall return the pass to the commission.

AMENDATORY SECTION (Amending WSR 94-08-036, filed 3/31/94, effective 5/1/94)

WAC 352-32-255 Self-registration. In those parks so posted by the commission, park visitors shall register for the use of facilities and shall pay the appropriate fee, ~~((as provided for herein,))~~ on a self-registration basis, in accordance with all posted instructions. Except as provided in WAC 352-32-310, any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending Order 60, filed 4/14/82)

WAC 352-32-280 Applicability of standard fees. The ~~((standard))~~ fees ~~((set forth in WAC 352-32-250))~~ published by state parks pursuant to RCW 43.41.060(6), shall not apply in the following circumstances:

(1) Whenever fees are charged by a concessionaire pursuant to a valid concession agreement granted by the commission pursuant to RCW 43.51.040(5).

(2) Whenever fees are established pursuant to a development or management plan authorized or directed to be prepared by the legislature or state agency other than the commission, as, for example the Fort Worden State Park development and management plans.

(3) Whenever any law enforcement officer occupies a campsite if the following conditions are met.

(a) The law enforcement officer's authority is effective in the geographic area where the campsite is located.

(b) The park manager, or his representative, has determined that the officer's police powers may be useful in maintaining a peaceful environment in the park.

(c) The officer agrees to act in his official capacity if requested by park staff.

(4) Whenever any improvement club or voluntary association, or committees representing such clubs or associations, acting pursuant to the commission's permission granted pursuant to RCW 43.51.130 - 43.51.160, utilizes any park facilities. Continuous occupancy of facilities by the same person or persons qualifying under this sub-section shall be limited to 30 consecutive nights, unless otherwise approved by the director.

(5) Whenever any individual, appointed by a court of law to perform work in a park in lieu of other sentencing, utilizes any park facilities.

(6) Whenever any individual utilizes any park facility in accordance with the terms of any contract, lease, or concession agreement, with the commission.

The limit placed on any camper by WAC 352-32-030(5) shall not apply to persons qualifying under this section.

AMENDATORY SECTION (Amending WSR 93-06-001, filed 2/17/93, effective 3/20/93)

WAC 352-32-285 Applicability of standard fees to volunteers in parks. The ~~((standard))~~ fees ~~((set forth in WAC 352-32-250 and 352-12-020))~~ published by state parks pursuant to RCW 43.51.060(6) shall not apply whenever any individual, group, organization, association, or agency shall volunteer to perform personal services in lieu of standard fees if the following conditions are met:

(1) The park manager has determined that the personal service is desirable;

(2) The service performed does not replace or supplant that which would otherwise be performed by parks employees or contractors;

(3) The service performed is not one commonly performed by members of an organized trade union;

(4) The service performed does not result in any type of development which will necessarily create future operating costs to the commission;

(5) The volunteer shall perform personal services under the following provisions.

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(a) At least four hours of service are provided per day; alternatively

(b) At least twenty-eight hours of service are provided per seven-day week, spread over at least five days.

(c) If more than four hours, but less than twenty-eight hours of volunteer service are provided during a seven-day week, a prorated waiver of fees equivalent to (b) of this subsection may be offered by the park manager.

(d) Volunteer time accumulated may not be carried forward for credit in subsequent weeks.

(e) The waiver of standard fees shall apply only at the park where such personal services were performed.

The limit placed on any camper by WAC 352-32-030(7) shall not apply to persons qualifying under this section. Continuous occupancy of facilities by the same person or persons qualifying under this section shall be limited to thirty consecutive nights, unless otherwise approved by the director or designee.

This section does not expand or limit the provisions of RCW 43.51.130 through 43.51.160.

AMENDATORY SECTION (Amending Order 83, filed 10/2/84)

WAC 352-32-290 Wood debris collection permit—Fee. (1) As used in this section "wood debris" means down and dead tree material which may be removed without adversely impacting the environment of the park at which it is located significantly and which is surplus to the needs of such park.

(2) A person may collect and remove wood debris from a state park area only when a park manager or ranger has issued the person a wood debris collection permit.

(3) A wood debris collection permit is valid only at the state park at which the permit is issued and only during the calendar year when the permit is issued.

(4) Subject to availability, for each wood debris collection permit issued, a person may collect and remove from a state park area not more than five cords of wood debris. Wood debris may be collected only for personal firewood use and only from sites and during time periods designated by a park manager or ranger.

(5) The nonrefundable fee for a wood debris collection permit shall be ~~((ten dollars))~~ published by state parks, except for persons sixty-five years of age or over who shall be exempt from the fee.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 352-32-035 Campsite reservation.

AMENDATORY SECTION (Amending WSR 90-07-050, filed 3/19/90, effective 4/19/90)

WAC 352-37-200 Special group recreation event permit. (1) Any person or group desiring to make use of a portion of the ocean beaches for a group recreation event which will require the closure of the area to certain conflicting recreational uses, may apply to the director for a special group recreation event permit. The director, or his/her

designee, may issue such a permit after consultation with the appropriate local government, if the event does not unduly interfere with normal public recreation. Such authorization shall include the closure of the specified area to recreational activities, including motor vehicle traffic, which are determined to have the potential to interfere with the event or which could risk the safety of the recreating public or the special event participants. However, no such authorization may result in the unreasonable exclusion of pedestrian recreationists from the specified portion of the ocean beach; all events authorized under this permit shall be open to public participation and/or observation.

(2) In determining whether to issue the permit, the director or designee will review the proposal for consistency with established approval criteria developed by the agency, which are designed to ensure the appropriateness of the event to the ocean beaches, and the basis for any associated public recreation restrictions. The criteria are available upon request from the agency.

(3) A special group recreation event permit shall be issued only for recreational events where there is a reasonable expectation that a minimum of twenty persons will participate. The event must be oriented towards a recreational pursuit. Not more than three permits will be issued to a given applicant for the same event during a one-year period. The group recreation activity must be consistent with the seashore conservation area (RCW 43.51.650 through 43.51.685), and may include an activity otherwise excluded under this chapter. Special group recreation events shall not exceed three days or seventy-two hours.

(4) Persons or organizations that desire to conduct a special group recreation event on the ocean beaches shall submit a permit application provided by the director and appropriate fees to the:

Washington State Parks and
Recreation Commission
7150 Cleanwater Lane ((KY-11))
P.O. Box 42650
Olympia, WA 98504-2650

Such application shall be submitted at least fifteen days in advance of the proposed date of the event, to allow for necessary internal review and analysis, consultation with local governments, public notice, establishment of permit conditions, and required agency preparations and coordination. The director or his/her designee shall approve or disapprove a permit application and establish the conditions for an approved application. The permittee must pay any fees published by state parks for the use of park lands or facilities. The director or the designee shall determine the need for any fees necessary to cover costs incurred by the agency, as well as the need for any bond, damage deposit, or liability insurance arising from any potential hazards associated with the character of the event. Any such fees, bond, damage deposit, or liability insurance shall be provided prior to the issuance of the permit.

(5) If additional costs are incurred by the commission resulting from the event, the applicant shall reimburse the commission for such costs in a timely manner. If the additional costs are not paid, the director may recover such costs from the bond or damage deposits provided if previ-

ously required. Any funds remaining from the bond or damage deposit shall be returned to the applicant.

AMENDATORY SECTION (Amending WSR 94-23-009, filed 11/3/94, effective 12/4/94)

WAC 352-68-100 Water trail permit—Issuance. Permits will be issued on a calendar year basis by the commission or its designee upon payment of the permit fee as ~~((specified in WAC 352-32-250))~~ published by state parks. A valid permit entitles the holder to the use of all designated water trail sites that are open for public use.

AMENDATORY SECTION (Amending WSR 94-23-010, filed 11/3/94, effective 1/1/95)

WAC 352-74-045 Filming fees. (1) Permit application fee - each application shall be accompanied by ~~((an))~~ the appropriate application fee ~~((of one hundred dollars if submitted ten or more days in advance of the filming date or three hundred dollars if submitted less than ten days in advance of filming))~~, based on the amount of time between the date of application and the date of facility use, which shall be in the form of a check or money order payable to the Washington state parks and recreation commission.

(2) Site location fee - prior to commencing filming activities or otherwise as specified by the director or the director's designee, each applicant shall pay an additional site location fee, set by the director or the director's designee based on the magnitude and duration of the impact on park resources and normal public use, the uniqueness of the site, and such other considerations as the director or director's designee deem appropriate.

WSR 95-22-079
PERMANENT RULES
DEPARTMENT OF ECOLOGY
 [Order 93-26—Filed October 31, 1995, 4:32 p.m.]

Date of Adoption: October 31, 1995.

Purpose: Establish waste discharge standards for marine finfish rearing facilities, WAC 173-221A-110, and make minor revisions to the existing upland finfish facility waste discharge standards, WAC 173-221A-100.

Citation of Existing Rules Affected by this Order: Amending chapter 173-221A WAC, Waste discharge standards and effluent limitations.

Statutory Authority for Adoption: RCW 90.48.220.

Adopted under notice filed as WSR 95-17-107 on August 23, 1995.

Changes Other than Editing from Proposed to Adopted Version: The department is making some minor changes to the proposed rule to clarify intent. These changes are editorial in nature.

Note: As a result of comments, ecology made some minor editorial changes to clarify our intent in the marine finfish rearing facility section (WAC 173-221A-110) of the proposed rule. All changes required additions of text. The new text changes text are indicated through the use of underline.

Subsection (4)(b)(iv)(A) of this section now reads: Fish mortalities, harvest blood, and any leachate from these

materials shall be stored and disposed of in a manner so as to prevent such materials from entering the waters of the state.

Subsection (4)(b)(iv)(C) of this section now reads: Discharging accumulated solids and marine growth removed from the finfish rearing units into waters of the state without prior treatment is prohibited.

Subsection (4)(c) of this section now reads: Pollution prevention plan. All marine finfish rearing facilities shall develop a pollution prevention plan within six months of permit issuance. Facilities which do not require discharge permits shall prepare and implement a pollution prevention plan within a year of the adoption date of this rule, or when fish are introduced, whichever is later.

Subsection (5)(a) of this section now reads: Environmental studies shall be required as necessary to determine compliance with applicable water quality standards for each new facility which begins construction after November 1, 1995, or for each permitted facility which expands production by fifty percent over the permitted production on the effective date of this rule. Permitted production means the production level authorized for a facility in a waste discharge permit issued pursuant to chapter 98.48 RCW or shoreline permit issued pursuant to chapter 90.58 RCW. Existing facilities may be required to do environmental studies on a case-by-case basis.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; and Recently Enacted State Statutes: New 1, amended 2, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 1, amended 2, repealed 0.

Effective Date of Rule: Thirty-one days after filing.
 October 31, 1995
 Mary Riveland
 Director

AMENDATORY SECTION (Amending Order 90-11, filed 7/3/90, effective 8/3/90)

WAC 173-221A-030 Definitions. As used in this chapter, unless the context indicates otherwise:

~~((1))~~ "Department" means the department of ecology.

~~((2))~~ "Director" means the director of the department of ecology, or designee.

~~((3))~~ "General NPDES permit" means a permit designed to cover multiple dischargers of a point source category within a designated geographical area, in lieu of individual permits being issued to each discharger.

~~((4))~~ "Individual NPDES permit" means a permit for a single point source or a single facility.

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~~((5))~~ "Marine finfish rearing facilities" means those private and public facilities located within the salt water of the state where finfish are fed, nurtured, held, maintained, or reared to the size of release or for market sale.

"NPDES" means National Pollutant Discharge Elimination System.

~~((6))~~ "Permit or wastewater discharge permit" means an authorization, license, or equivalent control document issued by the department to implement chapters 173-220 (WAC), 173-226, and/or ((chapter)) 173-216 WAC.

~~((7))~~ "Sediment quality standards" means the standards set forth in chapter 173-204 WAC.

~~((8))~~ "Upland fin((-)fish facility" means those facilities not located within waters of the state where fin((-)fish are hatched, fed, nurtured, held, maintained, or reared to reach the size of release or for market sale. This includes fish hatcheries, rearing ponds, spawning channels, and other similarly constructed or fabricated public or private facility.

~~((9))~~ "Wastewater" means the water or liquid carried waste. These wastes may result from any process or activity, including but not limited to, of industry, manufacturer, trade, business, development of any natural resource, or from animal operations such as feed lots, poultry houses, dairies, or fish rearing operations. The term also includes contaminated storm water and leachate from solid waste facilities.

~~((10))~~ "Water quality standards" means ((any applicable standards including chapter 173-201 WAC for surface waters and chapter 173-290 for ground water)) as applicable: Chapter 173-201A WAC for surface waters, chapter 173-200 WAC for ground waters, and chapter 173-204 WAC for sediment.

~~((11))~~ "Waters of the state" includes those waters as defined as "waters of the United States" in 40 CFR 122.2 within the geographic boundaries of Washington state and "waters of the state" as defined in RCW 90.48.020.

~~((12))~~ "40 CFR" means Title 40 of the Code of Federal Regulations, as presently promulgated and subsequently amended or repromulgated.

AMENDATORY SECTION (Amending Order 90-11, filed 7/3/90, effective 8/3/90)

WAC 173-221A-100 Upland fin((-)fish facilities.

~~((1))~~ Compliance.

~~(a)~~ An NPDES permit under chapter 173-220 WAC is required for each upland fin fish facility that: (i) Is a concentrated aquatic animal production facility as defined in 40 CFR 122.24, or (ii) the department has designated as a significant contributor of pollution in accordance with 40 CFR 122.24. NPDES permit requirements may be satisfied by obtaining coverage under either an individual or general permit.

~~Each upland fin fish facility for which either an individual or a general NPDES permit is required must comply with subsections (2), and (4) through (7) of this section.)~~ (1) Which types of upland finfish facilities need a wastewater discharge permit?

(a) A permit is required for:

(i) All facilities which produce more than 20,000 net pounds of finfish a year; or

(ii) Feeds more than 5,000 pounds of fish food during any calendar month; or

(iii) Is designated as a significant contributor of pollution by the department in accordance with 40 CFR 122.24.

~~(b) ((Each upland fin fish facility that produces more than 5,000 harvest weight pounds of aquatic animals per year or that feeds more than 1,250 pounds of food during the calendar month of maximum production and does not fall within (a) of this subsection must comply with subsections (2), (3), (5), and (6) of this section.~~

~~(c) Each upland fin fish facility which does not fall within (a) or (b) of this subsection must comply with subsections (3)(a)(ii), (3)(b), (5), and (6) of this section.)~~ Facilities which do not require a permit under (a) of this subsection are conditionally exempt from the requirement to obtain a wastewater discharge permit provided they comply with subsections (2) through (6) of this section.

~~(2) Time of compliance. ((Each upland fin fish facility falling within subsection (1)(a) of this section must obtain coverage under a discharge permit prior to commencing operations. Each upland fin fish facility falling within subsection (1)(b) of this section in existence on the effective date of this rule must either register for an exemption from having a state waste discharge permit under subsection (3) of this section or file a complete application for a permit with the department by January 1, 1991.~~

~~Each upland fin fish facility falling within subsection (1)(b) of this section either be deemed exempt by compliance with subsection (3) of this section or obtain a permit prior to commencing operations.~~

~~(3) Exemptions.~~

~~(a) Registration for exemption. Each upland fin fish facility which meets the size criteria in subsection (1)(b) of this section and wishes to be deemed exempt from the requirement of obtaining a state waste discharge permit must register with the department on an exemption registration form prescribed by the department in (a)(i) of this subsection and comply with (a)(ii) of this subsection. Upon submission to the department of a complete and accurate exemption registration form and so long as the facility complies fully with (a)(ii) of this subsection the facility shall be deemed exempt from the requirement to obtain a state waste discharge permit.~~

~~(i) The exemption registration form shall require the following information: The facility owner's name, mailing address and phone number; the facility operator's name, mailing address and phone number if different from the owners; the facility location and address; the facility's average annual production in pounds of fish; the maximum historical and anticipated harvest weight in pounds of fish; the average amount of fish on hand in pounds; the facility's maximum anticipated amount of fish on hand at any time; the amount of food fed (in pounds) during the calendar month of maximum feeding; the facility's water source(s); the receiving water of the state into which facility effluent is discharged; and the amount of water being discharged into the receiving water of the state.~~

~~(ii) All upland fin fish facilities shall be operated so as to:~~

~~(A) Comply with subsections (5) and (6) of this section.~~

~~(B) Comply with all applicable water quality standards, sediment quality standards and other applicable requirements of federal and state law.~~

~~(C) Allow authorized representatives of the department, upon presentation of identification to:~~

~~(I) Enter in or upon the facility at all reasonable times;~~

~~(II) Have access to and copy at all reasonable times any records relative to information that must be kept or provided the department under the terms of the exemption;~~

~~(III) Inspect, investigate, and photograph at all reasonable times any production, collection, treatment, pollution management, monitoring, or discharge equipment or facilities, or any conditions relating to pollution or possible pollution of any water of the state;~~

~~(IV) Sample and make tests at all reasonable times; and~~

~~(V) The term "reasonable times" shall include normal business hours, hours during which production, prevention, control, or treatment occurs or times when the department reasonably suspects a violation of this chapter is or may be occurring.~~

~~(D) Notify the department in writing, within thirty calendar days of:~~

~~(I) Any change of ownership of the facility;~~

~~(II) Any increase in production or feeding that could result in the facility being defined as a concentrated aquatic animal production facility under 40 CFR 122.24; or~~

~~(III) Any increase in production or feeding rate of more than ten percent over the production and feeding rates reported in the exemption registration form.~~

~~(b) Termination of exemption.~~

~~(i) Exemption from the requirement of obtaining a state waste discharge permit under (a) of this subsection is automatically terminated under the following conditions:~~

~~(A) The upland fin fish facility meets the criteria for a concentrated aquatic animal production facility as defined in 40 CFR 122.24 or the department designated it as a significant contributor to pollution in accordance with 40 CFR 122.24.~~

~~(B) The wastewater from the upland fin fish facility is not undergoing all known available and reasonable treatment prior to discharge or the upland fin fish facility otherwise fails to comply with the requirements of (a)(ii) of this subsection.~~

~~(C) Information contained in the exemption registration form is or becomes materially inaccurate.~~

~~(D) Receiving waters do not meet state water quality standards due wholly or in part to pollutants from the upland fin fish facility.~~

~~(E) The cumulative effect of multiple dischargers has, will, or is likely to cause adverse effects on the receiving environment.~~

~~(ii) Termination of exemption from the requirement of obtaining a state waste discharge permit shall become effective thirty calendar days following receipt of the department's notice of termination.~~

~~(e) Failure to obtain a permit or exemption. Any facility falling within subsection (1)(b) of this section that fails to either obtain a permit or achieved the conditions necessary to become exempt within the time frame set out in subsection (2) of this section is in violation of state and/or federal law and will be subject to potential enforcement action.~~

(4)) Each upland finfish rearing facility which requires a wastewater discharge permit in accordance with subsection (1) of this section shall submit a completed application form to the department at least one hundred eighty days in advance of the date when permit coverage is deemed necessary.

(3) Prevention, control, and treatment. Each upland fin((-)fish facility shall provide treatment prior to discharging to waters of the state regardless of receiving water quality. The minimum acceptable technology-based treatment requirements for upland fin((-)fish facilities required to obtain permits including general ((NPDES)) wastewater discharge permits are:

(a) For facilities that use a vacuum cleaning system, standpipe bottom-drain system or other method to remove solids from the water, raceways or ponds, with treatment in a separate settling basin or treatment system:

(i) All facilities utilizing off-line settling shall incorporate into the pond or raceway design methods to collect settleable solids. Methods such as screened settling zones in the downstream end at raceways shall be used to collect settleable solids prior to periodic removal to off-line settling basins.

(ii) ((The settling basin shall have a hydraulic detention time of twenty four hours or more.

(iii)) The settling basin shall be designed to minimize short-circuiting and to provide a minimum total suspended solids average monthly percent removal of 85% and an average monthly settleable solids percent removal of 90%.

((iv)) (iii) Turbulent flow shall be minimized within the cleaning system to avoid homogenization or solids.

((v)) (iv) Rearing of fish within the settling basin is not permitted.

((vi) Alternative treatment technologies may be used, subject to written departmental approval in advance, provided equivalent treatment efficiency and reliability can be demonstrated.))

(b) For facilities that provide in-line settling for the entire effluent;

(i) ((The settling basin shall have a minimum hydraulic detention time of sixty minutes.

(ii)) The settling basin shall be designed to minimize hydraulic short-circuiting.

((iii)) (ii) The settling basin shall be designed to provide at least a twenty year sludge decomposition and storage capacity unless provisions are made for periodic sludge removal without interruption in treatment.

((iv)) (iii) Rearing of fish within the settling basin is prohibited.

((v) Alternative treatment technologies may be used subject to written departmental approval in advance, provided equivalent treatment efficiency and reliability can be demonstrated.))

(c) For facilities with rearing ponds only, no other form of effluent treatment shall be required, provided the rearing pond has a minimum hydraulic retention time of two hours or more. Rearing vessels with less than two hours hydraulic retention time may be approved by the department in writing without additional treatment provided the applicant can demonstrate to the department, in advance, the ability to continuously comply with effluent limits established in subsection ((5)) (4)(a) of this section.

(d) Each upland fin((-))fish facility that begins construction after September 1, 1990, or expands production by fifty percent over the production on the effective date of this rule shall either:

(i) Line all settling basins or otherwise ensure that the static (i.e., without inflow) seepage rate through the settling basin bottom and sides shall not be greater than a water surface drop of 0.10 inch per day; or

(ii) Demonstrate to the department through hydrogeologic investigation and/or ground water monitoring that the operation of the facility will not have an adverse impact upon ground water quality.

(e) Notwithstanding the treatment requirements of this subsection, more stringent or additional conditions may be required by the department as necessary on a case-by-case basis to mitigate adverse water quality impacts or meet water quality standards, ground water standards, sediment standards or other applicable requirements of federal or state law.

~~((5))~~ **(4) Effluent standards.** Wastewater from all upland fin((-))fish facilities regardless of size shall meet the following effluent discharge standards.

(a) Facility discharges.

(i) The instantaneous maximum total suspended solids concentration in the effluent at the point of discharge to the receiving environment shall not exceed 15 milligrams per liter of effluent.

(ii) The average (~~(monthly)~~) total suspended solids concentration in the effluent at the point of discharge to the receiving environment shall not exceed 5 milligrams per liter of effluent.

(iii) The average (~~(monthly)~~) settleable solids concentration in the effluent at the point of discharge to the receiving environment shall not exceed 0.1 milliliter per liter of effluent.

(iv) Effluent limitations shall apply as net values provided the criteria contained in 40 CFR 122.45 (net gross allowance) are met.

(b) Off-line settling basin effluent.

(i) The instantaneous maximum total suspended solids concentration shall not exceed 100 milligrams per liter of effluent.

(ii) The instantaneous maximum settleable solids concentration in off-line settling basin effluent shall not exceed 1.0 milliliter per liter of effluent.

(c) Discharges during rearing pond drawdown for fish release shall meet the following discharge standards. Pond drawdown for purposes other than fish release shall meet the discharger standards in (a) of this subsection.

(i) The instantaneous maximum total suspended solids concentration in the rearing pond effluent shall not exceed 100 milligrams per liter.

(ii) The instantaneous maximum settleable solids concentration in the rearing pond effluent shall not exceed 1.0 milliliter per liter.

(d) Test procedures. All sampling and analytical methods used to determine compliance with standards specified in this subsection shall, unless otherwise approved by the department, conform to the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136.

(e) Notwithstanding the numerical discharge standards within this subsection, each upland fin((-))fish facility shall

be operated in the most efficient manner possible. Additional effluent limits and/or more stringent effluent limits may be required as necessary on a case-by-case basis to meet water quality standards, ground water quality standards, sediment quality standards, or other applicable requirements of federal or state law.

~~((6))~~ **(5) General requirements.** The following practices shall be applicable to all upland fin((-))fish facilities.

(a) Sand, silt, mud, solids, sludges, filter backwash, debris, or other pollutants deposited or removed in the course of treatment or control of water supply and wastewaters shall be disposed of in a manner so as to prevent such materials from entering waters of the state.

(b) Discharging untreated cleaning wastes (e.g., obtained from a vacuum or standpipe bottom drain system) to waters of the state is prohibited.

(c) Sweeping or intentionally discharging accumulated solids from raceways or ponds to waters of the state without prior treatment is prohibited.

(d) Practices such as removing dam boards in raceways or ponds, that allow accumulated solids to discharge to waters of the state are prohibited.

(e) The discharge of any drugs or chemicals in toxic amounts or in violation of water quality standards to waters of the state is prohibited.

(f) ~~(Only drugs, medications, and disease control chemicals))~~ Disease control chemical use practices. The following requirements only apply to those drugs and chemicals included in feed or administered by a bath or dip treatment which results or may result in those materials being discharged to waters of the state. These requirements do not apply to drugs and chemicals administered by injections or by dip treatments which results in no discharge to waters of the state.

(i) Disease control chemicals and drugs approved for hatchery use by the United States Food and Drug Administration (USFDA) or the United States Environmental Protection Agency (USEPA) (~~shall~~) may be used. (~~Their use shall comply with the permitted uses and application practices given on the product labels.~~)

(ii) USFDA approved Investigational New Animal Drugs (INADs) may also be used at a facility, provided the conditions detailed in a facility's INAD permit application are met.

(iii) All disease control drug and chemical use must be done in conformance with product label instructions, approved INAD protocols, or be administered by or under the supervision of a licensed veterinarian.

(iv) Disease control drugs and chemicals which are not used in accordance with product label instructions, or under USFDA approved INAD protocols must:

(A) Be administered by or under the supervision of a licensed veterinarian; and

(B) Be approved in advance by the department.

(v) The department may require disease control drug and chemical use reports from each facility.

(g) Fish mortalities (~~(and)~~)₁ kill spawning (~~(or)~~)₁ processing wastes, and any leachate from these materials shall be disposed of in a manner so as to prevent such materials from entering the waters of the state.

(h) Right of entry.

(i) Authorized representatives of the department, upon presentation of identification shall be allowed to:

(A) Enter in or upon the facility at all reasonable times;

(B) Have access to and copy at all reasonable times any records relative to information that must be kept or provided the department under the terms of, as applicable: The conditional exemption or wastewater discharge permit;

(C) Inspect, investigate, and photograph at all reasonable times any production, collection, treatment, pollution management, monitoring, or discharge equipment or facilities, or any conditions relating to pollution or possible pollution of any waters of the state;

(D) Sample and make tests at all reasonable times; and

(E) The term "reasonable times" shall include normal business hours, hours during which production, prevention, control, or treatment occurs or times when the department reasonably suspects a violation of this chapter is or may be occurring.

~~((7))~~ **(6) Receiving water quality studies.** Receiving water quality studies shall be required as follows for each upland fin((-))fish facility which begins construction after September 1, 1990, or expands production by fifty percent over the production on the effective date of this rule. Existing facilities may be required to do receiving water studies on a case-by-case basis. Dilution shall be evaluated by the department using total facility effluent at maximum production at the lowest seven-day average receiving stream flow with a 10-year recurrence interval (7Q10).

(a) For facilities with a discharge of one part upland fin((-))fish facility effluent to ten parts or more of receiving water, receiving water studies are not required unless significant data indicates water quality standards would be violated.

(b) For facilities with an effluent dilution of between one part upland fin((-))fish facility effluent to three parts receiving water and one part effluent to ten parts receiving water, receiving water studies may be required by the department. The department shall provide the upland fin((-))fish operator or permit applicant with written documentation on the need for receiving water studies upon request. Factors to be considered by the department in determining the need for and objectives of special receiving water studies may include, but are limited to, the following:

(i) The water quality classification of the receiving water of the state;

(ii) The potential water quality impacts of surrounding land use practices and/or existing and proposed discharges including the proposed upland fin((-))fish hatching and rearing facility;

(iii) The likelihood that the proposed discharge will have an effect on existing water quality and/or present or future beneficial uses;

(iv) The proximity of the discharge to a quiescent water body such as a lake or a reservoir;

(v) On-site inspection;

(vi) The potential of the discharge to have an adverse impact on receiving water quality such that water quality standards would be violated; and

(vii) Possible beneficial impacts of upland fin((-))fish discharges on existing water quality such as flow augmentation.

(c) For facilities with an effluent dilution of one part upland fin((-))fish facility effluent to three parts or less of receiving waters, receiving water quality studies will generally be required for new facilities and may be required on a case-by-case basis for existing facilities.

(d) Receiving water quality studies content and scope shall include, as required by the department an analysis of the proposed facilities discharge and any impacts upon the receiving water of the state, including, but not limited to, the following:

(i) Identification of existing and potential beneficial uses of the receiving water of the state and an evaluation of the impact on those beneficial uses of the proposed discharge;

(ii) Hydraulic impacts;

(iii) The impacts of both nitrogen and phosphorous compounds and the potential for eutrophication of the receiving waters;

(iv) The use of chemicals and medications within the facility, their toxicity, and the impacts on the receiving waters;

(v) The effect of the facilities on receiving water temperature and dissolved oxygen concentrations; and

(vi) The potential for impacting any specified identified water use.

(vii) Possible beneficial impact of upland fin((-))fish discharges on existing water quality such as flow augmentation.

NEW SECTION

WAC 173-221A-110 Marine finfish rearing facilities.

(1) This rule sets waste discharge standards for finfish rearing facilities located within marine waters as required by RCW 90.48.220. Net-pens, floating raceways, closed bag, and barge systems are some examples of finfish rearing facilities covered by this section.

(2) **Which types of marine finfish rearing facilities need a wastewater discharge permit?**

(a) A permit is required for:

(i) All facilities which produce more than 20,000 net pounds of finfish a year; or

(ii) Feeds more than 5,000 pounds of fish food during any calendar month; or

(iii) Is designated as a significant contributor of pollution by the department in accordance with 40 CFR 122.24.

(b) Facilities which do not require a permit under (a) of this subsection are conditionally exempt from the requirement to obtain a state waste discharge permit under chapter 173-216 WAC provided they comply with subsections (3) through (5) of this section.

(3) **Time of compliance.**

(a) Each marine finfish rearing facility which requires a wastewater discharge permit in accordance with subsection (2) of this section shall submit a completed application form to the department at least one hundred eighty days in advance of the date when permit coverage is deemed necessary.

(b) Existing unpermitted marine finfish rearing facilities which require a waste discharge permit in accordance with subsection (2) of this section shall file a completed application form with the department by January 31, 1996.

(4) **Requirements applicable to all marine finfish rearing facilities.** All marine finfish rearing facilities regardless of size, shall be operated so as to:

(a) Comply with all applicable state water quality standards and sediment quality standards.

(b) Comply with the following general requirements meant to reduce pollutants in the effluent:

(i) Feeding practices. Fish food shall be dispersed in a manner which maximizes ingestion by the reared fish.

(ii) Disease control chemical use practices. The following requirements only apply to those drugs and chemicals included in feed or administered by a bath or dip treatment which results or may result in those materials being discharged to waters of the state. These requirements do not apply to drugs and chemicals administered by injections or by dip treatments which results in no discharge to waters of the state.

(A) Disease control chemicals and drugs approved for use by the United States Food and Drug Administration (USFDA) or the United States Environmental Protection Agency (USEPA) may be used.

(B) USFDA approved Investigational New Animal Drugs (INADs) may also be used at a facility, provided the conditions detailed in a facility's INAD permit application are met.

(C) All disease control drug and chemical use must be done in conformance with product label instructions, approved INAD protocols, or be administered by or under the supervision of a licensed veterinarian.

(D) Disease control drug and chemicals which are not used in accordance with product label instructions, or under USFDA approved INAD protocols must:

(I) Be administered by or under the supervision of a licensed veterinarian; and

(II) Be approved in advance by the department.

(E) The department may require disease control drug and chemical use reports from each facility.

(iii) Right of entry. Authorized representatives of the department, upon presentation of identification shall be allowed to:

(A) Enter in or upon the facility at all reasonable times;

(B) Have access to and copy at all reasonable times any records relative to information that must be kept or provided the department under the terms of, as applicable: The conditional exemption or wastewater discharge permit;

(C) Inspect, investigate, and photograph at all reasonable times any production, collection, treatment, pollution management, monitoring, or discharge equipment or facilities, or any conditions relating to pollution or possible pollution of any waters of the state;

(D) Sample and make tests at all reasonable times; and

(E) The term "reasonable times" shall include normal business hours, hours during which production, prevention, control, or treatment occurs or times when the department reasonably suspects a violation of this chapter is or may be occurring.

(iv) Operational conditions.

(A) Fish mortalities, harvest blood, and any leachate from these materials shall be stored and disposed of in a manner so as to prevent such materials from entering the waters of the state.

(B) Accumulated solids and attached marine growth contained within or on the finfish rearing units shall be disposed of in a manner which prevents, to the maximum extent practicable, these materials from entering or reentering waters of the state.

(C) Discharging accumulated solids and marine growth removed from the finfish rearing units into waters of the state without prior treatment is prohibited.

(D) Storage quantities of all necessary chemicals, petroleum products, and potentially toxic substances essential to the day-to-day operation of the facility shall be minimized. These products shall be kept in leak proof storage areas which provide secondary containment.

(c) Pollution prevention plan. All marine finfish rearing facilities shall develop a pollution prevention plan within six months of permit issuance. Facilities which do not require discharge permits shall prepare and implement a pollution prevention plan within a year of the adoption date of this rule, or when fish are introduced, whichever is later.

(i) The plan shall address: Operating, spill prevention, spill response, solid waste, and storm water discharge practices which prevent or minimize the release of pollutants from the facility to the waters of the state.

(ii) Each facility shall be operated in accordance with its plan along with any subsequent plan amendments or revisions.

(iii) A copy of the most current version of the plan shall be maintained at the facility and available to the department upon request.

(5) **Environmental studies.** The purpose of these studies shall be to determine the potential of the discharge from a marine finfish rearing facility to have an adverse impact on existing water quality and sediment quality.

(a) Environmental studies shall be required as necessary to determine compliance with applicable water quality standards for each new facility which begins construction after November 1, 1995, or for each permitted facility which expands production by fifty percent over the permitted production on the effective date of this rule. Permitted production means the production level authorized for a facility in a waste discharge permit issued pursuant to chapter 90.48 RCW or shoreline permit issued pursuant to chapter 90.58 RCW. Existing facilities may be required to do environmental studies on a case-by-case basis.

(b) Environmental monitoring and reporting programs will be required to ensure the discharge from a facility complies with state water quality standards and sediment management standards. The department may require environmental monitoring programs through the issuance of wastewater discharge permits, and/or through administrative orders.

WSR 95-22-099

PERMANENT RULES

DEPARTMENT OF REVENUE

[Filed November 1, 1995, 10:44 a.m.]

Date of Adoption: November 1, 1995.

Purpose: The subject matter of this rule has been or will be covered in other rules and/or excise tax bulletins.

PERMANENT

Citation of Existing Rules Affected by this Order:
Repealing WAC 458-20-114.

Statutory Authority for Adoption: RCW 82.32.300.

Adopted under notice filed as WSR 95-15-065 on July 14, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 1.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 1.

Effective Date of Rule: Thirty-one days after filing.

November 1, 1995

Russell W. Brubaker

Assistant Director

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

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Effective Date of Rule: Thirty-one days after filing.

November 1, 1995

Russell W. Brubaker

Assistant Director

AMENDATORY SECTION (Amending Order ET 84-2, filed 6/1/84)

~~WAC 458-20-183 Amusement ((and)), recreation ((activities and businesses)), and physical fitness services. ((The term "sale at retail" is defined by RCW 82.04.050 to include the sale of or charge made by persons engaging in certain business activities, including "amusement and recreation businesses." The statute indicates the type of activities and business intended to be taxed under this classification; i.e., "including but not limited to golf, pool, billiards, skating, bowling, ski lifts and tows, and others." Thus, while certain activities are specifically included within the statutory definition (golf, pool, etc.) it is clear that the types of activities and businesses intended to be taxed under the retail sales tax classification are those in which payment is for participation.~~

~~The term "sale at retail" includes all activities wherein a person pays for the right to actively participate in an amusement or recreation activity. The term does not include the sale of or charge made for providing facilities where a person is merely a spectator or passive participant in the activity, such as movies, concerts, sports events, and the like. Nor does the term include activities of an instructional nature, even though the person is physically participating in the activity.~~

~~Health and fitness activities are distinguishable from amusement and recreation activities. Thus, health and fitness activities such as body building, exercise rooms and classes, weight lifting, nautilus facilities, saunas, massages, and the like are not taxable as retail sales, even though they may involve some active participation.~~

~~Coin operated amusement devices are not governed by this section. See WAC 458-20-187.~~

~~The term "sale at retail" also includes the sale of or charge made for providing camping and other outdoor living facilities regardless of whether or not additional recreation facilities of the type mentioned above are available for use.~~

~~Local governmental agencies which provide recreational, social, educational, health and fitness, and similar public programs are generally not making retail sales. Registration~~

REPEALER

The following section of the Washington Administrative Code is hereby repealed:

WAC 458-20-114 Nonbusiness income—Bona fide initiation fees, dues, contributions, tuition fees and endowment funds

WSR 95-22-100

PERMANENT RULES

DEPARTMENT OF REVENUE

[Filed November 1, 1995, 10:45 a.m.]

Date of Adoption: November 1, 1995.

Purpose: To incorporate statutory changes and to consolidate tax reporting information to persons engaged in providing amusement, recreation, and physical fitness services.

Citation of Existing Rules Affected by this Order:
Amending WAC 458-20-183.

Statutory Authority for Adoption: RCW 82.32.300.

Adopted under notice filed as WSR 95-11-081 on May 17, 1995.

Changes Other than Editing from Proposed to Adopted Version: Language was added to clarify that taxpayers may only switch reporting methods annually and only on a prospective basis. Language was added to clarify that public subsidized facilities cannot be used by private organizations for the purpose of calculating comparable charges. Language allowing the taxpayer to absorb the retail sales tax in cases where the collection of which is impracticable was deleted. The application of this provision was confusing and could be construed as broader in application than intended.

fees, league fees, and similar charges collected by such agencies may be taxable or exempt of business and occupation tax depending upon the nature of the programs and services provided. In any case, the taxability of such agencies and charges is governed by WAC 458-20-189, rather than this section on "amusement and recreation businesses."

Business and Occupation Tax

Gross receipts from the kind of amusement and recreation activities and businesses involving active participation as described above are taxable under the classification retailing.

Such persons are also taxable under the retailing classification upon gross receipts from sales of meals, drinks, tobacco, or other property sold by them.

Gross receipts from instruction and passive participation in amusement and recreation activities and businesses are taxable under the classification service and other activities.

Retail Sales Tax

The retail sales tax must be collected upon charges for admissions and the use of facilities by persons engaged in the amusement and recreation activities and businesses involving active participation as described above. The retail sales tax must also be collected upon sales of cigarettes and other merchandise by persons engaging in such businesses. See WAC 458-20-244 for sales of food products.

When the charge for merchandise is included within a charge for admission which is not a "sale at retail" as defined herein, the retail sales tax applies to the charge made for both merchandise and admission, unless a proper segregation of such charge is made upon the books of account of the seller.

The retail sales tax applies upon the sale or rental of all equipment and supplies to persons conducting places of amusement and recreation, except merchandise which is resold by them.

The retail sales tax does not apply to the charge made for instruction or passive participation in an amusement or recreation activity. Neither does the sales tax apply to charges or fees for health and fitness activities as described in this section. For the sales tax liability of governmental agencies, see WAC 458-20-189.

Revised March 27, 1984.

Effective July 1, 1984.) (1) **Introduction.** This section provides tax reporting instructions for persons who provide amusement, recreation, and physical fitness services, including persons who receive their income in the form of dues and initiation fees. Section 301, chapter 25, Laws of 1993 sp. sess., amended RCW 82.04.050 to include as a retail sale "physical fitness services." This change became effective July 1, 1993. Physical fitness services were previously taxed under the service and other business activities classification. Amusement and recreation services were retail sales prior to the 1993 law amendment and the tax classification remains unchanged for these activities.

(a) Local governmental agencies that provide amusement, recreation, and physical fitness services should also refer to WAC 458-20-189 (Sales to and by the state of Washington, counties, cities, school districts, and other municipal subdivisions).

(b) Persons engaged in operating coin operated amusement devices should refer to WAC 458-20-187 (Coin operated vending machines, amusement devices and service machines).

(c) Persons engaged in providing camping and outdoor living facilities should refer to WAC 458-20-118 (Sale or rental of real estate, license to use real estate) and WAC 458-20-166 (Hotels, motels, boarding houses, rooming houses, resorts, summer camps, trailer camps, etc.).

(2) **Definitions.** The following definitions apply throughout this section:

(a) "Amounts derived" means gross income from whatever source and however designated. It includes "gross proceeds of sales" and "gross income of the business" as those terms are defined by RCW 82.04.070 and 82.04.080, respectively. It shall also include income attributable to bona fide "initiation fees" and bona fide "dues."

(b) "Amusement and recreation services" include, but are not limited to: Golf, pool, billiards, skating, bowling, swimming, bungee jumping, ski lifts and tows, basketball, racquet ball, handball, squash, tennis, and all batting cages. "Amusement and recreation services" also include the provision of related facilities such as basketball courts, tennis courts, handball courts, swimming pools, and charges made for providing the opportunity to dance. The term "amusement and recreation services" does not include instructional lessons to learn a particular activity such as tennis lessons, swimming lessons, or archery lessons.

(c) "Any additional charge" means a price or payment other than bona fide initiation fees or dues, paid by persons for particular goods and services received. The additional charge must be reasonable and any business and/or sales taxes must be paid upon such charges in order to qualify other income denominated as "bona fide dues" or "fees" to be deductible. The reasonableness of any additional charge will be based on one of the following two criteria:

(i) It must cover all costs reasonably related to furnishing the goods or services; or

(ii) It must be comparable with charges made for similar goods or services by other comparable businesses.

(d) "Direct overhead costs" include all items of expense immediately associated with the specific goods or services for which the costs of production method is used. For example, the salary of a swimming pool lifeguard or the salary of a golf club's greenskeeper are both direct overhead costs in providing swimming and golfing respectively.

(e) "Dues" are those amounts periodically paid by members solely for the purpose of entitling those persons to continued membership in the club or similar organization. It shall not include any amounts paid for goods or services rendered to the member by the club or similar organization.

(f) "Entry fees" means those amounts paid solely to allow a person the privilege of entering a tournament or other type of competition. The term does not include any amounts charged for the underlying activity.

(g) "Goods or services rendered" shall include those amusement, recreation, and physical fitness services defined to be retail sales in (m) of this subsection. Also see, WAC 458-20-166 (Hotels, motels, boarding houses, rooming houses, resorts, summer camps, trailer camps, etc.) and WAC 458-20-244 (Food products). The term shall include the totality or aggregate of goods or services available to

members. It is not determinative that some members actually receive more goods or actually enjoy more services than others so long as the totality of the goods or services offered are made available to members in general.

(h) "Indirect overhead costs" means overhead costs incurred by the service provider that are not immediately associated with the specific goods and services. These costs include a pro rata share of total operating costs, including all executive salaries and employee salaries that are not "direct overhead costs" as that term is defined in (d) of this subsection, as well as a pro rata share of administrative expenses and the cost of depreciable capital assets.

(i) "Initiation fees" means those amounts paid solely to initially admit a person as a member to a club or organization. "Bona fide initiation fees" within the context of this rule shall include only those one-time amounts paid which genuinely represent the value of membership in a club or similar organization. It shall not include any amount paid for or attributable to the privilege of receiving any goods or services other than mere nominal membership.

(j) "League fees" means those amounts paid solely for the privilege of allowing a person or a person's team to join an association of sports teams or clubs that compete chiefly amongst themselves. The term does not include any amounts charged for the underlying activity.

(k) "Nonprofit youth organization" means a nonprofit organization engaged in character building of youth which is exempt from property tax under RCW 84.36.030.

(l) "Physical fitness services" include, but are not limited to: All exercise classes, whether aerobic, dance, water, jazzercise, etc., providing running tracks, weight lifting, weight training, use of exercise equipment, such as treadmills, bicycles, stair-masters and rowing machines, and providing personal trainers (i.e., a person who assesses an individual's workout needs and tailors a physical fitness workout program to meet those individual needs). "Physical fitness services" do not include instructional lessons such as those for self-defense, martial arts, yoga, and stress-management. Nor do these services include instructional lessons for activities such as tennis, golf, swimming, etc. "Instructional lessons" can be distinguished from "exercise classes" in that instruction in the activity is the primary focus in the former and exercise is the primary focus in the latter.

(m) "Sale at retail" or "retail sale" include the sale or charge made by persons engaged in providing "amusement and recreation services" and "physical fitness services" as those terms are defined in (b) and (l) of this subsection. The term "sale at retail" or "retail sale" does not include: The sale of or charge made for providing facilities where a person is merely a spectator, such as movies, concerts, sporting events, and the like; the sale of or charge made for instructional lessons, or league fees and/or entry fees; charges made for carnival rides where the customer purchases tickets at a central ticket distribution point and then the customer is subsequently able to use the purchased tickets to gain admission to an assortment of rides or attractions; or, the charge made for entry to an amusement park or theme park where the predominant activities in the area are similar to those found at carnivals.

(n) "Significant amount" relates to the quantity or degree of goods or services rendered and made available to mem-

bers by the organization. "Significant" is defined as having great value or the state of being important.

(o) "Value of such goods or services" means the market value of similar goods or services or computed value based on costs of production.

(3) Business and occupation tax.

(a) Retailing classification. Gross receipts from the kind of amusement, recreation, and physical fitness services defined to be retail sales in subsection (2)(m) of this section are taxable under the retailing classification. Persons engaged in providing these activities are also taxable under the retailing classification upon gross receipts from sales of meals, drinks, articles of clothing, or other property sold by them.

(b) Service and other activities classification. Gross receipts from activities not defined to be retail sales, such as tennis lessons, golf lessons, and other types of instructional lessons, are taxable under the service and other activities classification. Persons providing licenses to use real estate, such as separately itemized billings for locker rentals, are also taxable under this classification. See WAC 458-20-118 (Sale or rental of real estate, license to use real estate).

(4) Receiving income in the form of dues and/or initiation fees.

(a) General principles. For the purposes of the business and occupation tax, all amounts derived from initiation fees and dues must be reported as gross income which then must be apportioned between taxable and deductible income. The following general principles apply to providing amusement, recreation, and physical fitness services when income is received in the form of dues and/or initiation fees:

(i) RCW 82.04.4282 provides for a business and occupation tax deduction for amounts derived from activities and charges of essentially a nonbusiness nature. The scope of this statutory deduction is limited to situations where no business or proprietary activity (including the rendering of goods or services) is engaged in which directly generates the income claimed for deduction. Many for-profit or nonprofit entities may receive "amounts derived," as defined in this section, which consist of a mixture of tax deductible amounts (bona fide initiation fees and dues) and taxable amounts (payment for significant goods and services rendered). To distinguish between these kinds of income, the law requires that tax exemption provisions be strictly construed against the person claiming exemption. Also, RCW 82.32.070 requires the maintenance of suitable records as may be necessary to determine the amount of any tax due. The result of these statutory requirements is that all persons must keep adequate records sufficient to establish their entitlement to any claimed tax exemption or deduction.

(ii) The law does not contemplate that the deduction provided for by RCW 82.04.4282 should be granted merely because the payments required to be made by members or customers are designated as "initiation fees" or "dues." The statutory deduction is not available for outright sales of tangible personal property or for providing facilities or services for a specific charge. Neither is it available if dues are in exchange for any significant amounts of goods or services rendered by the recipient thereof to members without any additional charge to the member, or if the dues are graduated upon the amount of goods or services ren-

dered. Thus, it is only those initiation fees and dues which are paid solely and exclusively for the express privilege of belonging as a member of a club, organization, or society, which are deductible.

(iii) In applying RCW 82.04.4282, no distinction is made between the kinds of clubs, organizations, associations, or other entities which may be eligible for this deduction. They may be operated for profit or nonprofit. They may be owned by the members, incorporated, or operating as a partnership, limited liability company, joint venture, sole proprietorship, or cooperative group. They may be of a charitable, fraternal, social, political, benevolent, commercial, or other nature. The availability of the deduction is determined solely by the nature of the activity or charge which generates the "amounts derived" as that term is defined in subsection (2)(a) of this section.

(iv) Nonprofit youth organizations, as defined in subsection (2)(k) of this section, may deduct fees or dues received from members even though the members are entitled to use the organization's facilities, including camping and recreational facilities, in return for such payments. (See RCW 82.04.4271.)

(b) **Allocation of income.** Persons who derive income from initiation fees and dues may find that they have incurred business and occupation tax liability under both the retailing and service and other activities classifications. For example, an organization may furnish exercise equipment as well as provide lessons in martial arts to its members in return for payment of dues. The former is a retailing taxable activity while the latter is taxable under the service business tax. These taxes are at different rates. Once the income has been allocated between taxable and deductible amounts, the parts of taxable income attributable to either retailing activities or service activities must be reported on the combined excise tax return under the appropriate classification and under the prevailing tax rates. In addition, state and local retail sales taxes measured by the retailing portions must be separately collected from dues paying members, reported, and remitted with the same excise tax return.

(c) **Alternative methods of reporting.** Persons who receive any "amounts derived" from initiations fees and/or dues may report their tax liabilities and determine the amount of tax reportable under different classifications (retailing or service) by use of two alternative allocation methods. The taxpayer may only change its selected allocation method annually and all changes are prospective only. These mutually exclusive methods are:

(i) **Actual records of facilities usage.**

(A) Persons may allocate their income based upon such actual records of facilities usage as are maintained. This method is accomplished by either: The allocation of a reasonable charge for the specific goods or services rendered; or, the average comparable charges for such goods or services made by other comparable businesses. In no case shall any charges under either method be calculated to be less than the actual cost of providing the respective good or service. When using the average comparable charges method the term "comparable businesses" shall not include subsidized public facilities when used by a private facility.

(B) The actual records of facilities usage method must reflect the nature of the goods or services and the frequency of use by the membership, either from an actual tally of

times used or a periodic study of the average membership use of facilities. Actual usage reporting may also be based upon a graduated or sliding fees and dues structure. For example, an organization may charge different initiation fees or dues rates for a social membership than for a playing membership. The difference between such rates is attributable to the value of the goods or services rendered. It constitutes the taxable portion of the "amounts derived" allocable to that particular activity. Because of the broad diversification of methods by which "amounts derived" may be assessed or charged to members, the actual records of usage method of reporting may vary from organization to organization.

(C) Organizations which provide more than one kind of "goods or services" as defined in subsection (2)(g) of this section, may provide such actual records for each separate kind of goods or services rendered. Based upon this method, the total of apportioned "taxable" income may be subtracted from total gross income to derive the amount of gross income which is entitled to deduction as "bona fide initiation fees and dues" under RCW 82.04.4282; or

(ii) **Cost of production method.**

(A) The cost of production allocation method is based upon the cost of production of goods or services rendered. Persons using this method are advised to seek the department's review of the cost accounting methods applied, in order to avoid possible tax deficiency assessment if records are audited. In such cases, the cost of production shall include all items of expense attributable to the particular facility (goods or services) made available to members, including direct and indirect overhead costs.

(B) No portion of assets which have been fully depreciated will be included in computing overhead costs, nor will there be included any costs attributable to membership recruitment and advertising, or providing members with the indicia of membership (membership cards, certificates, contracts of rights, etc.).

(C) The cost of production method is performed by multiplying gross income (all "amounts derived") by a fraction, the numerator of which is the direct and indirect costs associated with providing any specific goods or service, and the denominator of which is the organization's total operating costs. The result is the portion of "amounts derived" that is allocable to the taxable facility (goods or services rendered). If more than one kind of facility (goods or services) is made available to members, this formula must be applied for each facility in order to determine the total of taxable and deductible amounts and to determine the amount of taxable income to report as either retailing taxable or service taxable. The balance of gross amounts derived is deductible as bona fide initiation fees or dues.

(D) Under very unique circumstances and only upon advance written request and approval, the department will consider variations of the foregoing accounting methods as well as unique factors.

(E) Unless income accounting and reporting are accomplished by one or a combination of methods outlined in this section, or under a unique reporting method authorized in advance by the department, it will be presumed that all "amounts derived" by any person who provides "goods or services" as defined herein, constitute taxable, nondeductible amounts.

(5) Retail sales tax.

(a) The retail sales tax must be collected upon charges for admissions, the use of facilities, equipment, and exercise classes by all persons engaged in the amusement, recreation, and physical fitness services that are defined to be retail sales in subsection (2)(m) of this section. The retail sales tax must also be collected upon sales of food, drinks and other merchandise by persons engaging in such businesses. See WAC 458-20-244 (Food products). In the case of persons who receive their income in the form of dues and/or initiation fees, the amount of gross receipts determined to be taxable under the retailing business and occupation classification shall be used to determine the person's retail sales tax liability under this subsection.

(b) When the charge for merchandise is included within a charge for admission which is not a "sale at retail" as defined herein, the retail sales tax applies to the charge made for both merchandise and admission, unless a proper segregation of such charge is made in the billing to the customer and upon the books of account of the seller.

(c) The retail sales tax applies upon the purchase or rental of all equipment and supplies by persons providing amusement, recreation, and physical fitness services, other than merchandise that is actually resold by them. For example, the retail sales tax applies to purchases of such things as soap or shampoo provided at no additional charge to members of a health club.

(6) Transitory provisions for nonprofit youth organizations. The 1993 amendment of RCW 82.04.050 resulted in "physical fitness services" provided by nonprofit youth organizations being classified as retail sales. However, section 1, chapter 85, Laws of 1994, amended RCW 82.08.0291 and thereby exempted from the definition of retail sale, the sale of such services by a nonprofit youth organization to members of the organization. This change became effective July 1, 1994. Therefore, nonprofit youth organizations are only liable for retail sales tax on the sale or charge made for "physical fitness services" from July 1, 1993, to June 30, 1994. Nonprofit youth organizations were previously exempt from the collection of retail sales tax on "amusement and recreation services" (RCW 82.08.0291) and were previously not subject to retailing business and occupation tax on both the provision of "physical fitness services" and "amusement and recreation services" (RCW 82.04.4271). Nonprofit youth organizations, however, may have tax liabilities for other types of activities, such as retail sales of food, retail sales of tangible personal property, or the license to use real estate, as discussed above.

**WSR 95-22-105
PERMANENT RULES
HIGHER EDUCATION
COORDINATING BOARD
[Filed November 1, 1995, 10:55 a.m.]**

Date of Adoption: October 26, 1995.

Purpose: To incorporate statutory changes to program as adopted by the 1995 legislature; amends award benefit for Washington scholars selected after June 30, 1994, replacing the "full or partial tuition and services and activities fee

waiver" with a cash grant at the state's public colleges and universities.

Citation of Existing Rules Affected by this Order: Amending WAC 250-66-020, 250-66-040, and 250-66-050.

Statutory Authority for Adoption: Chapter 28B.80 RCW.

Other Authority: 2SHB 1318, Laws of 1995.

Adopted under notice filed as WSR 95-17-087 on August 21, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 3, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 3, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

November 1, 1995

James C. Sainsbury

Acting Executive Director

AMENDATORY SECTION (Amending WSR 93-19-014, filed 9/2/93, effective 10/3/93)

WAC 250-66-020 Program definitions. (1) "Public institution of higher education" or "state-supported institution of higher education" shall mean all Washington state-operated, public, four-year universities, The Evergreen State College, community colleges, and technical colleges.

(2) "Independent college or university" shall mean any private, nonprofit educational institution, the main campus of which is permanently situated in the state, open to residents of the state, providing programs of education beyond the high school level leading at least to the baccalaureate degree, and accredited by the northwest association of schools and colleges and other institutions as may be developed that are approved by the higher education coordinating board as meeting equivalent standards as those institutions accredited by the northwest association of schools and colleges.

(3) "State-funded research universities" shall mean the university of Washington and Washington state university.

(4) "Board" means the higher education coordinating board. When a duty or responsibility of the board is referenced in these regulations, the authority needed to discharge that responsibility lies with the executive director or his or her designee.

(5) "Washington resident" shall mean any individual who satisfied the requirements of WAC 250-18-020 through 250-18-060 and any board-adopted rules and regulations pertaining to the determination of residency.

(6) "Waiver of tuition and service and activities fees." ((+)) Students who received their Washington state scholars awards prior to June 30, 1994, and who choose to

attend a public institution of higher education, as defined in subsection (1) of this section, and who meet all other eligibility requirements, shall be eligible for a full waiver of tuition and services and activities fees at any Washington public institution of higher education.

~~((b) Students who received their Washington state scholars awards after June 30, 1994, and who choose to attend a public institution of higher education, as defined in subsection (1) of this section, and who meet all other eligibility requirements, may be eligible for a full or partial waiver of tuition and services and activities fees at any Washington public institution of higher education.))~~

(7) "Grant(s)." Students ~~((selected))~~ named as Washington state scholars ~~((choosing))~~ who choose to attend an independent college or university, as defined in subsection (2) of this section and recipients of the award named after June 30, 1994, who choose to attend a public college or university within the state, and who meet all other eligibility requirements, shall be eligible to receive grants from the state of Washington, if funds are available for this purpose. Grants ~~((shall not exceed, on an annual basis, the yearly, full-time, resident undergraduate tuition and service and activities fees in effect at the state-funded research universities. These grants))~~ to recipients attending a Washington independent institution shall also be contingent upon the ~~((independent college or university))~~ institution matching, on at least a dollar-for-dollar basis, either with actual institutional monies or a waiver of tuition and fees, the amount the student receives from the state.

If the independent institution chooses to match the grant with actual cash rather than by waiver of tuition/fees, the institutional match shall consist of dollars derived from institutional grant aid funds.

(a) Grant amounts.

(i) Maximum grant award value. Grants to individual recipients shall not exceed, on an annual basis, the yearly, full-time, resident, undergraduate tuition and service and activities fees in effect at the state-funded research universities.

(ii) Calculation of individual award amounts. The value of individual grants shall be calculated annually, as a prorated amount of the annual appropriation and based upon the number of eligible scholars attending participating institutions, the tuition costs at those institutions, and limited to the funds appropriated to the board for the program. Individual recipients may receive state grants which do not exceed the cost of tuition and service and activities fees for which they are enrolled at the institution attended. Should funds be insufficient to cover all recipients at the full cost of tuition, subject to the maximum grant award value, the value of all award payments in the given payment term shall be reduced proportionally by the same percent to avoid overexpenditure of the appropriated funds.

(b) Priorities in funding grants. Grants shall be funded contingent upon appropriated funds available and subject to the following priorities:

(i) First priority in funding of grants shall be to Washington scholars attending eligible institutions during the regular academic year and who are identified to the board by the enrolling institution no later than the twentieth day of the fall term as having enrolled or who are planning to enroll in a subsequent term during the regular academic year.

(ii) Second priority in funding of grants shall be to Washington scholars identified to the board by the enrolling institution after the twentieth day of the fall term as having enrolled or who are planning to enroll in a subsequent term during the regular academic year.

(iii) Third priority in funding of grants shall be to Washington scholars enrolling in eligible institutions for the summer term.

(c) Washington scholars eligible for grants shall be responsible for payment of tuition and service and activity fees or make arrangement with the institution for payment of tuition and service and activity fees. The state grants may be used to pay for any valid educational expense, including, but not limited to, tuition and service and activity fees, books and supplies, transportation, room and board, and miscellaneous/personal costs.

(8) "Regular academic year" shall mean fall and spring semester at institutions operating on the semester system, or fall, winter, and spring quarter at institutions operating on the quarter system.

AMENDATORY SECTION (Amending WSR 92-16-038, filed 7/30/92, effective 8/30/92)

WAC 250-66-040 Recipient eligibility. (1) Eligibility criteria. In order to be eligible to receive a waiver of tuition and service and activities fees at public institutions of higher education or ~~((a))~~ the grant at public and independent colleges or universities, the student must meet the following requirements. The student must:

(a) Be a resident of the state of Washington.

(b) Have attended high school in the state of Washington.

(c) Be a designated and fully recognized recipient of the Washington state scholars award.

(d) Have entered a public institution of higher education or independent college or university in the state of Washington within three years of high school graduation.

(e) Be a student enrolled in undergraduate studies.

(f) Maintain a minimum cumulative grade point average of 3.30 on a 4.0 scale, or the equivalent, at a public institution of higher education or independent college or university.

(g) If the student's cumulative grade point average falls below 3.30 during the first three quarters or two semesters, that student may petition the higher education coordinating board which shall have the authority to establish a probationary period until such time as the student's grade point average meets required standards. A student who has received probationary status from the higher education coordinating board shall remain eligible to receive a waiver or grant during such probationary period.

(h) Not be pursuing courses that include any religious worship or exercise, or any degree in religious, seminarian, or theological academic studies.

(2) Duration of eligibility. ~~((Recipients))~~ Subject to criteria set forth in subsection (1)(a) through (h) of this section, individual recipients of the Washington state scholars award shall be eligible ~~((to receive))~~ for award benefits until a cumulative total of eight semesters or twelve quarters of waiver and/or grant benefits have been received by the scholar under this program ~~((for a maximum total of eight semesters or twelve quarters))~~.

(3) Transferability. Recipients of the Washington state scholars award may transfer between public institutions of higher education and independent colleges and universities in the state of Washington provided that the cumulative terms of waivers of tuition and service and activities fees (~~and~~) and/or grants received by any one recipient does not exceed eight semesters or twelve quarters.

AMENDATORY SECTION (Amending Order 5-88, Resolution No. 88-13, filed 7/5/88)

WAC 250-66-050 Administration. (1) Administering agency. The higher education coordinating board, with cooperation from the Washington association of secondary school principals, shall administer the Washington state scholars program. The staff of the higher education coordinating board, under the direction of the executive director, will manage the administrative functions relative to the program. The board shall have the following administrative responsibilities, encompassed within the board's enumerated powers and duties:

(a) Select students to receive the Washington state scholars award, with the assistance of the selection committee created by WAC 250-66-030(3) of this act.

(b) Enter into agreements with participating independent institutions.

(c) Adopt all necessary rules and guidelines.

(d) Send program information and nomination materials to the principal of each Washington public and private school that has a twelfth grade.

(e) Publish a directory of all Washington state scholars selected and distribute it to all public institutions of higher education and independent colleges and universities, legislators, and participating high schools.

(f) Maintain records on all Washington state scholar award recipients.

(g) Publicize the program.

(h) Solicit and accept grants and donations from public and private sources for the program.

(i) Authorize probationary periods for Washington state scholar recipients whose cumulative grade point average falls below the minimum grade point average under WAC 250-66-040 (1)(f).

(j) Make grant payments to eligible recipients for undergraduate study.

WSR 95-22-009
EMERGENCY RULES
STATE BOARD OF HEALTH
 [Filed October 19, 1995, 1:35 p.m.]

Date of Adoption: October 17, 1995.

Purpose: To implement ESSB 5503, which requires the board to review and repeal or modify rules that exceed the standards developed under chapter 49.17 RCW.

Citation of Existing Rules Affected by this Order: Repealing WAC 246-358-105 and 246-358-115; and amending WAC 246-358-001, 246-358-010, 246-358-020, 246-358-045, 246-358-055, 246-358-065, 246-358-075, 246-358-085, 246-358-095, 246-358-125, 246-358-135, 246-358-140, 246-358-145, 246-358-155, and 246-358-175.

Statutory Authority for Adoption: RCW 70.54.110.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: ESSB 5503 requires the State Board of Health to repeal or modify rules within sixty days of the bill's effective date. Due to timelines set in chapter 34.05 RCW for permanent rule adoption, the board is using an emergency adoption while proceeding with the permanent rule adoption process.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 2, amended 15, repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, amended 15, repealed 2.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

October 17, 1995

Sylvia I. Beck

Director

AMENDATORY SECTION (Amending Order 365B, filed 5/25/93, effective 6/25/93)

WAC 246-358-001 Purpose and scope. (1) This chapter contains:

(a) Minimum health and sanitation requirements for temporary-worker housing adopted by the Washington state board of health in accordance with RCW 70.54.110;

(b) Procedures for applying for an operating license to provide temporary-worker housing, adopted by the Washington state department of health in accordance with RCW 43.70.340(3); and

(c) Operating license fees as set by RCW 43.70.340(2) to cover the costs of an inspection program to ensure

compliance with this chapter, adopted by the Washington state department of health.

(2) This chapter applies to:

(a) Temporary-worker housing that consists of:

~~((a))~~ (i) Five or more dwelling units; or

~~((b))~~ (ii) Any combination of dwelling units, dormitories, or spaces that house ten or more occupants; and

(b) Operators who must comply with substantive state health and safety standards to qualify for MSPA.

(3) This chapter does not apply to housing regulated by chapter 59.18 RCW, Residential Landlord-Tenant Act, or chapter 59.20 RCW, Mobile Home Landlord-Tenant Act.

AMENDATORY SECTION (Amending Order 326B, filed 1/12/93, effective 2/12/93)

WAC 246-358-010 Definitions. (1) "Board" means the Washington state board of health.

~~(2) ("Construction" means building, altering, or adding to a structure, or changing the use of an existing structure, to house temporary workers.~~

~~(3))~~ "Contracted health officer" means a health officer who has a signed agreement with the department to inspect housing, issue operating licenses, and enforce this chapter.

~~((4))~~ (3) "Department" means the Washington state department of health.

~~((5) "Dormitory" means a shelter, building, or portion of a building, without cooking and eating facilities, which is:~~

~~(a) Provided and designated by the operator as a sleeping area for five or more occupants; and~~

~~(b) Physically separated from other sleeping and common-use areas.~~

~~(6))~~ (4) "Dwelling unit" means a shelter, building, or portion of a building, that may include cooking and eating facilities, which is:

(a) Provided and designated by the operator as either a sleeping ((and/or)) area, living area, or both, for occupants; and

(b) Physically separated from other sleeping and common-use areas.

~~((7))~~ (5) "Drinking fountain" means a fixture equal to a nationally recognized standard or a designed-to-drain faucet which provides potable drinking water under pressure. "Drinking fountain" does not mean a bubble-type water dispenser.

~~((8) "Emergency" means a natural disaster or other sudden and unexpected occurrence demanding immediate action. "Emergency" does not mean an unexpected demand for housing because additional workers are needed to harvest a crop larger than anticipated.~~

~~(9))~~ (6) "Exemption" means a written authorization ~~((from the board))~~ which excludes an operator from meeting a specific requirement or requirements in this chapter.

~~((10))~~ (7) "Foodhandling facility" means a designated, enclosed area for preparation of food.

(a) ~~("Central foodhandling facility"))~~ "Dining hall" means a cafeteria-type eating place with food furnished by and prepared under the direction of the operator for consumption, with or without charge, by occupants.

(b) "Common foodhandling facility" means an area designated by the operator for occupants to store, prepare, cook, and eat their own food supplies.

~~((11))~~ (8) "Health officer" means the individual appointed as such for a local health department under chapter 70.05 RCW or appointed as the director of public health of a combined city-county health department under chapter 70.08 RCW.

~~((12))~~ "Laundry" means an area or room with one or more laundry sinks and/or mechanical washing machines used to wash clothing.

~~((13))~~ (9) "Interagency agreement committee" means a representative from the state board of health, department of health, department of labor and industries, employment security department, and department of community, trade, and economic development, pursuant to RCW 43.70.340.

(10) "MSPA" means the Migrant and Seasonal Agricultural Worker Protection Act (96 Stat. 2583; 29 U.S.C. Sec. 1801 et seq.).

(11) "Occupant" means a temporary worker or a person who resides with a temporary worker at the housing site.

~~((14))~~ (12) "Operator" means ~~((owner, or the individual designated by the owner, responsible for the owner's))~~ a person holding legal title to the land on which temporary worker housing is located. However, if the legal title and the right to possession are in different persons, "operator" means a person having the lawful control or supervision over the temporary-worker housing.

~~((15))~~ (13) "Operating license" means a document issued annually by the department or contracted health officer authorizing the use of temporary-worker housing.

~~((16))~~ (14) "Refuse" means solid wastes, rubbish, or garbage.

~~((17))~~ "Single operation" means the common use of labor, equipment, and supervision.

(18) "Sink" means a properly trapped plumbing fixture which prevents back passage or return of air and may be a:

(a) "Handwashing sink" with water under pressure intended for handwashing; or

(b) "Laundry sink" with hot and cold water under pressure, large enough to accommodate hand laundering of clothing.

~~((19))~~ (15) "Space" means a site designated by an operator for an individual worker-supplied housing unit.

~~((20))~~ (16) "Temporary worker" means a person employed intermittently and not residing year-round at the same site.

~~((21))~~ (17) "Temporary-worker housing" or "housing" ~~((labor camp))~~ means all facilities provided by the operator, managed as a single operation, including site; spaces; bathing, foodhandling, handwashing, laundry, and toilet facilities; dwelling units and dormitories, to house occupants.

(22) "Worker supplied housing" means an enclosed vehicle designed for sleeping and/or living, supplied and used by a temporary worker, and may be:

(a) "Fully self-contained worker-supplied housing" which means a unit with bathing, foodhandling, handwashing, and toilet facilities that meet the requirements of this chapter; or

(b) "Basic worker-supplied housing" which means a unit without bathing, foodhandling, handwashing, and toilet facilities that meet the requirements of this chapter)) means

a place, area, or piece of land where sleeping places or housing sites are provided by an employer for his or her employees or by another person, including a temporary-worker housing operator, who is providing such accommodations for employees for temporary, seasonal occupancy, and includes "labor camps" under RCW 70.54.110.

(18) "WISHA" means the Washington Industrial Safety and Health Act, chapter 49.17 RCW, administered by the Washington state department of labor and industries.

AMENDATORY SECTION (Amending Order 326B, filed 1/12/93, effective 2/12/93)

WAC 246-358-020 Exemptions. The board may exempt an operator from meeting a specific requirement or requirements in this chapter. The board shall not grant an exemption for the operating license requirement.

~~((1))~~ An operator wishing to request an exemption shall ~~((follow procedures established by the board, which include:~~

~~((a) Submitting));~~

(1) Submit a written request to the board((; and)) which includes:

(a) The specific WAC section or subsection for which the exemption is being requested;

(b) Justification for the exemption; and

(c) A description of how the intent of the regulation will be met.

~~((b) Appearing))~~ (2) Appear before the board at a public hearing to justify the exemption upon a finding by the interagency agreement committee that the exemption is significant.

~~((2) The board's decision shall be based on potential risk to public health and safety, justification presented by the operator, and recommendations by the department.))~~

AMENDATORY SECTION (Amending Order 326B, filed 1/12/93, effective 2/12/93)

WAC 246-358-045 Location and maintenance. (1) An operator shall locate housing:

(a) To prevent a health or safety hazard;

(b) On well-drained sites to prevent standing water from becoming a nuisance;

(c) ~~((More than))~~ Five hundred feet or more from a livestock operation unless the department or contracted health officer determines that no health risk exists;

(d) More than two hundred feet from swamps, pools, sink holes, or other surface collections of water unless provisions are taken to prevent the breeding of mosquitoes; and

(e) On sites sufficient in size to prevent overcrowding of necessary structures.

(2) An operator shall ensure that the housing site is maintained at all times in a sanitary condition free from garbage and other refuse.

AMENDATORY SECTION (Amending Order 326B, filed 1/12/93, effective 2/12/93)

WAC 246-358-055 Water supply. An operator shall:

(1) Provide an adequate, convenient water supply from an approved source as described in chapter 246-290 WAC, and:

(a) For housing existing prior to August 1, 1984, maintain and operate the water system in accordance with chapter 246-290 WAC; and

(b) For housing constructed after August 1, 1984, design, construct, maintain, and operate the water system in accordance with chapter 246-290 WAC;

(2) Provide a water system:

(a) Capable of delivering thirty-five gallons per person per day to the housing site at a peak rate of two and one-half times the average hourly demand; and

(b) With distribution lines capable of supplying water at normal operating pressures to all fixtures for simultaneous operation;

(3) If water is not supplied solely by a community water system, submit a water sample to a department-certified laboratory for bacteriological quality testing each year prior to opening housing in accordance with WAC 246-290-300;

~~((3))~~ (4) Delay the use of housing until bacteriological quality meets the requirements in WAC 246-290-310;

~~((4))~~ (5) Provide cold, potable, running water under pressure in, or within one hundred feet of, each dwelling unit(~~(, dormitory,)~~) and each space for (~~(base)~~) worker-supplied housing;

~~((5) Provide cold, potable, running water under pressure to each space used for fully self-contained worker-supplied housings;)~~

(6) Provide one or more drinking fountains for each one hundred occupants or fraction thereof if water under pressure is available;

(7) Prohibit the use of containers from which water is dipped or poured, and common drinking cups; and

(8) ~~((Ensure that outlets for nonpotable water are rendered inaccessible to occupants within the housing site; and~~

~~(9))~~ When water is unsafe for drinking purposes and accessible to occupants, post a sign ~~((within three feet of))~~ by the source reading "DO NOT DRINK. DO NOT USE FOR WASHING. DO NOT USE FOR PREPARING FOOD." in English or marked with easily-understood pictures or symbols.

AMENDATORY SECTION (Amending Order 326B, filed 1/12/93, effective 2/12/93)

WAC 246-358-065 Sewage disposal. An operator shall:

(1) Connect sewer lines and floor drains from buildings to public sewers if public sewers are available;

(2) If public sewers are not available provide on-site sewage disposal systems designed, constructed, and maintained as required in chapter 246-272 WAC, chapter 173-240 WAC, and local ordinances; and

~~((2))~~ (3) Ensure connection and drainage of sewage and waste water from all housing to a sewage disposal system approved by the jurisdictional agency.

AMENDATORY SECTION (Amending Order 326B, filed 1/12/93, effective 2/12/93)

WAC 246-358-075 Construction and maintenance. An operator shall:

(1) Ensure ~~((that all))~~ construction provides protection against the elements and complies with applicable state and local ordinances, codes, regulations, and this chapter;

(2) ~~((Provide structurally sound))~~ Identify each dwelling unit and space for worker-supplied housing by posting a number at each site;

(3) Maintain buildings and shelters ~~((which: (a) Are maintained))~~ in good repair and sanitary condition;

~~((b) Are maintained in a sanitary condition; and~~

~~(c) Protect occupants against the elements;~~

~~(3) Provide))~~ (4) Comply with chapter 51-20 WAC by providing two means of escape from sleeping rooms, foodhandling facilities, and rooms where fifty or more people congregate;

~~((4))~~ (5) Provide ~~((, at a minimum, the following area; with ceiling heights in accordance with subsection (5) of this section:~~

~~(a))~~ at least seventy square feet of floor space for one occupant and fifty square feet for each additional occupant in each dwelling unit;

~~((b) Fifty square feet of floor space for each occupant in a dormitory; and~~

~~(e))~~ (6) Provide at least seven foot ceilings and fifty square feet of floor space for each occupant in rooms used for sleeping purposes;

~~((5) Provide ceiling heights of seven feet over at least one half the floor area with no point less than five feet, and ensure the minimum ceiling height in:~~

~~(a) Manufactured homes is six feet eight inches; and~~

~~(b) Operator-supplied recreational vehicles is six feet four inches;~~

~~(6))~~ (7) Provide a separate sleeping area for husband and wife in units housing one or more children over six years old;

(8) Provide smooth and tightly constructed wood, asphalt, or concrete floors in good repair;

~~((7))~~ (9) When wood floors are used, ensure floors are at least twelve inches above the ground at all points;

~~((8) Provide easily cleanable surfaces on interior walls and floors free of excessive peeling paint;~~

~~(9) Use nonlead based paint on all painted surfaces;))~~

(10) Provide a window area equal to one-tenth of the total floor area in each habitable room which opens one-half or more directly to the outside for ventilation;

(11) ~~((Provide an adequate natural or mechanical ventilation system for all rooms including the bathroom;~~

~~(12) Ensure windows or skylights used for ventilation open:~~

~~(a) To fifty percent of total window area; and~~

~~(b) Directly to the outside;~~

~~(13))~~ Provide(~~(:~~

~~(a))~~ effective sixteen-mesh screens on all exterior openings(~~(:)~~) and

~~((b) Tight fitting))~~ screen doors ~~((in good repair and))~~ equipped with self-closing devices;

~~((14) Provide electrical service including:~~

~~(a) One electrical ceiling type light fixture and one wall outlet in each dwelling unit room;~~

~~(b) One electrical ceiling type light fixture or wall fixture, and one or more outlets, for each two hundred fifty square feet of space in each dormitory; and~~

~~(c) One electrical ceiling type or wall type light fixture, and one or more outlets, in each central bathing, foodhandling, handwashing, laundry, and toilet room;~~

~~((15)) (12) Provide ((lighting intensities that meet the requirements in WAC 246-358-115)) a minimum of thirty footcandles of light measured thirty inches from the floor in dwelling units;~~

~~((16)) (13) Ensure wiring and fixtures are installed in accordance with department of labor and industries regulations, RCW 19.28.070 and local ordinances, and maintained in a safe condition;~~

~~((17)) (14) Ensure heating, cooking, water heating, and other electrical equipment is installed in accordance with state and local ordinances, codes, and regulations governing such installation;~~

~~((18)) (15) Ensure that operator-supplied trailers and recreational vehicles manufactured after July 1968 display a Washington state department of labor and industries insignia as required in chapters 296-150A and 296-150B WAC; and~~

~~((19)) (16) Follow the compliance schedule established with the department or contracted health officer when existing housing fails to meet the requirements in this chapter.~~

AMENDATORY SECTION (Amending Order 326B, filed 1/12/93, effective 2/12/93)

WAC 246-358-085 Worker-supplied housing. An operator licensed for worker-supplied housing shall:

(1) Provide a space located and maintained in accordance with WAC 246-358-045 for each worker-supplied housing unit;

(2) Provide ~~((water, electricity, and))~~ adequate sewage disposal ~~((at each space used for fully self-contained))~~ for the type of worker-supplied housing used;

(3) Provide water and electricity as required for dwelling units;

(4) Provide ~~((facilities for the maximum occupancy specified on the operating license for basic worker-supplied housing, including:~~

~~(a))~~ adequate centralized bathing, handwashing, laundry, and toilet facilities in accordance with the ratios specified in ~~((WAC 246-358-095))~~ this chapter; and

~~((b) Common or central))~~ (5) Provide adequate foodhandling facilities for the type of worker-supplied housing used;

~~((4) Prohibit))~~ (6) Allow the use of ((tents)) a tent as worker-supplied housing only when the tent complies with WISHA requirements; and

~~((5))~~ (7) Comply with the requirements in this chapter; except, operators licensed only for worker-supplied housing are exempt from regulations pertaining to dwelling units ~~((and dormitories)).~~

NEW SECTION

WAC 246-358-090 Laundry facilities. An operator shall provide laundry facilities including:

(1) Hot and cold running water under pressure for laundry adequate to meet the needs of occupants as determined by the department or contracted health officer;

(2) One laundry tray or tub, or one mechanical washing machine, for each thirty occupants, or fraction thereof, specified on the operating license;

(3) At least one slop sink in each building used for laundry;

(4) Facilities for drying clothes;

(5) Sloped, coved floors of nonslip impervious materials with floor drains;

(6) Where electric service is available, a minimum of one ceiling or wall light fixture;

(7) Thirty footcandles of light measured thirty inches from the floor;

(8) Equipment capable of maintaining a temperature of 70°F during cold weather.

AMENDATORY SECTION (Amending Order 326B, filed 1/12/93, effective 2/12/93)

WAC 246-358-095 Bathing, handwashing, laundry, and toilet facilities. (1) An operator shall:

(a) Provide hot and cold running water under pressure ~~((twenty-four hours a day))~~ for bathing ~~((,))~~ and handwashing ~~((, and laundry))~~ adequate to meet the needs of occupants as determined by the department or contracted health officer;

~~(b) ((Separate toilets from habitable areas by walls;~~

~~(c) Locate toilet rooms to provide access without passing through sleeping rooms;~~

~~(d) Provide water flush toilets and urinals unless privies or other methods are specifically approved by the department or contracted health officer according to requirements in chapter 246-272 WAC;~~

~~(e) Locate pit privies, when approved, at least one hundred feet from any dwelling unit, dormitory, space, or foodhandling facility;~~

~~(f) When vault privies or chemical toilets are approved:~~

~~(i) Locate at least fifty feet from any dwelling unit, dormitory, space, or foodhandling facility;~~

~~(ii) Maintain a service contract for sewage pumping with a licensed waste disposal company; and~~

~~(iii) Comply with local ordinances;~~

~~(g) If urinals are provided, cover the floor with a material impervious to moisture for a radius of not less than fifteen inches from the outer edge of the urinal, and from the urinal to the wall; and~~

~~(h) Connect sinks, bathing, and laundry facilities through properly trapped floor drains to an approved disposal system.)~~ Provide, where electric service is available, a minimum of one ceiling or wall light fixture; and

(c) Provide thirty footcandles of light measured thirty inches from the floor.

(2) An operator providing centralized bathing ~~((,))~~ or handwashing ~~((, or toilet))~~ facilities shall meet the requirements of subsection (1) of this section, and:

(a) Provide the number of handwashing sinks ~~((,))~~ and shower heads ~~((, and toilets))~~ specified in Table I;

- ~~(b) (Locate toilets and handwashing sinks within two hundred feet of the door of housing lacking toilets;~~
- ~~(c) Locate bathing facilities within three hundred feet of housing lacking bathing facilities;~~
- ~~(d) Provide means for individual privacy for toileting and bathing;~~
- ~~(e) Provide an adequate number of toilet rooms for each sex, and clearly mark each room for men and for women with signs printed in English and easily understood pictures or symbols;~~
- ~~(f) Separate toilet rooms for men and for women with solid walls or partitions extending from the floor to the roof or ceiling;~~
- ~~(g) Provide adequate, accessible supplies of toilet tissue and holders;~~
- ~~(h) Provide lighting in toilet rooms twenty four hours per day;~~
- ~~(i) Provide a means to maintain a temperature of 70°F during cold weather;~~
- ~~(c) Ensure bathing and handwashing facilities are maintained in a clean and sanitary condition;~~
- ~~((f)) Ensure that the toilet facilities are cleaned at least daily;~~
- ~~((k)) (d) Provide one slop sink per building used for handwashing and bathing; and~~
- ~~(e) Provide shower ((and laundry)) rooms with:~~
 - ~~(i) Sloped, coved floors of nonslip impervious materials; ((and))~~
 - ~~(ii) Floor drains; and~~
 - ~~((f)) Provide shower rooms with)) (iii) Smooth, water impervious walls and partitions((, and)) to the height of splash.~~
- ~~((m)) (f) Provide cleanable, nonabsorbent waste containers.~~

TABLE 1:

Required number of centralized handwashing sinks((:)) and shower heads((, toilets, and urinals)).

HANDWASHING SINKS	One per each 6 persons *((:)) or fraction thereof.
SHOWER HEADS	One per each 10 persons * or fraction thereof.
((TOILETS	One per each 15 persons *, or fraction thereof, with a minimum of two for any facility shared by men and women.))

*The number of persons shall be calculated by subtracting the number of occupants sheltered in dwelling units ((and dormitories)) that contain individual facilities from the maximum occupancies approved for both operator-supplied and ((basic)) worker-supplied housing.

- (3) An operator providing bathing((:)) or handwashing((, or toilet)) facilities in dwelling units shall meet the requirements in subsection (1) of this section, and((:))
 - ~~(a) Provide a handwashing sink in each dwelling unit that contains a toilet;~~
 - ~~(b)) request occupants to maintain bathing, handwashing, and toilet facilities in a clean and sanitary condition((, and~~
 - ~~(c) When dwelling units house more than one family, provide a means of privacy for toileting and bathing)).~~
 - ~~((4) An operator shall provide the following centralized laundry facilities unless commercial or public laundry facilities are within three miles of housing and accessible to occupants:~~

- ~~(a) One laundry sink and one mechanical washing machine for each thirty occupants, or fraction thereof, specified on the operating license. Two laundry sinks may replace one mechanical washing machine. One mechanical washing machine may replace two laundry sinks, provided each laundry facility has at least one laundry sink; and~~
- ~~(b) Facilities for drying clothes.))~~

NEW SECTION

WAC 246-358-100 Toilet facilities. (1) The operator shall:

- (a) Locate each toilet in a toilet room which is accessible without passing through a sleeping room;
 - (b) Provide a window not less than six square feet in area opening directly to the outside, or other satisfactory ventilation;
 - (c) Provide water flush toilets unless privies or other methods are specifically approved by the department or contracted health officer according to requirements in chapter 246-272 WAC;
 - (d) Locate pit privies, when approved, at least one hundred feet from any dwelling unit, space, or foodhandling facility;
 - (e) When vault privies or chemical toilets are approved:
 - (i) Locate at least fifty feet from any dwelling unit, space, or foodhandling facility;
 - (ii) Maintain a service contract for sewage pumping with a licensed waste disposal company; and
 - (iii) Comply with local ordinances;
 - (f) If urinals are provided, cover the floor with a material impervious to moisture for a radius of not less than fifteen inches from the outer edge of the urinal, and from the urinal to the wall;
 - (g) Provide an adequate water flush in urinals if water under pressure is available;
 - (h) Connect sinks and bathing facilities through properly trapped floor drains to an approved disposal system; and
 - (i) Provide an adequate supply of toilet paper in each toilet room, privy, and chemical toilet compartment.
- (2) An operator providing centralized toilet facilities shall meet the requirements of subsection (1) of this section, and:
- (a) Provide one toilet per fifteen persons of each sex with a minimum of two toilets for any facility shared by men and women;
 - (b) Locate toilets within two hundred feet of the door or each sleeping unit;
 - (c) Separate toilet rooms for men and for women with solid walls or partitions extending from the floor to the roof or ceiling;
 - (d) Clearly mark each room "for men" and "for women" by signs printed in English and in the native language of the persons occupying the camp, or marked with easily-understood pictures or symbols;
 - (e) Provide natural or artificial light twenty-four hours per day equal to twenty footcandles of light, measured thirty inches from the floor;
 - (f) Provide a means to maintain a temperature of 70°F during cold weather; and
 - (g) Ensure that the toilet facilities are cleaned at least daily.

EMERGENCY

(3) An operator providing toilet facilities in dwelling units shall meet the requirements in subsection (1) of this section, and:

(a) Provide a handwashing sink in each dwelling unit that contains a toilet; and

(b) Request occupants to maintain toilet facilities in a clean and sanitary condition.

AMENDATORY SECTION (Amending Order 326B, filed 1/12/93, effective 2/12/93)

WAC 246-358-125 Cooking and foodhandling facilities. An operator shall provide enclosed cooking and foodhandling facilities for all occupants.

(1) An operator furnishing cooking facilities in each dwelling unit shall provide:

(a) An operable cook stove (~~((or hot plate with a minimum of one cooking surface for every two adult occupants or four cooking surfaces for every two families))~~) for each ten persons or two families, or fraction thereof;

(b) A sink with running water under pressure;

(c) Food storage areas and easily-cleanable food preparation counters situated off the floor;

(d) (~~(Individual or centralized mechanical refrigeration, capable of maintaining temperature of)~~) A means of storing food at forty-five degrees Fahrenheit or below, with space for storing perishable food items for all occupants;

(e) (~~(Tables and chairs or equivalent seating;~~

~~(f))~~) Fire resistant, nonabsorbent, nonasbestos, and easily-cleanable wall coverings adjacent to cooking areas; ~~(and~~

~~(g))~~) (f) Nonabsorbent and easily-cleanable floors;

(g) Where electric service is available, at least one ceiling-type light fixture and one separate floor or wall outlet; and

(h) Thirty footcandles of light measured thirty inches from the floor.

(2) An operator furnishing common foodhandling facilities shall provide:

(a) A room or building, adequate in size, separate from (~~(and convenient to dwelling units, dormitories, and spaces))~~) any sleeping quarters and without direct openings to living or sleeping quarters;

(b) An operable cook stove (~~((or hot plate with a minimum of one cooking surface for every two adult occupants or four cooking surfaces for every two families))~~) for each ten persons or two families, or fraction thereof;

(c) Sinks with hot and cold running water under pressure;

(d) Food storage areas and easily-cleanable food preparation counters situated off the floor;

(e) (~~(Mechanical refrigeration capable of maintaining a temperature of)~~) A means of storing food at forty-five degrees Fahrenheit or below with space for storing perishable food items for all occupants;

(f) (~~(Tables and chairs or equivalent seating;~~

~~(g))~~) Fire-resistant, nonabsorbent, nonasbestos, and easily-cleanable wall coverings adjacent to cooking areas;

~~((h))~~) (g) Nonabsorbent, easily-cleanable floors; ~~(and~~

~~(i))~~) (h) No direct openings to living or sleeping areas from the common foodhandling facility;

(i) Where electric service is available, at least one ceiling or wall light fixture; and

(j) Thirty footcandles of light measured thirty inches from the floor.

(3) An operator furnishing a (~~(central foodhandling facility))~~) dining hall shall:

(a) Comply with chapter 246-215 WAC, Food service;

(b) (~~(Provide tables and chairs or equivalent seating;))~~)

Provide a room or building, adequate in size, separate from any sleeping quarters and without direct openings to living or sleeping quarters;

(c) Provide fire-resistant, nonabsorbent, nonasbestos, and easily-cleanable wall coverings adjacent to cooking areas; ~~((and))~~

(d) (~~(Ensure the central foodhandling facility has no direct openings to living or sleeping areas;))~~) Where electric service is available, at least one ceiling or wall light fixture; and

(e) Thirty footcandles of light measured thirty inches from the floor.

AMENDATORY SECTION (Amending Order 326B, filed 1/12/93, effective 2/12/93)

WAC 246-358-135 Beds and bedding and personal storage. An operator shall:

(1) Provide beds or bunks furnished with clean mattresses in good condition for the maximum occupancy approved by the department or contracted health officer for operator-supplied housing;

(2) Ensure bedding, if provided by the operator, is clean and maintained in a sanitary condition;

(3) Provide a minimum of twelve inches between each bed or bunk and the floor;

(4) When single beds are used separate beds laterally and end to end by at least thirty-six inches;

(5) When bunk beds are used:

(a) Separate beds laterally and end to end by at least forty-eight inches;

(b) Maintain a minimum space of twenty-seven inches between the upper and lower bunks; and

(c) Prohibit triple bunks(~~(?))~~); and

(6) Provide storage facilities for clothing and personal articles in each room used for sleeping.

AMENDATORY SECTION (Amending Order 326B, filed 1/12/93, effective 2/12/93)

WAC 246-358-140 ((Emergency)) Use of tents. An operator may use tents (~~(for a limited time in emergency situations provided the operator:~~

~~(a) Has prior written approval by the department; and~~

~~(b) Follows board guidelines for the use of tents))~~) that do not violate WISHA requirements.

AMENDATORY SECTION (Amending Order 326B, filed 1/12/93, effective 2/12/93)

WAC 246-358-145 Health and safety. An operator shall:

(1) (~~(Use pesticides in and around the housing area consistent))~~) Comply with chapters 15.58 and 17.21 RCW,

chapter 16-228 WAC, and pesticide label instructions when using pesticides in and around housing;

(2) Prohibit, in the housing area, the use, storage, and mixing of flammable, volatile, or toxic substances other than those intended for household use;

(3) Provide readily accessible first-aid equipment meeting the requirements of Part A-1 of chapter 296-24 WAC;

(4) Ensure that a person trained (~~(in basic)~~) to administer first aid (and cardiopulmonary resuscitation is accessible to occupants) is readily accessible at all times;

(5) (~~Provide~~) Comply with chapter 51-20 WAC by providing smoke detection devices (in accordance with the Washington state fire marshal regulations in chapter 212-10 WAC);

(6) Store or remove unused refrigerator units to prevent access by children; and

(7) Fill abandoned privy pits with earth; and lock or otherwise secure unused privy buildings.

AMENDATORY SECTION (Amending Order 326B, filed 1/12/93, effective 2/12/93)

WAC 246-358-155 Refuse disposal. An operator shall:

(1) Establish and maintain a refuse disposal system;

(2) Protect against rodent harborage, insect breeding, and other health hazards while storing, collecting, transporting, and disposing of refuse;

(3) Store refuse in (~~(enclosed, sound,)~~) fly-tight, rodent-tight, impervious, and cleanable or single-use containers;

(4) Keep refuse containers clean;

(5) Provide (~~(an accessible)~~) a container on a wooden, metal, or concrete stand within one hundred feet of each dwelling unit (~~(, dormitory,)~~) and space;

(6) Empty refuse containers at least twice each week, and when full;

(7) (~~Remove~~) Comply with local sanitation codes for removing refuse from housing areas and (dispose) disposing of refuse (in a manner consistent with local sanitation codes); and

(8) Ensure the housing area is free of refuse when housing is closed for the season to prevent a nuisance.

AMENDATORY SECTION (Amending Order 326B, filed 1/12/93, effective 2/12/93)

WAC 246-358-175 Disease prevention and control. An operator shall:

(1) Make reasonable efforts to know if disease is present among occupants;

(2) Report immediately to the local health officer:

(a) The name and address of any occupant suspected of having an infectious or communicable disease;

(b) Any case of suspected food poisoning; and

(c) Any unusual prevalence of any illness in which fever, diarrhea, sore throat, vomiting, jaundice, productive cough, or weight loss is a prominent symptom among occupants;

(3) (~~(When aware of an occupant's illness, assist the occupant to obtain medical diagnosis and treatment;)~~) Prohibit any individual with a communicable disease from

preparing, cooking, serving, or handling food, foodstuffs, or materials in dining halls;

(4) Establish rules and inform occupants of their responsibilities related to maintaining housing consistent with the requirements in this chapter; and

(5) Post information regarding temporary-worker health and sanitation when provided by the department or contracted health officer.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 246-358-105 Heating.

WAC 246-358-115 Lighting.

WSR 95-22-010

EMERGENCY RULES

DEPARTMENT OF HEALTH

[Filed October 19, 1995, 1:43 p.m.]

Date of Adoption: October 17, 1995.

Purpose: To coordinate with temporary-worker housing rules adopted by the Board of Health to implement ESSB 5503.

Citation of Existing Rules Affected by this Order: Amending WAC 246-358-025 and 246-358-030.

Statutory Authority for Adoption: RCW 43.70.340.

Other Authority: RCW 43.70.040.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: ESSB 5503 requires the State Board of Health to repeal or modify rules within sixty days of the bill's effective date. The department must also adopt emergency rules to maintain consistency with the board rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 2, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 2, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

October 17, 1995

Bruce Miyahara

Secretary

AMENDATORY SECTION (Amending Order 324, filed 1/12/93, effective 2/12/93)

WAC 246-358-025 Operating license. (1) An operator shall ~~((have an operating license before allowing the use of housing except as specified in subsection (3) of this section))~~ notify the department or contracted health officer to request licensure when:

(a) Housing consists of:

(i) Five or more dwelling units;

(ii) Any combination of dwelling units, or spaces that house ten or more occupants; or

(b) Compliance with MSPA requires licensure.

(2) An operator shall apply for an operating license at least forty-five days prior to either the use of housing or the expiration of an existing operating license by submitting to the department or contracted health officer:

(a) A completed application on a form provided by the department or contracted health officer;

(b) Proof of satisfactory results of a bacteriological water quality test as required by WAC 246-358-055(2), or proof housing is connected to a community water system; and

(c) A fee as specified in WAC 246-358-990.

(3) An operator may allow the use of housing without a permit when all of the following conditions exist:

(a) The operator applied for an operating license in accordance with subsection (2) of this section at least forty-five days before occupancy, as evidenced by the post mark;

(b) The department or contracted health officer has not inspected the housing or issued an operating license;

(c) Other local, state, or federal laws, rules, or codes do not prohibit use of the housing; and

(d) The operator provides and maintains housing in compliance with this chapter.

(4) An operator shall:

(a) Post the operating license in a place readily accessible to workers;

(b) Notify the department or contracted health officer in the event of a transfer of ownership; and

(c) Cooperate with the department or contracted health officer during on-site inspections.

(5) An operator may appeal decisions of the department in accordance with chapter 34.05 RCW and chapter 246-08 WAC.

AMENDATORY SECTION (Amending Order 324, filed 1/12/93, effective 2/12/93)

WAC 246-358-030 Department authority. (1) The department may establish an agreement with a health officer whereby the health officer assumes responsibility for inspections, issuing operating licenses, and enforcing this chapter.

(2) The department or contracted health officer shall issue an operating license when the department or contracted health officer determines the operator has met the minimum requirements in this chapter.

(3) The department or contracted health officer shall specify on the operating license the:

(a) Operator's name;

(b) Number of approved units;

(c) ~~Maximum ((occupancies approved for operator-supplied, basic worker-supplied, and fully self-contained worker-supplied housing)) occupancy; and~~

(d) ~~Expiration date((, which shall be one calendar year from the date of issuance)).~~

(4) The department or contracted health officer shall determine the maximum occupancy for:

(a) Operator-supplied housing based on the square footage and the number of bathing, foodhandling, handwashing, laundry, and toilet facilities;

(b) ~~((Basic))~~ Worker-supplied housing based on:

(i) The number of spaces designated by the operator ~~((for basic worker-supplied housing)); and~~

(ii) The number of bathing, foodhandling, handwashing, laundry, and toilet facilities, in excess of those facilities required for operator-supplied housing~~((, and~~

~~((e) Fully self-contained worker-supplied housing based on the number of spaces:~~

~~((i) Designated by the operator for fully self-contained worker-supplied housing; and~~

~~((ii) Meeting the requirements in WAC 246-358-085(2)).~~

(5) The department or contracted health officer may issue a provisional operating license when housing fails to meet the standards in this chapter when:

(a) The operator agrees to comply with a written corrective action plan and compliance schedule; or

(b) An exemption request by the operator is pending action by the board.

(6) The department or contracted health officer shall survey each housing site to ensure standards of this chapter are met, including inspection:

(a) Before issuing an annual operating license;

(b) Upon request of an operator or occupant; and

(c) At least once each year or as determined by the department or contracted health officer.

(7) The department or contracted health officer shall respond to complaints.

(8) The department or contracted health officer shall take appropriate enforcement action which may include any one or combination of the following:

(a) Develop, with the operator, a corrective action plan including a compliance schedule;

(b) Notify the operator concerning violations;

(c) Suspend or revoke the operating license; or

(d) Other action deemed necessary to bring housing into compliance with this chapter.

(9) The department shall confer with local health, fire, safety, and building agencies to understand each party's responsibilities for housing complaints, on-site sewage, drinking water, solid waste, food service, and other related environmental health issues.

WSR 95-22-017
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Wildlife)

[Order 95-151—Filed October 20, 1995, 2:15 p.m.]

Date of Adoption: October 20, 1995.

Purpose: To amend WAC 232-12-829 Hunting of game animals by persons of disability.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-12-827 and 232-12-831; and amending WAC 232-12-829.

Statutory Authority for Adoption: RCW 77.32.237.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Current rules for hunting by persons of disability do not provide for hunting by persons who are not visually impaired but unable to hold a firearm. Clarification of the existing rules and providing for designated hunter companions provides greater recreational access by persons of disability.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; **Federal Rules or Standards:** New 0, amended 0, repealed 0; or **Recently Enacted State Statutes:** New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; **Pilot Rule Making:** New 0, amended 0, repealed 0; or **Other Alternative Rule Making:** New 0, amended 0, repealed 0.

Effective Date of Rule: October 20, 1995.

October 20, 1995

Mitchell Johnson, Chairman
Fish and Wildlife Commission

NEW SECTION

WAC 232-12-82900A Hunting of game birds and animals by persons of disability. Notwithstanding the provisions of WAC 232-12-829, effective immediately until further notice the following provisions apply to hunting of game birds and animals by persons of disability:

(1) Definitions:

(a) "Designated hunter companion" means a licensed hunter who accompanies a disabled hunter and assists the disabled hunter in the taking of game birds and game animals.

(b) "Disabled hunter" means a person of disability who possesses a disabled hunter permit issued by the department. A disabled hunter must have all required licenses, tags, permits, and stamps before hunting.

(c) "Disabled hunter permit" means a permit issued by the department to any person of disability who applies to the department and presents such evidence as the director may require showing that the applicant is a person of disability. Upon issuance of a disabled hunter permit, the department will also issue a designated hunter companion identification card and a disabled hunter vehicle identification placard.

(d) "Person of disability" means (i) a permanently disabled person who is not ambulatory over natural terrain without a prosthesis or assistive device, or (ii) a permanently disabled person who is unable to hold or shoot a firearm or other legal hunting device, or (iii) a person who is totally blind or visually impaired. This definition includes but is not limited to persons with upper or lower extremity impairments who have lost the use of one or both upper or lower extremities, or who have a significant limitation in the use of upper or lower extremities, or who have a diagnosed disease or disorder which substantially impairs or interferes with mobility or the use of upper extremities.

(e) "Visually impaired" means central visual acuity that does not exceed 20/200 in the better eye with corrective lenses, or the widest diameter of the visual field is no greater than 20 degrees.

(2) The designated hunter companion, when accompanied by the disabled hunter, may assist the disabled hunter in shooting, tagging and retrieving game birds or game animals, or may shoot, tag and retrieve game birds or game animals on behalf of the disabled hunter. The disabled hunter or the designated hunter companion must immediately cut, notch, and affix the disabled hunter's tag to the carcass of the game bird or game animal.

(3) It is unlawful for a designated hunter companion to assist a disabled hunter unless the designated hunter companion is accompanied by the disabled hunter, except the designated hunter companion may leave the disabled hunter to retrieve game birds or game animals wounded or killed by either the disabled hunter or the designated hunter companion.

(4) It is unlawful for a designated hunter companion to assist a disabled hunter unless the designated hunter companion has the designated hunter companion identification card on his or her person.

(5) It is unlawful for a disabled hunter to shoot from a motor vehicle, nonhighway vehicle or snowmobile unless the vehicle is stopped, the motor is turned off and the vehicle is not on or beside the maintained portion of a public highway. A disabled hunter vehicle identification placard must be displayed.

(6) It is unlawful for any person to possess a loaded firearm in a moving vehicle or to shoot a firearm or bow and arrow from, across, or along the maintained portion of a public highway.

(7) Game birds or game animals killed, tagged or retrieved by a designated hunter companion on behalf of a disabled hunter become part of the disabled hunter's bag or possession limit, and do not count against the designated hunter companion's bag or possession limit.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 232-12-827	Hunting of game by persons of disability. (316)
WAC 232-12-831	Assistance to the visually handicapped. (505)

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

**WSR 95-22-018
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

(Fisheries)

[Order 95-161—Filed October 20, 1995, 2:17 p.m., effective October 25, 1995, 9:00 a.m.]

Date of Adoption: October 19, 1995.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-52-04600G and 220-56-33000E; and amending WAC 220-52-046.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable crab remain available and the interim management plan has been modified to allow additional fishing.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: October 25, 1995, 9:00 a.m.

October 19, 1995

Judith Freeman

Deputy

for Robert Turner

Director

(3) It is unlawful to fish for Dungeness crab taken for commercial purposes in the following areas:

(a) That portion of Marine Fish/Shellfish Catch Area 20A in Birch Bay east of a line from the western boundary of Birch Bay State Park to Birch Point;

(b) That portion of Marine Fish/Shellfish Catch Area 21A which includes all waters inside of Chuckanut Bay;

(c) That portion of Marine Fish/Shellfish Catch Area 21B in Samish Bay south of a line from William Point to Oyster Creek, except for waters deeper than 60 feet (mean low low water);

(d) That portion of Marine Fish/Shellfish Catch Area 22A in Blind Bay south of a line projected due west from Point Hudson to its intersection of Shaw Island;

(e) That portion of Marine Fish/Shellfish Catch Area 22A in Deer Harbor north of a line from Steep Point to Pole Pass;

(f) That portion of Marine Fish/Shellfish Catch Area 22A in Fisherman Bay south of an east-west line projected through the red #4 buoy at the entrance to Fisherman Bay;

(g) That portion of Marine Fish/Shellfish Catch Area 22A in Mud Bay south of a line projected through Crab and Fortress Islands and intersecting Lopez Island on both ends;

(h) That portion of Marine Fish/Shellfish Catch Area 22B in Fidalgo Bay south of a line from the red #4 buoy at the Cap Sante Marina entrance to the northern end of the eastern most oil dock and thence to shore;

(i) That portion of Marine Fish/Shellfish Catch Area 24A within a line from Rocky Point on Camano Island to Strawberry Point, thence to Brown Point, thence following the shoreline to the point of origin;

(j) That portion of Marine Fish/Shellfish Catch Area 24B west of a line projected southeast from Barnum Point to Mountain View on Camano Island;

(k) That portion of Marine Fish/Shellfish Catch Area 24C inshore of the 400 foot depth contour within an area described by two lines projected north easterly from Sandy Point and the entrance to the marina at Langley;

(l) That portion of Marine Fish/Shellfish Catch Area 24C inshore of the 200 foot depth contour within an area described by lines projected westerly from Rocky Point on Camano Island to Onamac Point;

(m) That portion of Marine Fish/Shellfish Catch Area 25D within a line projected from the Point Hudson marina entrance to the northern tip or Indian Island, thence to Kala Point, and thence following the shoreline to the point of origin;

(n) That portion of Marine Fish/Shellfish Catch Area 26A in Useless Bay north and east of a line from Indian Point to a point on shore 1.5 miles northeast along the shoreline from Double Bluff;

(o) All waters of Lummi Bay east of a line from the entrance buoy at Sandy Point to Gooseberry Point and all waters of Bellingham Bay west of a line from the exposed boulder at Point Francis to Stevie Point;

(p) All waters of Similk Bay east of a line projected from the most westerly tip of Kiket Island through the center of Turner's Bay and all waters of Skagit Bay within a line projected from the Hope Island Inn to Seal Rocks, thence to the green #1 buoy at the entrance to the Swinomish Channel, thence to the northern tip of goat Island, and thence to the southern tip of McGlenn Island;

NEW SECTION

WAC 220-52-04600H Crab fishery—Seasons and areas. Notwithstanding the provisions of WAC 220-52-046:

(1) Effective 9:00 a.m. October 25, 1995, it shall be lawful to fish for Dungeness crab for commercial purposes in all Puget Sound Marine Fish - Shellfish Management and Catch Reporting Areas except 25C, 26B, 26C, 26D, 27A, 27B, 27C, 28A, 28B, 28C and 28D.

(2) It is unlawful to pull or set commercial crab gear in the waters of Puget Sound from one half hour after sunset to one half hour before sunrise.

EMERGENCY

(q) All waters east of a line projected from the five meter tower between Gedney Island and Priest Point to Point Barnum and south of a line projected west from Kayak Point, and north of a line projected from the five meter tower to Priest Point.

REPEALER

The following section of the Washington Administrative Code is repealed effective 9:00 a.m. October 25, 1995.

WAC 220-52-04600G Crab fishery—Seasons and areas (95-154)

REPEALER

The following section of the Washington Administrative Code is repealed effective immediately.

WAC 220-56-33000E Crab seasons (95-99)

**WSR 95-22-020
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)**

[Order 95-162—Filed October 20, 1995, 3:11 p.m., effective October 22, 1995, 12:01 a.m.]

Date of Adoption: October 20, 1995.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-47-606.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Scheduled gillnet and purse seine openings in Areas 7 and 7A are not appropriate according to the provisions of the Chum Annex of the Pacific Salmon Treaty, based upon in-season run size updates of 2.2 million chum. Reef net fisheries are "minor fisheries" under the provisions of the Chum Annex, and provide opportunity to harvest the United States share. Release requirements necessary to reduce nontreaty impacts on stocks of concern. Openings in Area 7B provide opportunity to harvest the nontreaty allocation of coho salmon destined for the Nooksack-Samish region of origin per preseason schedule. Openings in Areas 8A, 10 and 11 provide opportunity to harvest the nontreaty allocation of chum salmon destined for the Stillaguamish-Snohomish and south Puget Sound regions of origin per preseason schedule. The Port Madison restriction is necessary to reduce impacts on local chum stocks. Openings in Area 8D provide opportunity to harvest surplus coho salmon originating from the Tulalip hatchery per preseason schedule. Openings in Area 9A provide opportunity to harvest the nontreaty share of Hood Canal hatchery-origin coho salmon according to the preseason schedule. All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: October 22, 1995, 12:01 a.m.
October 20, 1995
Judith Freeman
Deputy
for Robert Turner
Director

NEW SECTION

WAC 220-47-607 Puget Sound all-citizen commercial salmon fishery. Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 a.m. Sunday October 22, 1995 until further notice, it is unlawful to take, fish for, or possess salmon or Atlantic salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and mesh and area restrictions:

- * **Areas 7 and 7A** - Reef nets may fish from 7:00 a.m. to 7:00 p.m. daily, through Saturday October 28. Reef nets are required to release all species except chum salmon.
- * **Area 7B** - Gill nets using 5-inch minimum mesh and purse seines using the 5-inch strip may fish until 4:00 p.m. Saturday October 28.
- * **Area 8A** - Purse seines using the 5-inch strip may fish from 7:00 a.m. to 6:00 p.m. daily, Monday and Tuesday October 23 and 24. Gillnets using 6 1/4-inch minimum mesh may fish from 5:00 p.m. to 8:00 a.m. nightly, Monday and Tuesday October 23 and 24.
- * **Area 8D** - Purse seines using the 5-inch strip may fish from 7:00 a.m. to 6:00 p.m. daily, Monday and Tuesday October 23 and 24. Gillnets using 5-inch minimum mesh may fish from 5:00 p.m. to 8:00 a.m. nightly, Monday and Tuesday October 23 and 24.
- * **Area 9A** - Gill nets using 5-inch minimum mesh may fish:
6:00 a.m. Monday October 23 through 4:00 p.m. Friday October 27
6:00 a.m. Monday October 30 through 4:00 p.m. Friday November 3.
- * **Areas 10 and 11** - Purse seines using the 5-inch strip may fish from 7:00 a.m. to 6:00 p.m. Monday October 23. Gillnets using 6 1/4-inch minimum mesh may fish from 5:00 p.m. Monday October 23 to 8:00 a.m. Tuesday October 24. In addition to the exclusion zones

EMERGENCY

described in WAC 220-47-307, Area 10 is closed in that portion of Port Madison west of line projected 178 degrees true from the end of Indianola dock to the landfall on the south shore of Port Madison.

- * Areas 4B, 5, 6, 6A, 6B, 6C, 6D, 7C, 7D, 7E, 8, 9, 10A, 10C, 10D, 10E, 10F, 10G, 11A, 12, 12A, 12B, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K, all freshwater areas, and exclusion zones provided for in WAC 220-47-307 except as modified herein - Closed.

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. October 21, 1995:

WAC 220-47-606 Puget Sound all-citizen commercial salmon fishery. (95-159)

**WSR 95-22-021
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)**

[Order 95-163—Filed October 20, 1995, 3:14 p.m., effective October 20, 1995, 6:00 p.m.]

Date of Adoption: October 20, 1995.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-36-02300R.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable numbers of coho, chinook and chum salmon are available in Grays Harbor.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: October 20, 1995, 6:00 p.m.

October 20, 1995
Judith Freeman
Deputy
for Robert Turner
Director

NEW SECTION

WAC 220-36-02300R Grays Harbor salmon—Fall fishery. Notwithstanding the provisions of WAC 220-36-023, it is unlawful to fish for salmon in Grays Harbor for commercial purposes or to possess salmon taken from those waters for commercial purposes, except that:

FISHING PERIOD

(1) Gill net gear may be used to fish for salmon from 6:00 PM October 22 to 6:00 PM October 26, 1995 in SMCRA 2B, and 2C.

GEAR

(2) Gill net gear shall be used as provided in WAC 220-36-015.

REPEALER

The following section of the Washington Administrative Code is repealed effective 6:01 p.m. October 26, 1995:

WAC 220-36-02300R Grays Harbor salmon—Fall fishery. (95-163)

**WSR 95-22-055
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)**

[Order 95-164—Filed October 27, 1995, 4:40 p.m., effective October 29, 1995, 12:01 a.m.]

Date of Adoption: October 27, 1995.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-47-607.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Scheduled openings in Areas 7 and 7A are cancelled, pending Canadian chum catches of 225,000 relative to in-season run size updates of 3.0 million chum, according to the Chum Annex of the Pacific Salmon Treaty. Openings in Area 7B provide opportunity to harvest the non-treaty allocation of coho salmon destined for the Nooksack-Samish region of origin per preseason schedule. Openings in Area 8A, 10, 11, 12 and 12B provide opportunity to harvest the nontreaty allocation of chum salmon destined for the Stillaguamish-Snohomish, south Puget Sound and Hood Canal regions of origin per preseason schedule. The Port Madison restriction is necessary to reduce impacts on local chum stocks. Purse seine release requirement in Hood Canal designed to reduce impacts to coho and chinook

salmon per preseason agreements. Openings in Area 8D provide opportunity to harvest surplus coho salmon originating from the Tulalip hatchery per preseason schedule. Openings in Area 9A provide opportunity to harvest the nontreaty share of Hood Canal hatchery-origin coho salmon according to the preseason schedule. All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: October 29, 1995, 12:01 a.m.

October 27, 1995

Robert Turner

Director

NEW SECTION

WAC 220-47-608 Puget Sound all-citizen commercial salmon fishery. Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 a.m. Sunday October 29, 1995 until further notice, it is unlawful to take, fish for, or possess salmon or Atlantic salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and mesh and area restrictions:

- * **AREA 7B** - Gill nets using 6 1/4-inch minimum mesh and purse seines using the 5-inch strip may fish from 6:00 a.m. Monday October 30 to 4:00 p.m. Friday November 3, 1995.
- * **AREA 8A** - Gillnets using 6 1/4-inch minimum mesh may fish from 4:00 p.m. to 8:00 a.m. nightly, Monday, Tuesday and Wednesday October 30 and 31 and November 1, 1995, and purse seines using the 5-inch strip may fish from 6:00 a.m. to 5:00 p.m. daily, Tuesday, Wednesday and Thursday October 31, November 1 and 2, 1995.
- * **AREA 8D** - Gillnets using 5-inch minimum mesh may fish from 4:00 p.m. to 8:00 a.m. nightly, Monday, Tuesday and Wednesday October 30 and 31 and November 1, 1995, and purse seines using the 5-inch strip may fish from 6:00 a.m. to 5:00 p.m. daily, Tuesday, Wednesday and Thursday October 31, November 1 and 2, 1995.
- * **AREA 9A** - Gill nets using 5-inch minimum mesh may fish from 6:00 a.m. Monday October 30 through 4:00 p.m. Friday November 3, 1995.

- * **AREAS 10 and 11** - Gillnets using 6 1/4-inch minimum mesh may fish from 4:00 p.m. Monday October 30 to 8:00 a.m. Tuesday October 31, 1995. Purse seines using the 5-inch strip may fish from 6:00 a.m. to 5:00 p.m. Tuesday October 31, 1995. In addition to the exclusion zones described in WAC 220-47-307, Area 10 is closed in that portion of Port Madison west of line projected 178 degrees true from the end of Indianola dock to the landfall on the south shore of Port Madison.
- * **AREAS 12 and 12B** - Gillnets using 6 1/4-inch minimum mesh may fish from 4:00 p.m. Monday October 30 to 8:00 a.m. Tuesday October 31, 1995. Purse seines using the 5-inch strip may fish from 6:00 a.m. to 5:00 p.m. Tuesday October 31, 1995. Purse seines are required to release all coho and chinook salmon.
- * Areas 4B, 5, 6, 6A, 6B, 6C, 6D, 7, 7A, 7C, 7D, 7E, 8, 9, 10A, 10C, 10D, 10E, 10F, 10G, 11A, 12A, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K, all freshwater areas, and exclusion zones provided for in WAC 220-47-307 except as modified herein - Closed.

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. October 28, 1995:

WAC 220-47-607 Puget Sound all-citizen commercial salmon fishery (95-162)

**WSR 95-22-074
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Order 3914—Filed October 31, 1995, 1:07 p.m., effective November 1, 1995, 12:01 a.m.]

Date of Adoption: October 31, 1995.

Purpose: Ensure a person losing SSI eligibility solely due to this state's lid on SSP will remain eligible for medical benefits.

Citation of Existing Rules Affected by this Order: Amending WAC 388-511-1140 SSI-related income exemptions.

Statutory Authority for Adoption: RCW 74.08.090.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule exempts income which causes the client to lose SSI eligibility solely due to reduction in state supplement payment (SSP).

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal

Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

Effective Date of Rule: November 1, 1995, 12:01 a.m.
October 31, 1995

Sydney Doré
for Jeanette Sevedge-App
Acting Chief
Office of Vendor Services

AMENDATORY SECTION (Amending Order 3845, filed 4/5/95, effective 5/6/95)

WAC 388-511-1140 SSI-related income exemptions.

(1) The department shall exempt:

(a) Any public agency's refund of taxes paid on real property or on food;

(b) State public assistance and supplemental security income (SSI) based on financial need;

(c) Any portion of a grant, scholarship, or fellowship used to pay tuition, fees, or other necessary educational expense at an educational institution;

(d) Income that a client does not reasonably anticipate, or receives infrequently or irregularly, when such income does not exceed twenty dollars per month if unearned, or ten dollars per month if earned;

(e) Any amount 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 child placement or child care agency;

(f) One-third of any payment for child support 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 exemption only once for a husband and wife. The department shall not apply such exemption on income paid on the basis of an eligible person's needs, 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 exempted under other statutes;

(j) Compensation provided to volunteers in ACTION programs established by P.L. 93-113, the Domestic Volunteer Service Act of 1973;

(k) From the income of a single SSI-related parent or a married SSI-related parent whose spouse does not have income, an amount to meet the needs of an ineligible minor

child living in the household of SSI-related parent. See WAC 388-506-0630 when the SSI-related client has a spouse with income. The exemption is one-half of the one-person Federal Benefit Rate (FBR) less any income of the child;

(l) Veteran's benefits designated for the veteran's:

(i) Dependent; or

(ii) Aid and attendance/housebound allowance and unusual medical expense allowance (UME). For an institutionalized client, see WAC 388-513-1345;

(m) Title II Social Security Administration benefits. The department shall:

(i) Determine current client eligibility for categorically needy medical assistance under WAC 388-503-0310(4), including all Title II cost-of-living adjustment (COLA) benefit increases received by the:

(A) Client since termination from SSI/SSP; or

(B) Client's spouse and/or other financially responsible family member living in the same household during the time period under (m)(i) of this subsection.

(ii) Consider the total of the COLA benefit increases and the Title II Social Security Administration benefits in computing the client's participation in the cost of the institutionalized client's care.

(n) A fee a guardian or representative payee charges as reimbursement for providing services, when such services are a requirement for the client to receive payment of the income;

(o) Income an ineligible or nonapplying spouse receives from a governmental agency for services provided to an eligible client 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 and any interest earned from such payment to a person of Japanese or Aleut ancestry under P.L. 100-383;

(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;

(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;

(aa) Payments from the Dutch government, under the Netherlands' Act on Benefits for Victims of Persecution (WUV). The department shall consider interest earned on such payments as countable income; and

(bb) Up to two thousand dollars per year derived from an individual interest in Indian trust or restricted land.

(2) Unless income is contributed to the client, the department shall exempt all earned income of an ineligible or nonapplying person twenty years of age and under who is a student regularly attending a school, college, university, or pursuing a vocational or technical training designed to prepare the student for gainful employment.

(3) For the SSI-related client, the department shall exempt 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.

(4) The department shall exempt as income the unearned income amounts withheld due to garnishment under a court, administrative, or agency order.

(5) The department shall exempt as income the unearned income amounts which represent an essential expense incurred in receiving the unearned income.

(6) Effective November 1, 1995, the department shall exempt income which causes the client to lose SSI eligibility due solely to the reduction in state supplement payment (SSP).



OFFICE OF THE CODE REVISER
Quarterly Rule Making Report
Covering Registers 95-16 through 95-18

Type of Activity	New	Amended	Repealed
AGRICULTURE, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	18	13	0
Number of Rules Adopted as Emergency Rules	0	1	0
Number of Rules Proposed for Permanent Adoption	1	7	2
Number of Sections Adopted at Request of a Nongovernmental Entity	0	10	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	5	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	1	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	1	0
Number of Sections Adopted on the Agency's own Initiative	7	4	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	7	14	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
BUILDING CODE COUNCIL			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	12	0	0
CODE REVISER'S OFFICE			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	5	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	1	5	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	1	5	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
COMMUNITY COLLEGES OF SPOKANE			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	3	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	3	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	3	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

MISCELLANEOUS

Type of Activity	New	Amended	Repealed
ECOLOGY, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	3	13	0
Number of Rules Proposed for Permanent Adoption	2	20	13
Number of Rules Withdrawn	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	1	7	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	2	8	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	1	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
EMPLOYMENT SECURITY DEPARTMENT			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	2	5	0
Number of Rules Proposed for Permanent Adoption	0	2	1
Number of Sections Adopted at Request of a Nongovernmental Entity	0	1	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	4	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	4	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	5	0
ENERGY FACILITY SITE EVALUATION COUNCIL			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	2	5	0
EVERGREEN STATE COLLEGE, THE			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	21	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	21	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	21	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
FINANCIAL INSTITUTIONS (Division of Banking), DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Rules Adopted as Emergency Rules	8	6	0

MISCELLANEOUS

Type of Activity	New	Amended	Repealed
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	3	8
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	8	6	0
Number of Sections Adopted on the Agency's own Initiative	0	3	8
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	8	8	8
Number of Sections Adopted using Pilot Rule Making	0	0	0

FINANCIAL INSTITUTIONS (Securities Division), DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	33	8	33

FISH AND WILDLIFE (Fisheries), DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	1	0
Number of Rules Adopted as Emergency Rules	39	0	32
Number of Rules Proposed for Permanent Adoption	0	6	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	3	1	2
Number of Sections Adopted in Order to Comply with Federal Statute	2	1	2
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	21	11	21
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	1	1	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

FISH AND WILDLIFE (Wildlife), DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	5	6	12
Number of Rules Adopted as Emergency Rules	3	0	5
Number of Rules Withdrawn	0	0	1
Number of Sections Adopted at Request of a Nongovernmental Entity	1	2	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	1	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	2	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	6	5	15
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	5	6	11
Number of Sections Adopted using Pilot Rule Making	0	0	0

GAMBLING COMMISSION

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	1	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0

MISCELLANEOUS

Type of Activity	New	Amended	Repealed
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	0	1	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

GENERAL ADMINISTRATION, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	4	9
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	1	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	1	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

HEALTH CARE POLICY BOARD

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	15	0	0

HEALTH, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	2	7	2
Number of Rules Adopted as Emergency Rules	34	0	0
Number of Rules Proposed for Permanent Adoption	1	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	34	6	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	34	0	0
Number of Sections Adopted on the Agency's own Initiative	35	7	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	35	7	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

HIGHER EDUCATION COORDINATING BOARD

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	4	6	0
Number of Rules Proposed for Permanent Adoption	0	3	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	3	3	0

MISCELLANEOUS

Type of Activity	New	Amended	Repealed
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

HORSE RACING COMMISSION

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	1	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

INSURANCE COMMISSIONER'S OFFICE

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	1	0
Number of Rules Adopted as Emergency Rules	13	0	6
Number of Rules Proposed for Permanent Adoption	10	3	39
Number of Rules Withdrawn	1	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	1	0
Number of Sections Adopted on the Agency's own Initiative	7	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

LABOR AND INDUSTRIES, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	2	8	1
Number of Rules Proposed for Permanent Adoption	0	8	0
Number of Sections Adopted at Request of a Nongovernmental Entity	1	1	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	4	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	1	4	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	4	0
Number of Sections Adopted using Negotiated Rule Making	1	1	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

MISCELLANEOUS

Type of Activity	New	Amended	Repealed
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LAKE WASHINGTON TECHNICAL COLLEGE

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	2	0

LICENSING, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	6	0
Number of Rules Adopted as Emergency Rules	0	6	0
Number of Rules Proposed for Permanent Adoption	0	9	0
Number of Sections Adopted at Request of a Nongovernmental Entity	11	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	2	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	6	0
Number of Sections Adopted on the Agency's own Initiative	0	2	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	11	8	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

LIQUOR CONTROL BOARD

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	5	1
Number of Rules Adopted as Emergency Rules	1	7	0
Number of Rules Withdrawn	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	2	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	1	4	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	1	0	0
Number of Sections Adopted on the Agency's own Initiative	0	2	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	4	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

LOTTERY COMMISSION

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	4	0	0
Number of Rules Proposed for Permanent Adoption	4	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	4	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

MISCELLANEOUS

Type of Activity	New	Amended	Repealed
LOWER COLUMBIA COLLEGE			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	2	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	1	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	1	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
MINORITY AND WOMEN'S BUSINESS ENTERPRISES, OFFICE OF			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	1	1
PARKS AND RECREATION COMMISSION			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	1	3	0
PIERCE COLLEGE			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	0	17
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	1	0	1
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	1	0	1
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	1	0	1
Number of Sections Adopted using Pilot Rule Making	0	0	0
PUBLIC DISCLOSURE COMMISSION			
Type of Activity	New	Amended	Repealed
Number of Rules Adopted as Emergency Rules	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	1	0
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
RETIREMENT SYSTEMS, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	52	3	0

MISCELLANEOUS

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	2	4	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	54	3	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	54	3	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

REVENUE, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	13	0
Number of Rules Proposed for Permanent Adoption	1	15	10
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	3	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	13	0
Number of Sections Adopted using Negotiated Rule Making	0	13	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

SECRETARY OF STATE, OFFICE OF THE

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	14	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	14	2	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	14	1	0
Number of Sections Adopted on the Agency's own Initiative	14	2	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

SOCIAL AND HEALTH SERVICES (Public Assistance), DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	29	37
Number of Rules Adopted as Emergency Rules	20	16	3
Number of Rules Proposed for Permanent Adoption	45	54	21
Number of Rules Withdrawn	32	16	14
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	13	15	3
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	3	17	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	6	0

MISCELLANEOUS

Type of Activity	New	Amended	Repealed
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	17	15	6
Number of Sections Adopted on the Agency's own Initiative	15	25	37
Number of Sections Adopted using Negotiated Rule Making	1	9	0
Number of Sections Adopted using Other Alternative Rule Making	19	31	40
Number of Sections Adopted using Pilot Rule Making	0	0	0

STATE BOARD OF EDUCATION

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	2	0
Number of Rules Proposed for Permanent Adoption	15	10	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	1	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

STATE PATROL

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	1	0

SUPERINTENDENT OF PUBLIC INSTRUCTION

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	26	22	2
Number of Rules Adopted as Emergency Rules	4	14	1
Number of Rules Proposed for Permanent Adoption	3	13	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	28	28	2
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	1	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	30	32	3
Number of Sections Adopted on the Agency's own Initiative	20	3	0
Number of Sections Adopted using Negotiated Rule Making	10	32	3
Number of Sections Adopted using Other Alternative Rule Making	20	3	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

TOXICOLOGIST, STATE

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	2	17	0

TRANSPORTATION, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Rules Adopted as Emergency Rules	0	1	0
Number of Rules Proposed for Permanent Adoption	0	6	0

TREASURER, STATE

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	2	0	0

MISCELLANEOUS

Type of Activity	New	Amended	Repealed
UTILITIES AND TRANSPORTATION COMMISSION			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	10	1
Number of Rules Adopted as Emergency Rules	43	0	31
Number of Rules Proposed for Permanent Adoption	63	1	46
Number of Sections Adopted at Request of a Nongovernmental Entity	2	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	40	0	31
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	13	0	13
Number of Sections Adopted in Order to Comply with Federal Statute	42	0	31
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
TOTALS FOR THE QUARTER:			
Number of Permanent Rules Adopted	177	200	115
Number of Rules Adopted as Emergency Rules	165	52	78
Number of Rules Proposed for Permanent Adoption	179	184	133
Number of Rules Withdrawn	33	18	15
Number of Sections Adopted at Request of a Nongovernmental Entity	15	18	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	187	108	45
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	24	32	15
Number of Sections Adopted in Order to Comply with Federal Statute	44	7	33
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	108	71	9
Number of Sections Adopted on the Agency's own Initiative	188	113	82
Number of Sections Adopted using Negotiated Rule Making	12	56	3
Number of Sections Adopted using Other Alternative Rule Making	112	90	60
Number of Sections Adopted using Pilot Rule Making	0	5	0

MISCELLANEOUS

WSR 95-22-007
NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON
 [Memorandum—October 17, 1995]

Following is the schedule(s) for regular meetings to be held by the University of Washington's Graduate School of Library and Information Science Faculty.

Graduate School of Library and Information Science

Our school will be having regularly scheduled faculty meetings for the 1995-96 academic year as follows:

October 17, 1995
 November 7
 November 21
 December 5
 January 9, 1996
 February 6
 February 20
 March 5
 April 2
 April 16
 April 30
 May 14
 May 28

All meetings will be held in 127 Suzzallo Library at 2:30 p.m.

WSR 95-22-022
NOTICE OF PUBLIC MEETINGS
THE EVERGREEN STATE COLLEGE
 [Memorandum—October 10, 1995]

1996 BOARD OF TRUSTEE MEETING SCHEDULE

The board of trustees of The Evergreen State College will hold regular meetings on the following dates in 1996 at 9:00 a.m. in Room 3112 of the Daniel J. Evans Library Building on The Evergreen State College campus.

Wednesday, February 14
 Wednesday, April 10
 Wednesday, May 8
 Wednesday, June 12
 Wednesday, August 14
 Wednesday, October 9
 Wednesday, December 11

Notices of special meetings called, if any, will be published on campus and in the local newspapers.

In conjunction with each of the above meetings, there will be a work session the Tuesday afternoon preceding these regular meeting dates, beginning at 1:30 p.m.

WSR 95-22-024
NOTICE OF PUBLIC MEETINGS
PENINSULA COLLEGE
 [Memorandum—October 20, 1995]

The board of trustees for Peninsula College, District 1, changes the date of their regularly scheduled October board

meeting from October 14, 1995, to October 13, 1995, at 1:00 p.m. in the college board room.

WSR 95-22-026
NOTICE OF PUBLIC MEETINGS
EASTERN WASHINGTON UNIVERSITY
 [Memorandum—October 23, 1995]

BOARD OF TRUSTEES'
WORKSHOP

October 26, 1995
 1 p.m. - 5 p.m.

Bozarth Retreat House
 12415 Fairwood Drive
 Spokane, WA 99218

Eastern Washington University strives to satisfy all requests for special access needs for person with disabilities. Requests for such accommodation are welcome and may be made by calling president's office, 359-2371.

WSR 95-22-027
NOTICE OF PUBLIC MEETINGS
EASTERN WASHINGTON UNIVERSITY
 [Memorandum—October 23, 1995]

BOARD OF TRUSTEES
 October 27, 1995, 9:00 a.m.
 Spokane Center
 Second Floor Mall

Breakfast, which is open to the public, will be served to board members prior to the meeting at 8:00 a.m. in the Spokane Center, Room 222.

Eastern Washington University strives to satisfy all requests for special access needs for persons with disabilities. Requests for such accommodation are welcome and may be made by calling president's office, 359-2371.

WSR 95-22-028
NOTICE OF PUBLIC MEETINGS
EDMONDS COMMUNITY COLLEGE
 [Memorandum—October 20, 1995]

SPECIAL MEETING NOTICE

The Edmonds Community College board of trustees is convening a special meeting October 23, 1995, at 4:30 p.m., to be held in the Edmonds Community College Board Room, Sno-King Building, Room 103, at the Edmonds Community College campus.

The special meeting is for the purpose of an executive session to review the performance of a public employee and to discuss with legal counsel representing the college advice and counsel concerning adverse and legal or financial consequences to the agency resulting from allegations against a public employee at the college.

Action items, if any, may be necessary to be taken as a result of matters considered in this executive session.

For further information contact Carol Berg-Christiansen, Vice-President, College Relations and Development, work (206) 640-1559, home (206) 744-0684, FAX (206) 640-1532.

WSR 95-22-034

**NOTICE OF PUBLIC MEETINGS
TRAFFIC SAFETY COMMISSION**

[Memorandum—October 25, 1995]

Below are the 1996 meeting dates for the Washington Traffic Safety Commission:

- Thursday, January 25
- Thursday, April 25
- Thursday, July 25
- Thursday, October 24

Each meeting will be held at 1:30 p.m. in the conference room of the Washington Traffic Safety Commission.

For special accommodation needs or to request an auxiliary aid for these meetings, please contact Michelle Nicholls at (360) 753-6197.

WSR 95-22-047

**NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON**

[Memorandum—October 24, 1995]

Following is the schedule(s) for regular meetings to be held by the University of Washington's School of Pharmacy Curriculum Committee.

School of Pharmacy

Meeting Dates	Location	Time
October 19, 1995	Pharmacy Conference Room H Wing, 3rd Floor	2:30 p.m.
November 30, 1995	Pharmacy Conference Room H Wing, 3rd Floor	2:30 p.m.
February 13, 1996	Pharmacy Conference Room H Wing, 3rd Floor	10:30 a.m.
May 16, 1996	Pharmacy Conference Room H Wing, 3rd Floor	8:30 a.m.

WSR 95-22-048

**NOTICE OF PUBLIC MEETINGS
PENINSULA COLLEGE**

[Memorandum—October 24, 1995]

Correction to Previous Notice

The board of trustees for Peninsula College, District 1, changes the date of their regularly scheduled November board meeting from November 14, 1995, to November 13, 1995, at 1:00 p.m. in the college board room.

WSR 95-22-049

**NOTICE OF PUBLIC MEETINGS
HEALTH CARE POLICY BOARD**

[Memorandum—October 26, 1995]

Meeting Agenda

- October 30, 1995
- 9:00 a.m. Starting Time
- South B and C Ballrooms
- Sheraton Hotel
- 322 North Spokane Falls Court
- Spokane, WA

WSR 95-22-052

**NOTICE OF PUBLIC MEETINGS
EDMONDS COMMUNITY COLLEGE**

[Memorandum—October 26, 1995]

**BOARD OF TRUSTEES
SPECIAL MEETING NOTICE**

The Edmonds Community College board of trustees adjourned the October 23, 1995, special meeting, which will resume at 5:30 p.m., Monday, October 30, 1995, on the Edmonds Community College campus in the Sno-King Building Board Room 103.

The special meeting is for the purpose of an executive session to review the performance of a public employee and to discuss with legal counsel representing the college her advice and consul concerning adverse and legal or financial consequences to the agency resulting from allegations against a public employee at the college.

Action items, if any, may be necessary to be taken as a result of matters considered in this executive session.

WSR 95-22-053

**NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE
CENTER**

[Memorandum—October 26, 1995]

The design committee of the Washington State Convention and Trade Center (WSCTC) will meet on Wednesday, November 1 at 9:00 a.m. in Room 307 and Wednesday, November 15 at 11:30 a.m. in Room 307 of the Convention Center, 800 Convention Place, Seattle, WA.

MISCELLANEOUS

A regular meeting of the Washington State Convention and Trade Center board of directors will be held on Wednesday, November 15 at 1:30 p.m. in the Room 310 of the Convention Center.

If you have any questions regarding these meetings, please call 447-5000.

WSR 95-22-054

NOTICE OF PUBLIC MEETINGS TRANSPORTATION COMMISSION

[Memorandum—October 24, 1995]

The November 1995 Washington State Transportation Commission meetings will be held at 1:00 p.m. on Wednesday, November 15, and 9:00 a.m. on Thursday, November 16, 1995, at the Transportation Building, Room 1D2, Olympia, Washington. There will be committee meetings at 9:00 a.m., Wednesday, November 15, also at the Transportation Building, Rooms 1D2 and 3F21.

The December 1995 Washington State Transportation Commission meetings will be held at 1:00 p.m. on Wednesday, December 20, and 9:00 a.m. on Thursday, December 21, 1995, at the Transportation Building, Room 1D2, Olympia, Washington. There will be committee meetings at 9:00 a.m., Wednesday, December 20, also at the Transportation Building, Rooms 1D2 and 3F21.

WSR 95-22-059

DEPARTMENT OF CORRECTIONS

[Filed October 30, 1995, 11:16 a.m.]

Reviser's note: The following material has *not* been adopted under the Administrative Procedure Act, chapter 34.05 RCW, but has been filed in the office of the code reviser and is published in the Register exactly as filed.

The following enclosed Department of Corrections rules, WAC 137-96-010, 137-96-020, 137-96-030, 137-96-040, 137-96-100, 137-96-110, 137-96-120, 137-96-130, 137-96-140, 137-96-150, and 137-96-160 are submitted for publication in the Register and the Washington Administrative Code. Chapter 137-95 WAC is submitted for repeal. Pertinent information is as follows:

a. Amended WAC 137-96-010 through 137-96-160 were adopted on September 1, 1995.

b. The effective date of these amended rules is December 1, 1995.

c. I certify pursuant to RCW 34.05.030(c) that WAC 137-96-010 through 137-96-160 are exempt from the Administrative Procedure Act.

d. The purpose is to conform the prerelease disciplinary rules to the Division of Prisons disciplinary rules, chapter 137-28 WAC.

Chase Riveland
Secretary

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 137-95-010	Purpose.
WAC 137-95-020	Definitions.
WAC 137-95-030	Secretary's authority to grant or deny.
WAC 137-95-040	Reasons for placement.
WAC 137-95-050	Supplementary rules.
WAC 137-95-060	Notification.
WAC 137-95-070	Definition of misconduct.
WAC 137-95-080	General infractions.
WAC 137-95-090	Serious infractions.
WAC 137-95-100	Cell tag.
WAC 137-95-110	Earned time, granting, and denial.
WAC 137-95-120	Reporting to law enforcement authorities.
WAC 137-95-130	Infractions—On-site adjustment.
WAC 137-95-140	Infractions—Report on.
WAC 137-95-150	General infraction report—Action on report.
WAC 137-95-160	Appeal to hearing officer.
WAC 137-95-170	Appointment and disqualification of hearing officer.
WAC 137-95-180	Prehearing procedures—Rights of offenders.
WAC 137-95-190	Prehearing procedures—Restriction of offender.
WAC 137-95-200	Hearing officer—Preparation for hearing.
WAC 137-95-210	Conduct of hearing.
WAC 137-95-220	Decision of hearing officer.
WAC 137-95-230	Finding of no infraction.
WAC 137-95-240	Staff advisors.
WAC 137-95-250	Sanctions—Authority to impose.
WAC 137-95-260	Sanctions—Types.
WAC 137-95-270	Sanctions—Limitations.
WAC 137-95-280	Appeal to superintendent.
WAC 137-95-290	Time limits.

NEW SECTION

WAC 137-96-010 Purpose. The purpose of this chapter is to set forth the rules and regulations governing the administration of the department's prerelease programs.

NEW SECTION

WAC 137-96-020 Definitions. (1) "Secretary" is the secretary of the department of corrections.

(2) "Director" is the director, division of community corrections, department of corrections.

(3) "Assistant director" is the assistant director of the division of community corrections.

(4) "Superintendent" is responsible for the planning, organizing, and implementation of programs at a prerelease facility.

(5) "Contract staff" is the staff member(s) of an agency under contract to the department of corrections to provide programming for offenders at prerelease.

(6) "Prerelease offender" is an offender who has been approved and placed in prerelease.

(7) "Volunteer escort" is a responsible citizen who has been screened, trained, and assigned to escort and supervise offenders during official and approved activities outside of the facility or to participate in approved activities inside the facility.

(8) "Prerelease" is a total confinement facility approved for housing and supervision of offenders under the jurisdiction of the department of corrections. The program provides the transitional services necessary to assist offenders in their successful return into the community.

NEW SECTION

WAC 173-96-030 Secretary's authority to grant or deny. The secretary or his or her designee may grant or deny prerelease as authorized by Title 72 RCW subject to the rules of this chapter.

Reviser's note: The above new section was filed by the agency as WAC 173-96-030. This section is placed among sections forming new chapter 137-96 WAC, and therefore should be numbered WAC 137-96-030. Pursuant to the requirements of RCW 34.08.040, the section is published in the same form as filed by the agency.

NEW SECTION

WAC 137-96-040 Reasons for placement. Prerelease may be authorized for one or more of the following:

(1) Time remaining to release and behavior is appropriate for placement.

(2) Offender has violated the terms of community placement.

(3) Offender has violated the conditions of work release.

(4) Offender has violated the conditions established by the indeterminate sentence review board.

(5) For any reason deemed appropriate by the department.

NEW SECTION

WAC 137-96-100 Cell tag. Each offender of a multiple-offender cell will be held accountable for an infraction that occurs within the confines of such cell unless he/she can establish a lack of involvement in the infraction.

NEW SECTION

WAC 137-96-110 Earned time, granting, and denial. An offender may receive earned time sentence reduction for participating or attempting to participate in facility work, education, or training programs in accordance with department policy. Prior to a denial of earned time, the basis for the proposed denial shall be explained to the offender. Should the offender wish to contest the proposed denial, he/she may request a hearing, which shall be held at least twenty-four hours after the offender has received written notice scheduling the hearing and indicating the basis for the proposed denial. The hearing shall be before an impartial official designated by the superintendent, pursuant to WAC

137-95-170. The offender shall be provided a written statement from the hearing official showing the evidence relied on and the reasons for the decision. The hearing shall be conducted in accordance with WAC 137-95-210. Such a hearing and its result shall not be considered disciplinary in nature and the decision of the hearing shall be limited to recommending to the superintendent that earned time credits be granted or denied in whole or in part. Granting or denial of earned time credits for out-of-state offenders shall be handled in substantial accord with this rule.

NEW SECTION

WAC 137-96-120 Reporting to law enforcement authorities. (1) It shall be the duty of the superintendent to report any violation of a federal, state, or local law to law enforcement authorities.

(2) If a violation has been reported to law enforcement authorities, the offender shall not be questioned about the incident, outside of a formal disciplinary hearing or an administrative segregation hearing, held pursuant to this chapter, until after it has been determined that no prosecution will occur or until a finding of guilt is made.

(3) The provisions in this rule shall not preclude the reasonable segregation of the offender in accordance with administrative segregation rules appearing in this chapter.

NEW SECTION

WAC 137-96-130 Infractions—On-site adjustment.

(1) In the event of a general infraction, a staff member may make an on-site adjustment which may consist of:

(a) Counseling, warning, or reprimanding the offender; and/or

(b) Causing the offender to remove himself/herself from the situation immediately involved in the violation.

(2) An on-site adjustment under this rule cannot be considered a general infraction for the purposes of determining whether an 877 serious infraction under WAC 137-95-090 has occurred.

NEW SECTION

WAC 137-96-140 Purpose. The rules in this chapter provide a standardized system to determine whether misconduct by an inmate of an adult correctional institution has occurred.

The rules in this chapter shall not apply to proceedings of the indeterminate sentence review board or the division of community corrections.

The following rules set forth procedural guidelines. They do not create any procedural or substantive rights in any person, including any liberty interests in time credits, levels of custody, classification status, or other privileges. In accordance with Washington statutes, such matters are governed solely by the discretion of the department of corrections.

NEW SECTION

WAC 137-96-150 Authority. The authority for this chapter is RCW 72.01.090.

NEW SECTION

WAC 137-96-160 Definitions. For the purposes of this chapter, the following words have the following meanings:

Adult correctional institution and institution - a facility identified in RCW 72.01.050(2) and any similar facility hereinafter established.

Aggravated assault - an assault resulting in physical injury and requiring medical care (see definition of medical care).

Assault - a physical attack upon the body of another person. The attack may be made with any instrument including, but not limited to weapons, body parts, food products or bodily secretions.

Attempt - putting forth an effort to commit any infraction shall be considered the same as commission of the infraction. However, attempted aggravated assault shall be considered an attempted assault.

Bodily harm - physical pain or injury, illness, or impairment of physical condition.

Cell tag - if contraband or other violation is discovered in an area under control of the inmate (such as within the confines or contents of a cell), the contraband or other violation shall be constructively attributed to the inmate(s) assigned to that area, unless the inmate(s) can establish a lack of involvement in the infraction at the disciplinary hearing.

Conspiracy - an agreement between two or more persons to commit an infraction. Conspiracy to commit an infraction shall be considered the same as commission of the infraction.

Director - the director of the division of prisons of the Washington state department of corrections, or the director's designee.

Discovery - when a staff member discovers that an infraction has occurred or when an investigation into the incident is concluded.

Good conduct time credits - that portion of an inmate's potential reduction to minimum term which is authorized by RCW 9.95.070 and 72.09.130 and which may be lost by receiving serious infractions.

Hearing officer - Staff member(s) designated by the superintendent to conduct disciplinary hearings.

Infraction - commission of, attempt to commit, or conspiracy with another to commit any violation of prison rules as enumerated in this code. Aiding or abetting another to commit an infraction will be considered the same as commission of the infraction.

Lesser included offense - any infraction that must necessarily have been committed in order to commit another infraction.

Medical care - any care conducted in a medical facility/treatment center by medical staff to treat a documented, physical injury, including, but not limited to bandaging, suturing, surgery, etc. An examination conducted by medical staff to determine whether an injury has been sustained shall not be considered medical care.

Possession - established when an item(s) is found on a person or in an area which is under the control of the individual(s) charged.

Promptly - to act as soon as reasonably possible, consistent with institutional goals of safety, security, and rehabilitation.

Sexual harassment - any word, action, gesture or other behavior that is sexual in nature and that would be offensive to a reasonable person.

Staff member - for purposes of this chapter includes employees of the department of corrections, contract employees, and volunteers.

Superintendent - superintendent of an adult correctional institution or the superintendent's designee.

Working days - Monday through Friday, excluding weekends and holidays.

WSR 95-22-060**DEPARTMENT OF CORRECTIONS**

[Filed October 30, 1995, 11:17 a.m.]

Reviser's note: The following material has *not* been adopted under the Administrative Procedure Act, chapter 34.05 RCW, but has been filed in the office of the code reviser and is published in the Register exactly as filed.

The following enclosed Department of Corrections rules, WAC 137-56-180, 137-56-210, and 137-56-250 are submitted for publication in the Register and the Washington Administrative Code. Pertinent information is as follows:

a. Amended WAC 137-56-180, 137-56-210, and 137-56-250 were adopted on September 1, 1995.

b. The effective date of these amended rules is December 1, 1995.

c. I certify pursuant to RCW 34.05.3030(c) that WAC 137-56-180, 137-56-210, and 137-56-250 are exempt from the Administrative Procedure Act.

d. The purpose is to bring these rules into compliance with standards of the new court rules pertaining to confidential informant evidence.

Chase Riveland
Secretary

AMENDATORY SECTION (Amending WSR 94-07-065, filed 3/14/94, effective 5/1/94)

WAC 137-56-180 Disciplinary hearing. (1) A work/training release resident served with allegations providing the basis for a proposed disciplinary action shall be notified in writing that a hearing has been set before a disciplinary hearing committee/hearing officer. An allegation involving the commission by the resident of a serious infraction may be amended at anytime by the department, provided that twenty-four hours notice be given to the resident or the resident agrees in writing to waive notice to respond to the allegations. The hearing will be set within five working days of the suspension of the work/training release plan, unless a longer time is approved by the area assistant director or his or her designee. The written notice of hearing shall be given to the resident at least twenty-four hours before the hearing unless notice is waived, in writing, and advise the resident of his or her rights, including the following:

MISCELLANEOUS

(a) The resident shall be present at all stages of the hearing, except during deliberation in appropriate circumstances.

(b) The resident shall present his or her own case to the disciplinary hearing committee/hearing officer. If there is a language or communications barrier, the disciplinary hearing committee chairperson/hearing officer shall appoint an advisor.

(c) The resident may have an attorney present at his/her expense, only when a felony has been alleged. Such representation is limited to advising the resident of his or her rights to remain silent, and does not include the right to act as an advocate throughout the hearing.

(d) The resident may testify during the hearing or remain silent, and his or her silence will not be held against him or her.

(e) The work/training release resident may, in preparation for the hearing, ask the disciplinary hearing committee chairperson/hearing officer that certain department or contract staff members, other work/training release residents, and other persons be present as witnesses at the hearing. The disciplinary hearing committee/hearing officer shall grant such request if it is determined by the disciplinary hearing committee chairperson/hearing officer that to do so would not be unduly hazardous to the work/training release facility's safety or correctional goals: *Provided, however,* Limitations may be made by the disciplinary committee if the information to be presented by the witnesses is deemed to be irrelevant, duplicative, or unnecessary to the adequate presentation of the work/training release resident's case.

(2) Attendance at the hearing shall be limited to parties directly concerned. The disciplinary hearing committee chairperson/hearing officer may exclude unauthorized persons.

(3) The disciplinary hearing committee/hearing officer shall make an evaluation of the resident((s)) and may make a recommendation to the indeterminate sentence review board regarding good time credits and readiness for parole.

AMENDATORY SECTION (Amending WSR 94-07-065, filed 3/14/94, effective 5/1/94)

WAC 137-56-210 Disciplinary hearing—Rules of evidence. (1) All relevant and material evidence is admissible which, in the opinion of the disciplinary hearing committee chairperson, is the best evidence reasonably obtainable having due regard for its necessity, availability, and trustworthiness.

(2) All evidence material to the issues raised in the hearing shall be offered into evidence. All evidence forming the basis for the department's decision in a matter shall be offered into evidence.

(3) The work/training release resident shall be allowed to call witnesses approved by the disciplinary hearing committee chairperson pursuant to WAC 137-56-180 (1)(e) and to present documentary evidence in his/her defense at the hearing when permitting the work/training release resident to do so will not be unduly hazardous to the work/training release facility's safety or correctional goals unless the testimony to be presented by the witness and/or the information desired to be presented is deemed by the disciplinary hearing committee chairperson to be irrelevant,

immaterial, unnecessarily duplicative of other information and/or testimony before the disciplinary hearing committee, or otherwise found to be unnecessary to the adequate presentation of the work/training release resident's case. The testimony of all witnesses from outside the work/training release facility shall be considered in writing. In the event the disciplinary hearing committee chairperson determines that the presence of a witness is appropriate, the disciplinary hearing committee should call the witness, or in its discretion, may continue the hearing if the witness is unavailable, but will become available within a reasonable period of time: *Provided, however,* That if the witness is unavailable, the disciplinary hearing committee may, in its discretion, consider the written testimony previously submitted.

(4) The work/training release resident may question witnesses against him/her at the discretion of the disciplinary hearing committee chairperson. ~~((If the disciplinary hearing committee chairperson determines that a work/training release resident witness would be subject to risk or harm if his/her identity were disclosed, testimony of the said witness may be introduced by the testimony of a department or contract staff member to whom the information was provided by and/or the affidavit of the witness. If the department or contract staff member to whom the work/training release resident witness provided information is, for good cause, unavailable, the written statement of the department or contract staff member may be used. The disciplinary hearing committee shall, out of the presence of all work/training release residents, inquire as to the identity of any anonymous work/training release resident, and as to how the testifying department or contract staff member received such information. The refusal of the department or contract staff member presenting the testimony of the unidentified work/training release resident witness to identify the witness shall make the testimony inadmissible unless the refusal to identify the witness is approved by the area assistant director based on his/her determination of good cause for nondisclosure and that the informant is reliable. The disciplinary hearing committee must make an independent determination as to the reliability of the informant and the credibility of the information offered, except that the disciplinary hearing committee may accept an assurance of credibility from the assistant director who approves the nondisclosure of the identity of the work/training release resident. The resident should be advised on the record, or subsequently provided with, a statement of good cause as to why the resident was not allowed to call a witness or why the identity of a resident witness was not disclosed.))~~ If the disciplinary hearing chairperson determines that a source of information would be subject to risk or harm if his/her identity were disclosed, testimony of the confidential source may be introduced by the testimony of a staff member. The confidential testimony may be provided by the source or by the written and signed statement of the source. If the staff member to whom the source provided information is unavailable, the written statement of this staff member may be used. The disciplinary hearing chairperson shall, out of the presence of all work/training release residents and off the record, identify the confidential source, and how the testifying staff member received the confidential information. The staff member presenting the information from a confidential source shall identify the source and the circumstances surrounding the

receipt of the confidential information to the disciplinary hearing chairperson, off the record. The disciplinary hearing chairperson shall make an independent determination regarding the reliability of the confidential source, the credibility of the confidential information, and the necessity of not revealing the source of the confidential information. In determining whether the confidential source is reliable and the confidential information is credible, the disciplinary hearing chairperson should consider all relevant circumstances including, but not limited to:

(a) Evidence from other staff members that the confidential source has previously given reliable information;

(b) Evidence that the confidential source had no apparent motive to fabricate information;

(c) Evidence that the confidential source received no benefit from providing the information;

(d) Whether the confidential source is giving first-hand information;

(e) Whether the confidential information is internally consistent and is consistent with other known facts; and

(f) The existence of corroborating evidence.

The disciplinary hearing chairperson shall also determine whether safety concerns justify nondisclosure of the source of confidential information. The reliability and credibility determination and the need for confidentiality must be made on the record.

(5) Documentary evidence, including written statements submitted by interested parties on behalf of the resident, may be received. Such evidence may include copies of documents, excerpts from documents and incorporation of written material by reference, including depositions.

(6) The chairperson of the disciplinary hearing committee may exclude relevant evidence if the probative value is outweighed by the danger of unfair prejudice, confusion of the issues, misleading the committee or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.

(7) The disciplinary hearing committee should determine if the resident is competent to understand the charges and proceedings or needs an interpreter to participate therein. If the resident is not competent or needs an interpreter, the disciplinary hearing committee should postpone the hearing to secure a report on the competency of the resident, provide an interpreter, or take such other action as will assure the fairness and orderliness of the hearings.

AMENDATORY SECTION (Amending WSR 94-07-065, filed 3/14/94, effective 5/1/94)

WAC 137-56-250 Disciplinary hearing—Appeal. The resident may appeal the decision of the facility disciplinary hearing committee to the assistant director, or his or her designee. Appeal requests must be in writing, must be specific and based on objection to the procedures used or the information available to the committee in making its decision. Appeals must be submitted within five working days of the committee's oral decision. For reasons of community protection, all sanctions ordered by the disciplinary hearing chairperson will be imposed following the hearing and will not be stayed. The assistant director, or his or her designee, upon receipt of an appeal, will review the findings and decision of the disciplinary hearing committee and either:

(1) Affirm, or affirm and modify to a lesser sanction the decision of the facility disciplinary hearing committee; or

(2) Reverse the decision of the facility disciplinary hearing committee; or

(3) Remand the decision for additional findings or rehearing.

WSR 95-22-061

NOTICE OF PUBLIC MEETINGS TRANSPORTATION IMPROVEMENT BOARD

[Memorandum—October 27, 1995]

MEETING NOTICE FOR NOVEMBER 1995
TRANSPORTATION IMPROVEMENT BOARD
OLYMPIA, WASHINGTON 98504-0901

Increase Subcommittee, 1:00 p.m. - 4:00 p.m., Thursday, November 16, 1995, at the SeaTac Airport Red Lion Inn, 18740 Pacific Highway South, Seattle.

Public Transportation Subcommittee, 4:00 p.m. - 5:00 p.m., Thursday, November 16, 1995, at the Red Lion Inn.

STP Subcommittee, 5:00 p.m. - 6:00 p.m., Thursday, November 16, 1995, at the Red Lion Inn.

Work Session, 7:00 p.m., Thursday, November 16, 1995, at the Red Lion Inn.

Board Meeting, 9:00 a.m., Friday, November 17, 1995, at the Red Lion Inn.

SPECIAL NEEDS: For special accommodations or to request an auxiliary aid, please contact the Transportation Improvement Board office at (360) 705-7300 by November 8, 1995.

The next scheduled meeting is January 26, 1996, in Olympia. A notice with further detail of the January meeting will be mailed January 5, 1995 [1996].

WSR 95-22-070

NOTICE OF PUBLIC MEETINGS WASHINGTON STATE LIBRARY

(Library Commission)

[Memorandum—October 27, 1995]

The Washington State Library Commission will hold the following meetings as listed below:

WSL COMMISSION BRIEFING MEETING

DATE: December 7, 1995
TIME: 6:30 p.m.
LOCATION: Meany Tower
4507 Brooklyn N.E.
Seattle, WA

WSL COMMISSION QUARTERLY BUSINESS MEETING

DATE: December 8, 1995
TIME: 10:00 a.m.
LOCATION: University of Washington
Allen Library
Seattle, Washington

WSR 95-22-071
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF LICENSING
 (Title and Registration Advisory Committee)
 [Memorandum—October 31, 1995]

Please publish a public meeting notice for Title and Registration Advisory Committee (TRAC) in the next publication of the State Register.

- DATE:** The regularly scheduled Title and Registration Advisory Committee meeting convened on October 26, 1995. The meeting was adjourned and will reconvene November 27, 1995.
- TIME:** 1:30 p.m. to 3:30 p.m.
- PLACE:** GFP Board Room, SeaTac Airport
 Main Terminal Building 5110
 17801 Pacific Highway South
 SeaTac, WA

WSR 95-22-087
NOTICE OF PUBLIC MEETINGS
PUGET SOUND
WATER QUALITY AUTHORITY
 [Memorandum—October 30, 1995]

The following is a change in the dates for the regular monthly meetings of the Puget Sound Water Quality Authority through December 1995.

Persons interested in more information about the meetings are invited to call Duane Fagergren at 407-7303 (Lacey) or 1-800-SOUND [1-800-54-SOUND].

- | | | |
|-------------------|---------|--|
| November 15, 1995 | | CANCELLED |
| December 13, 1995 | Seattle | Port of Seattle
Commission Chambers
2711 Alaskan Way
Pier 69
Seattle |

WSR 95-22-101
NOTICE OF PUBLIC MEETINGS
PUBLIC DISCLOSURE COMMISSION
 [Memorandum—October 31, 1995]

The Public Disclosure Commission has cancelled its regular meeting scheduled for Tuesday, November 21, 1995. Special meetings will be held on Monday, December 4, and Tuesday, December 5, 1995. Any rule adoption will take place on Tuesday, December 5, 1995, in the Cherberg Building, Senate Hearing Room 2 on the Capitol Campus, Olympia, Washington.

WSR 95-22-109
DEPARTMENT OF ECOLOGY
 [Filed November 1, 1995, 11:28 a.m.]
DEPARTMENT OF ECOLOGY
ISSUANCE OF INDUSTRIAL AND
CONSTRUCTION GENERAL PERMITS
TO DISCHARGE STORMWATER
ANNOUNCEMENT

The Washington State Department of Ecology has made a decision to issue two combined National Pollutant Discharge Elimination System (NPDES) and State Waste Discharge General Permits to regulate stormwater discharges. One permit will cover stormwater discharges from industrial activities, the other from construction activities. These two permits are applicable statewide and will replace Ecology's Baseline General Permit for Stormwater Discharges Associated with Industrial Activities issued on November 18, 1992. This permit expires on November 18, 1995. The issuance date of the new permits will be November 18, 1995. These permits are subject to appeal within 30 days of issuance.

These two permits were developed to meet the requirements of section 402(p) of the Federal Clean Water Act, state of Washington Chapter 90.48 RCW Water Pollution Control Act, and regulations adopted by the United States Environmental Protection Agency (amendments to Title 40 of the Code of Federal Regulations [CFR], Part 122, published in the federal register on November 16, 1990).

Permit Requirements for Industries

Although the long term goal of stormwater permitting is for facilities covered under the permit to achieve compliance with surface water, ground water and sediment standards, the industrial permit at this stage requires industries to develop, and maintain stormwater pollution prevention plans (SWPPPs). A SWPPP will identify the sources of pollution that effect the quality of industrial stormwater discharge, and will describe and ensure the implementation of best management practices (BMPs) to reduce pollutants in stormwater.

The permit requires new industries to develop and implement SWPPPs within 18 months of receiving coverage. Existing industries covered under the previous permit that have already completed their SWPPP will be required to maintain their SWPPPs. Timetables for completing SWPPPs for other classes of existing industries that have not developed or implemented a SWPPP are set out in the permit and do not exceed 18 months.

Permit Requirements for Construction Sites

The construction permit requires permittees to comply with surface water, ground water, and sediment standards through development and implementation of a SWPPP. Permittees are required to develop the SWPPP before obtaining permit coverage, and to implement the plan during the course of the construction work.

Criteria for Industrial Dischargers Needing Permits:

The following facilities need coverage under the industrial permit if they have a stormwater discharge to surface waters or storm drains:

MISCELLANEOUS

- Facilities listed in Standard Industrial Classification (SIC) codes 24, 26, 28, 29, 311, 32, 33, 3441, 373; (except 2434, 265, 267, 283, 285, 323 which are covered under category 11 in the industrial permit.) SIC codes 2951 and 3273 must be covered under Ecology's sand and gravel permit.
- Mining and Oil and Gas Extraction facilities in SIC codes 10 through 14; (except 1411, 1422, 1423, 1429, 1442, 1445, 1446, 1459, 1499, these facilities must be covered under Ecology's sand and gravel general permit)
- Hazardous waste treatment, storage and disposal facilities;
- Landfills, land application sites and open dumps that receive or have received industrial wastes;
- Recycling facilities, including metal scrap yards, battery reclaimers, salvage yards, and automobile recyclers; limited to those facilities under Standard Industrial Classification codes 5015 and 5093;
- Steam electric power generating facilities;
- Transportation facilities in SIC codes 40 through 45 (except 4221, 4222 and 4225 which are covered under category 11 in the industrial permit) and 5171, which have vehicle maintenance shops, equipment cleaning operations or airport deicing operations;
- Sewage treatment plants with a design flow of 1.0 million gallons per day or more, or required to have an approved industrial pretreatment program, except those sewage treatment plants owned or operated by a municipality with a population less than 100,000;
- Facilities listed in SIC codes 20 through 42, not otherwise listed above, which have an industrial activity exposed to stormwater.

Criteria for Construction Site Dischargers Needing a Permit:

Construction activity that results in the disturbance of five acres or more of total land area (including clearing, grading, and excavating activities) needs permit coverage for discharges of stormwater to a surface water or storm drain.

How Do Current Permit Holders Maintain Permit Coverage:

Permittees covered under the existing Baseline General Permit who will be discharging stormwater associated with industrial or construction activity from their facility after November 18, 1995, were to have reapplied by May 23, 1995. Operators of industrial facilities and/or owners of construction sites which have not reapplied are out of compliance with the existing permit. They need to submit a renewal application as expeditiously as possible. If an application is not submitted, coverage under the new permit will not be granted and any stormwater discharge will place the facility out of compliance with state and federal law.

Application Requirements for a New Facility or New Construction Site:

- A. To apply for coverage a New Facility or Construction Site shall:

1. Submit a notice of intent application to Ecology before the date of the first public notice (WAC 173-226-130(5));
2. Publish a notice at least once each week for two consecutive weeks in a single newspaper which has general circulation in the county in which the facility/site is located.

Permit coverage will not be granted by Ecology until at least 31 days after the date of the last public notice in the newspaper.

Where to Submit a Notice of Intent Application:

Department of Ecology
Water Quality Program
Stormwater Unit
P.O. BOX 47696
Olympia, WA 98504-7696

Changes to the Draft General Permit:

The following is a summary of changes that were made to the public draft of the general permit.

Industrial and Construction Permits

- Clarified in S9.B that the public can obtain a SWPPP through a request to Ecology. (The public has this right and it should be made clear in the permits.)
- Revised the Notice of Intent Application forms and added a 180 day renewal application for clarity and to streamline the coverage process.
- Clarified that the public has the right of appeal by adding "by any person" to G18.

Industrial Permit Only

- Changed the definition of discharge targets and permit language to clarify that these targets are to be used as guidance for permittees in determining whether they have a significant amount of a pollutant and not as an enforceable effluent limit.
- Revised SWPPP requirements in S9.D.3 to clarify that additional available and reasonable BMPs may be needed to remove pollutants amenable to these BMPs **and also** that additional available and reasonable BMPs are strongly encouraged if the permittee judges that there may be a reasonable potential to violate standards. (The draft permit did not make it clear that the permittee needs to undertake a two step process when deciding whether additional BMPs may be necessary after initial operational and source control BMPs have been implemented. The first part is a technology based consideration of whether further pollution removal is possible by implementing further available and reasonable BMPs. The second part is a consideration for implementing further available and reasonable BMPs based on whether there are concerns for water quality violations.)
- Changed the WAC 173-226-180 notification requirement in S9.D.2 to reduce the administrative burden on the permittee.

- Permit requirements addressing unpermitted non-stormwater discharges have been deleted from S3. Other permit language generally addresses the issue and the specific discharges are covered in the fact sheet.
- Modified S9.D.1 to require the permittee to use the latest edition of the stormwater management manual whenever implementing BMPs, or making modifications to existing BMPs as a consequence of self-inspections. (This makes the use of future editions of the manual clearly linked to the results of self-inspections. The public draft permit language did not make this clear linkage.)
- Modified S9.D.2(ii) to expand the purpose of preventing adverse water quality impacts from runoff quantity to include all receiving waters instead of just streams. (This is now consistent with the objective for controlling adverse impacts from runoff volumes on all receiving waters stated in S9.A.4)
- Modified S9.B.4 by deleting "more stringent requirements" and replacing with "applicable" requirements of local governments. (This is because the permit cannot relieve the permittee of any additional applicable requirement that the local government may impose upon the permittee.)
- For clarity, added the requirement that SEPA and public notice requirements shall be met before obtaining permit coverage from Ecology.
- In S9.B.4, deleted the list of equivalent manuals because this list will change over time and it is considered better to obtain the latest information direct from Ecology.
- For clarity, added in S9.A.4 that the permittee shall have complied with the intent of this runoff quantity objective by receiving permission from the local government to discharge stormwater into a municipal storm sewer system when applicable. (Municipalities are responsible for discharges from their storm sewer systems, and it is therefore appropriate that they control the manner and type of discharges into their system.)
- In G19, added the requirement that facilities retain records for five years. This is consistent with the permit cycle. Facilities whose coverage is terminated are required to retain records for three years.

Construction Permit Only

- Changed schedule of compliance (S1) to clarify that a permit cannot be issued until after the 30 day public comment period of the final public notice, and after a completed Notice of Intent (NOI) has been received. The NOI must be submitted before issuance of the public notices. The applicant is also required to state when public notices will appear, and certify that SEPA has been complied with and that the SWPPP will be developed before construction commences. Public notices must be

published at least a week apart. Ecology will notify the applicant on coverage within 10 days of receiving a completed application. (These changes make it clear that to be consistent with WAC 173-226-130(5), Ecology must receive an NOI before publication of public notices. The changes will also help streamline the coverage process by reducing the frequency of contact with Ecology regarding the progress on public notices and SWPPP development. The requirement for publication of public notices at least a week apart is consistent with Ecology's Permit Writers Manual.)

- Added language to S9.B.2 to make it clear that site operators may be held liable for permit violations that they cause. (This has always been the case but needed clarifying.)
- Authorized construction dewatering in S3 and required that sampling and analysis may be needed on a case-by-case basis for possible ground water concerns in S6. Construction dewatering has also been included in the introductory sentence in S9 so that it is addressed in the SWPPP and subject to appropriate BMPs. (This authorization, with its associated assessment, is needed since construction dewatering is an integral part of the construction process.)
- Clarified in S5 what is meant by compliance with standards. The construction permit requires compliance with standards. Compliance with standards may involve site specific determinations such as use of a mixing zone in the receiving water. The public draft was not clear on how Ecology would determine compliance with standards.

Permit Fees:

State law requires Ecology to recover the cost of the Water Quality Permit Program. An annual fee for coverage under these general permits will be assessed all permittees during the 1995-1997 biennium.

For More Information:

For more information on the general permits, call (360) 407-6436 or 407-6435. To obtain copies of the Notice of Intent, General Permits, Fact Sheet or Responses to Public Comments, call (360) 407-7156. Copies can also be obtained by going to the following address:

Department of Ecology
Water Quality Program
Stormwater Unit
300 Desmond Drive
Lacey, Washington

Appeals:

Pursuant to the provisions of Chapter 43.21B RCW, any person feeling aggrieved by the Department's action with respect to these general permits for industrial and construction stormwater may file an appeal within 30 days of the issuance date of the permits (November 18, 1995). Appeals must be sent on or before December 18, 1995 to:

Pollution Control Hearings Board
P.O. Box 40903
Lacey, WA 98504-0903

or hand delivered to:

Pollution Control Hearings Board
4224 - 6th Avenue, SE, Bldg. 2, Rowe 6
Lacey, Washington

Concurrently, a copy of the appeal must be sent or hand delivered to:

The Department of Ecology
Water Quality Program
Stormwater Unit
P.O. Box 47696
Olympia, WA 98504-7696

Any appeal must contain the following in accordance with the rules of the hearings board:

- a) The appellant's name and address;
- b) The date and number of the permit;
- c) A description of the substance of the permit that is the subject of the appeal;
- d) A clear, separate, and concise statement of every error alleged to have been committed;
- e) A clear and concise statement of facts upon which the requester relies to sustain his or her statements of error; and
- f) A statement setting forth the relief sought.

Ecology is an equal opportunity agency. If you have special accommodation needs or require this document in an alternative format, please contact Peter Birch at (360) 407-6458 or (360) 407-6006 (TDD).

Reviser's note: The brackets and enclosed material in the text above 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 material occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.



Table of WAC Sections Affected

KEY TO TABLE

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

Symbols:

- AMD = Amendment of existing section
- A/R = Amending and recodifying a section
- DECOD = Decodification of an existing section
- NEW = New section not previously codified
- OBJEC = Notice of objection by Joint Administrative Rules Review Committee
- PREP = Preproposal comments
- RE-AD = Readoption of existing section
- RECOD = Recodification of previously codified section
- REP = Repeal of existing section
- RESCIND = Rescind previous emergency rule
- REVIEW = Review of previously adopted rule

Suffixes:

- P = Proposed action
- C = Continuance of previous proposal
- E = Emergency action
- S = Supplemental notice
- W = Withdrawal of proposed action
- No suffix means permanent action

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits identify the document within the issue.

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1-21-020	AMD-P	95-14-044	16-158-025	NEW-P	95-10-098	16-166-020	REP-P	95-10-100
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30-16-080	REP-P	95-12-098	30-22-090	NEW	95-15-040	30-36-060	REP-P	95-12-098
30-16-080	REP	95-15-040	30-24-010	REP-P	95-12-098	30-36-060	REP	95-15-040
30-16-090	REP-P	95-12-098	30-24-010	REP	95-15-040	30-36-070	REP-P	95-12-098
30-16-090	REP	95-15-040	30-24-020	REP-P	95-12-098	30-36-070	REP	95-15-040
30-16-100	REP-P	95-12-098	30-24-020	REP	95-15-040	30-36-080	REP-P	95-12-098
30-16-100	REP	95-15-040	30-24-030	REP-P	95-12-098	30-36-080	REP	95-15-040
30-16-110	REP-P	95-12-098	30-24-030	REP	95-15-040	30-36-090	REP-P	95-12-098
30-16-110	REP	95-15-040	30-24-040	REP-P	95-12-098	30-36-090	REP	95-15-040
30-16-120	REP-P	95-12-098	30-24-040	REP	95-15-040	30-36-100	REP-P	95-12-098
30-16-120	REP	95-15-040	30-24-050	REP-P	95-12-098	30-36-100	REP	95-15-040
30-18-010	NEW-P	95-12-098	30-24-050	REP	95-15-040	30-36-110	REP-P	95-12-098
30-18-010	NEW	95-15-040	30-24-060	REP-P	95-12-098	30-36-110	REP	95-15-040
30-18-020	NEW-P	95-12-098	30-24-060	REP	95-15-040	30-40-020	AMD-P	95-12-098
30-18-020	NEW	95-15-040	30-24-070	REP-P	95-12-098	30-40-020	AMD	95-15-040
30-18-030	NEW-P	95-12-098	30-24-070	REP	95-15-040	30-40-030	REP-P	95-12-098
30-18-030	NEW	95-15-040	30-24-080	REP-P	95-12-098	30-40-030	REP	95-15-040
30-18-040	NEW-P	95-12-098	30-24-080	REP	95-15-040	30-40-050	AMD-P	95-12-098
30-18-040	NEW	95-15-040	30-24-090	REP-P	95-12-098	30-40-050	AMD	95-15-040
30-18-050	NEW-P	95-12-098	30-24-090	REP	95-15-040	30-40-060	AMD-P	95-12-098
30-18-050	NEW	95-15-040	30-24-100	REP-P	95-12-098	30-40-060	AMD	95-15-040
30-18-060	NEW-P	95-12-098	30-24-100	REP	95-15-040	30-40-070	AMD-P	95-12-098
30-18-060	NEW	95-15-040	30-26-010	NEW-P	95-12-098	30-40-070	AMD	95-15-040
30-18-070	NEW-P	95-12-098	30-26-010	NEW	95-15-040	30-40-080	AMD-P	95-12-098
30-18-070	NEW	95-15-040	30-26-020	NEW-P	95-12-098	30-40-080	AMD	95-15-040
30-18-080	NEW-P	95-12-098	30-26-020	NEW	95-15-040	30-40-090	AMD-P	95-12-098
30-18-080	NEW	95-15-040	30-26-030	NEW-P	95-12-098	30-40-090	AMD	95-15-040
30-18-090	NEW-P	95-12-098	30-26-030	NEW	95-15-040	30-44	AMD-P	95-12-098
30-18-090	NEW	95-15-040	30-26-040	NEW-P	95-12-098	30-44	AMD	95-15-040
30-18-100	NEW-P	95-12-098	30-26-040	NEW	95-15-040	30-44-010	AMD-P	95-12-098
30-18-100	NEW	95-15-040	30-26-050	NEW-P	95-12-098	30-44-010	AMD	95-15-040
30-18-110	NEW-P	95-12-098	30-26-050	NEW	95-15-040	30-44-020	AMD-P	95-12-098
30-18-110	NEW	95-15-040	30-26-060	NEW-P	95-12-098	30-44-020	AMD	95-15-040
30-20-010	REP-P	95-12-098	30-26-060	NEW	95-15-040	30-44-030	AMD-P	95-12-098
30-20-010	REP	95-15-040	30-26-070	NEW-P	95-12-098	30-44-030	AMD	95-15-040
30-20-020	REP-P	95-12-098	30-26-070	NEW	95-15-040	30-44-040	AMD-P	95-12-098
30-20-020	REP	95-15-040	30-26-080	NEW-P	95-12-098	30-44-040	AMD	95-15-040
30-20-030	REP-P	95-12-098	30-26-080	NEW	95-15-040	30-44-050	AMD-P	95-12-098
30-20-030	REP	95-15-040	30-26-090	NEW-P	95-12-098	30-44-050	AMD	95-15-040
30-20-040	REP-P	95-12-098	30-26-090	NEW	95-15-040	30-44-060	NEW-P	95-12-098
30-20-040	REP	95-15-040	30-28-010	REP-P	95-12-098	30-44-060	NEW	95-15-040
30-20-050	REP-P	95-12-098	30-28-010	REP	95-15-040	30-48-010	REP-P	95-12-098
30-20-050	REP	95-15-040	30-28-020	REP-P	95-12-098	30-48-010	REP	95-15-040
30-20-060	REP-P	95-12-098	30-28-020	REP	95-15-040	30-48-020	REP-P	95-12-098
30-20-060	REP	95-15-040	30-28-030	REP-P	95-12-098	30-48-020	REP	95-15-040
30-20-070	REP-P	95-12-098	30-28-030	REP	95-15-040	30-48-030	REP-P	95-12-098
30-20-070	REP	95-15-040	30-28-040	REP-P	95-12-098	30-48-030	REP	95-15-040
30-20-080	REP-P	95-12-098	30-28-040	REP	95-15-040	30-48-040	REP-P	95-12-098
30-20-080	REP	95-15-040	30-32-010	REP-P	95-12-098	30-48-040	REP	95-15-040
30-20-090	REP-P	95-12-098	30-32-010	REP	95-15-040	30-48-050	REP-P	95-12-098
30-20-090	REP	95-15-040	30-32-020	REP-P	95-12-098	30-48-050	REP	95-15-040
30-20-100	REP-P	95-12-098	30-32-020	REP	95-15-040	30-48-060	REP-P	95-12-098
30-20-100	REP	95-15-040	30-32-030	REP-P	95-12-098	30-48-060	REP	95-15-040
30-20-110	REP-P	95-12-098	30-32-030	REP	95-15-040	30-48-070	REP-P	95-12-098
30-20-110	REP	95-15-040	30-32-040	REP-P	95-12-098	30-48-070	REP	95-15-040
30-20-120	REP-P	95-12-098	30-32-040	REP	95-15-040	44-10	PREP	95-21-004
30-20-120	REP	95-15-040	30-32-050	REP-P	95-12-098	50-20	PREP	95-13-090
30-22-010	NEW-P	95-12-098	30-32-050	REP	95-15-040	50-20-100	AMD-P	95-22-107
30-22-010	NEW	95-15-040	30-32-060	REP-P	95-12-098	50-20-110	AMD-P	95-22-107
30-22-020	NEW-P	95-12-098	30-32-060	REP	95-15-040	50-20-120	AMD-P	95-22-107
30-22-020	NEW	95-15-040	30-32-070	REP-P	95-12-098	50-20-130	AMD-P	95-22-107
30-22-030	NEW-P	95-12-098	30-32-070	REP	95-15-040	50-20-140	AMD-P	95-22-107
30-22-030	NEW	95-15-040	30-32-080	REP-P	95-12-098	50-20-150	AMD-P	95-22-107
30-22-040	NEW-P	95-12-098	30-32-080	REP	95-15-040	50-20-160	AMD-P	95-22-107
30-22-040	NEW	95-15-040	30-36-010	REP-P	95-12-098	50-20-170	REP-P	95-22-107
30-22-050	NEW-P	95-12-098	30-36-010	REP	95-15-040	50-20-190	AMD-P	95-22-107

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
50-20-200	REP-P	95-22-107	50-60-08040	NEW	95-13-091	51-20-0420	REP-P	95-04-106
50-30	PREP	95-16-025	50-60-09001	NEW-P	95-05-084	51-20-0420	REP	95-11-107
50-30-005	NEW-E	95-18-060	50-60-09002	NEW-P	95-05-084	51-20-0500	REP-P	95-04-106
50-30-005	NEW-P	95-22-106	50-60-09003	NEW-P	95-05-084	51-20-0500	REP	95-11-107
50-30-010	AMD-E	95-18-060	50-60-09004	NEW-P	95-05-084	51-20-0503	REP-P	95-04-106
50-30-010	AMD-P	95-22-106	50-60-09005	NEW	95-13-091	51-20-0503	REP	95-11-107
50-30-015	NEW-E	95-18-060	50-60-09010	NEW	95-13-091	51-20-0514	REP-P	95-04-106
50-30-015	NEW-P	95-22-106	50-60-09015	NEW	95-13-091	51-20-0514	REP	95-11-107
50-30-020	AMD-E	95-18-060	50-60-09020	NEW	95-13-091	51-20-0515	REP-P	95-04-106
50-30-020	AMD-P	95-22-106	50-60-100	AMD-P	95-05-084	51-20-0515	REP	95-11-107
50-30-025	NEW-E	95-18-060	50-60-100	AMD	95-13-091	51-20-0551	REP-P	95-04-106
50-30-025	NEW-P	95-22-106	50-60-110	AMD-P	95-05-084	51-20-0551	REP	95-11-107
50-30-030	AMD-E	95-18-060	50-60-110	AMD	95-13-091	51-20-0600	REP-P	95-04-106
50-30-030	AMD-P	95-22-106	50-60-120	AMD-P	95-05-084	51-20-0600	REP	95-11-107
50-30-035	NEW-E	95-18-060	50-60-120	AMD	95-13-091	51-20-0605	REP-P	95-04-106
50-30-035	NEW-P	95-22-106	50-60-125	NEW-P	95-05-084	51-20-0605	REP	95-11-107
50-30-040	AMD-P	95-22-106	50-60-125	NEW	95-13-091	51-20-0700	REP-P	95-04-106
50-30-050	AMD-E	95-18-060	50-60-130	AMD-P	95-05-084	51-20-0700	REP	95-11-107
50-30-050	AMD-P	95-22-106	50-60-130	AMD	95-13-091	51-20-0702	REP-P	95-04-106
50-30-060	AMD-P	95-22-106	50-60-140	AMD-P	95-05-084	51-20-0702	REP	95-11-107
50-30-065	NEW-E	95-18-060	50-60-140	AMD	95-13-091	51-20-0800	REP-P	95-04-106
50-30-065	NEW-P	95-22-106	50-60-145	NEW	95-13-091	51-20-0800	REP	95-11-107
50-30-068	NEW-E	95-18-060	50-60-150	AMD-P	95-05-084	51-20-0801	REP-P	95-04-106
50-30-068	NEW-P	95-22-106	50-60-150	AMD	95-13-091	51-20-0801	REP	95-11-107
50-30-070	AMD-E	95-18-060	50-60-160	AMD-P	95-05-084	51-20-0802	REP-P	95-04-106
50-30-070	AMD-P	95-22-106	50-60-160	AMD	95-13-091	51-20-0802	REP	95-11-107
50-30-075	NEW-E	95-18-060	50-60-165	AMD-P	95-05-084	51-20-0900	REP-P	95-04-106
50-30-075	NEW-P	95-22-106	50-60-165	AMD	95-13-091	51-20-0900	REP	95-11-107
50-30-080	AMD-E	95-18-060	50-60-180	REP-P	95-05-084	51-20-0901	REP-P	95-04-106
50-30-080	AMD-P	95-22-106	50-60-180	REP	95-13-091	51-20-0901	REP	95-11-107
50-30-085	NEW-E	95-18-060	50-60-190	NEW-P	95-05-084	51-20-0902	REP-P	95-04-106
50-30-085	NEW-P	95-22-106	50-60-190	NEW	95-13-091	51-20-0902	REP	95-11-107
50-30-090	AMD-P	95-22-106	50-60-200	NEW-P	95-05-084	51-20-1000	REP-P	95-04-106
50-30-095	NEW-P	95-22-106	50-60-200	NEW	95-13-091	51-20-1000	REP	95-11-107
50-30-100	AMD-P	95-22-106	50-60-210	NEW-P	95-05-084	51-20-1011	REP-P	95-04-106
50-30-110	REP-P	95-22-106	50-60-210	NEW	95-13-091	51-20-1011	REP	95-11-107
50-60-010	AMD-P	95-05-084	51-20	PREP	95-03-086	51-20-1200	REP-P	95-04-106
50-60-010	AMD	95-13-091	51-20-001	REP-P	95-04-106	51-20-1200	REP	95-11-107
50-60-020	AMD-P	95-05-084	51-20-001	REP	95-11-107	51-20-1201	REP-P	95-04-106
50-60-020	AMD	95-13-091	51-20-002	REP-P	95-04-106	51-20-1201	REP	95-11-107
50-60-030	AMD-P	95-05-084	51-20-002	REP	95-11-107	51-20-1210	REP-P	95-04-106
50-60-030	AMD	95-13-091	51-20-003	REP-P	95-04-106	51-20-1210	REP	95-11-107
50-60-035	NEW-P	95-05-084	51-20-003	REP	95-11-107	51-20-1215	REP-P	95-04-106
50-60-035	NEW	95-13-091	51-20-004	REP-P	95-04-106	51-20-1215	REP	95-11-107
50-60-040	AMD-P	95-05-084	51-20-004	REP	95-11-107	51-20-1223	REP-P	95-04-106
50-60-040	AMD	95-13-091	51-20-005	REP-P	95-04-106	51-20-1223	REP	95-11-107
50-60-042	NEW-P	95-05-084	51-20-005	REP	95-11-107	51-20-1224	REP-P	95-04-106
50-60-042	NEW	95-13-091	51-20-007	REP-P	95-04-106	51-20-1224	REP	95-11-107
50-60-045	AMD-P	95-05-084	51-20-007	REP	95-11-107	51-20-1225	REP-P	95-04-106
50-60-045	AMD	95-13-091	51-20-008	REP-P	95-04-106	51-20-1225	REP	95-11-107
50-60-050	AMD-P	95-05-084	51-20-008	REP	95-11-107	51-20-1226	REP-P	95-04-106
50-60-050	AMD	95-13-091	51-20-009	REP-P	95-04-106	51-20-1226	REP	95-11-107
50-60-060	AMD-P	95-05-084	51-20-009	REP	95-11-107	51-20-1227	REP-P	95-04-106
50-60-060	AMD	95-13-091	51-20-0100	REP-P	95-04-106	51-20-1227	REP	95-11-107
50-60-070	AMD-P	95-05-084	51-20-0100	REP	95-11-107	51-20-1228	REP-P	95-04-106
50-60-070	AMD	95-13-091	51-20-0104	REP-P	95-04-106	51-20-1228	REP	95-11-107
50-60-080	AMD-P	95-05-084	51-20-0104	REP	95-11-107	51-20-1229	REP-P	95-04-106
50-60-080	AMD	95-13-091	51-20-0104	REP	95-11-107	51-20-1229	REP	95-11-107
50-60-08001	NEW-P	95-05-084	51-20-0300	REP-P	95-04-106	51-20-1230	REP-P	95-04-106
50-60-08002	NEW-P	95-05-084	51-20-0300	REP	95-11-107	51-20-1230	REP	95-11-107
50-60-08003	NEW-P	95-05-084	51-20-0307	REP-P	95-04-106	51-20-1231	REP-P	95-04-106
50-60-08004	NEW-P	95-05-084	51-20-0307	REP	95-11-107	51-20-1231	REP	95-11-107
50-60-08005	NEW-P	95-05-084	51-20-0400	REP-P	95-04-106	51-20-1232	REP-P	95-04-106
50-60-08005	NEW	95-13-091	51-20-0400	REP	95-11-107	51-20-1232	REP	95-11-107
50-60-08006	NEW-P	95-05-084	51-20-0404	REP-P	95-04-106	51-20-1233	REP-P	95-04-106
50-60-08007	NEW-P	95-05-084	51-20-0404	REP	95-11-107	51-20-1233	REP	95-11-107
50-60-08008	NEW-P	95-05-084	51-20-0407	REP-P	95-04-106	51-20-1234	REP-P	95-04-106
50-60-08010	NEW	95-13-091	51-20-0407	REP	95-11-107	51-20-1234	REP	95-11-107
50-60-08015	NEW	95-13-091	51-20-0409	REP-P	95-04-106	51-20-1800	REP-P	95-04-106
50-60-08020	NEW	95-13-091	51-20-0409	REP	95-11-107	51-20-1800	REP	95-11-107
50-60-08025	NEW	95-13-091	51-20-0414	REP	95-11-107	51-20-1807	REP-P	95-04-106
50-60-08030	NEW	95-13-091	51-20-0417	REP-P	95-04-106	51-20-1807	REP	95-11-107
50-60-08035	NEW	95-13-091	51-20-0417	REP	95-11-107	51-20-2300	REP-P	95-04-106

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
51-20-2300	REP	95-11-107	51-20-3903	REP-P	95-04-106	51-22-1000	REP	95-11-107
51-20-2312	REP-P	95-04-106	51-20-3903	REP	95-11-107	51-22-1002	REP-P	95-04-106
51-20-2312	REP	95-11-107	51-20-5100	REP-P	95-04-106	51-22-1002	REP	95-11-107
51-20-2700	REP-P	95-04-106	51-20-5100	REP	95-11-107	51-22-1100	REP-P	95-04-106
51-20-2700	REP	95-11-107	51-20-5103	REP-P	95-04-106	51-22-1100	REP	95-11-107
51-20-2710	REP-P	95-04-106	51-20-5103	REP	95-11-107	51-22-1104	REP-P	95-04-106
51-20-2710	REP	95-11-107	51-20-5105	REP-P	95-04-106	51-22-1104	REP	95-11-107
51-20-3000	REP-P	95-04-106	51-20-5105	REP	95-11-107	51-22-1500	REP-P	95-04-106
51-20-3000	REP	95-11-107	51-20-5400	REP-P	95-04-106	51-22-1500	REP	95-11-107
51-20-3007	REP-P	95-04-106	51-20-5400	REP	95-11-107	51-22-1508	REP-P	95-04-106
51-20-3007	REP	95-11-107	51-20-5401	REP-P	95-04-106	51-22-1508	REP	95-11-107
51-20-3100	REP-P	95-04-106	51-20-5401	REP	95-11-107	51-22-1900	REP-P	95-04-106
51-20-3100	REP	95-11-107	51-20-93100	REP-P	95-04-106	51-22-1900	REP	95-11-107
51-20-3101	REP-P	95-04-106	51-20-93100	REP	95-11-107	51-22-1903	REP-P	95-04-106
51-20-3101	REP	95-11-107	51-20-93115	REP-P	95-04-106	51-22-1903	REP	95-11-107
51-20-3102	REP-P	95-04-106	51-20-93115	REP	95-11-107	51-24	PREP	95-03-086
51-20-3102	REP	95-11-107	51-20-93116	REP-P	95-04-106	51-24-001	REP-P	95-04-106
51-20-3103	REP-P	95-04-106	51-20-93116	REP	95-11-107	51-24-001	REP	95-11-107
51-20-3103	REP	95-11-107	51-20-93117	REP-P	95-04-106	51-24-002	REP-P	95-04-106
51-20-3104	REP-P	95-04-106	51-20-93117	REP	95-11-107	51-24-002	REP	95-11-107
51-20-3104	REP	95-11-107	51-20-93118	REP-P	95-04-106	51-24-003	REP-P	95-04-106
51-20-3105	REP-P	95-04-106	51-20-93118	REP	95-11-107	51-24-003	REP	95-11-107
51-20-3105	REP	95-11-107	51-20-93119	REP-P	95-04-106	51-24-007	REP-P	95-04-106
51-20-3106	REP-P	95-04-106	51-20-93119	REP	95-11-107	51-24-007	REP	95-11-107
51-20-3106	REP	95-11-107	51-20-93120	REP-P	95-04-106	51-24-008	REP-P	95-04-106
51-20-3107	REP-P	95-04-106	51-20-93120	REP	95-11-107	51-24-008	REP	95-11-107
51-20-3107	REP	95-11-107	51-21	PREP	95-03-086	51-24-04000	REP-P	95-04-106
51-20-3108	REP-P	95-04-106	51-21-001	REP-P	95-04-106	51-24-04000	REP	95-11-107
51-20-3108	REP	95-11-107	51-21-001	REP	95-11-107	51-24-04123	REP-P	95-04-106
51-20-3109	REP-P	95-04-106	51-21-002	REP-P	95-04-106	51-24-04123	REP	95-11-107
51-20-3109	REP	95-11-107	51-21-002	REP	95-11-107	51-24-09000	REP-P	95-04-106
51-20-3110	REP-P	95-04-106	51-21-003	REP-P	95-04-106	51-24-09000	REP	95-11-107
51-20-3110	REP	95-11-107	51-21-003	REP	95-11-107	51-24-09105	REP-P	95-04-106
51-20-3111	REP-P	95-04-106	51-21-003	REP	95-11-107	51-24-09105	REP	95-11-107
51-20-3111	REP	95-11-107	51-21-007	REP-P	95-04-106	51-24-09107	REP-P	95-04-106
51-20-3112	REP-P	95-04-106	51-21-007	REP	95-11-107	51-24-09107	REP	95-11-107
51-20-3112	REP	95-11-107	51-21-008	REP-P	95-04-106	51-24-09110	REP-P	95-04-106
51-20-3113	REP-P	95-04-106	51-21-008	REP	95-11-107	51-24-09110	REP	95-11-107
51-20-3113	REP	95-11-107	51-21-31010	REP-P	95-04-106	51-24-09117	REP-P	95-04-106
51-20-3114	REP-P	95-04-106	51-21-31010	REP	95-11-107	51-24-09117	REP	95-11-107
51-20-3114	REP	95-11-107	51-21-38030	REP-P	95-04-106	51-24-10000	REP-P	95-04-106
51-20-3151	REP-P	95-04-106	51-21-38030	REP	95-11-107	51-24-10000	REP	95-11-107
51-20-3151	REP	95-11-107	51-21-38038	REP-P	95-04-106	51-24-10201	REP-P	95-04-106
51-20-3152	REP-P	95-04-106	51-21-38038	REP	95-11-107	51-24-10201	REP	95-11-107
51-20-3152	REP	95-11-107	51-21-38039	REP-P	95-04-106	51-24-10507	REP-P	95-04-106
51-20-3153	REP-P	95-04-106	51-21-38039	REP	95-11-107	51-24-10507	REP	95-11-107
51-20-3153	REP	95-11-107	51-22	PREP	95-03-086	51-24-10507	REP	95-11-107
51-20-3154	REP-P	95-04-106	51-22-001	REP-P	95-04-106	51-24-25000	REP-P	95-04-106
51-20-3154	REP	95-11-107	51-22-001	REP	95-11-107	51-24-25000	REP	95-11-107
51-20-3155	REP-P	95-04-106	51-22-002	REP-P	95-04-106	51-24-25107	REP-P	95-04-106
51-20-3155	REP	95-11-107	51-22-002	REP	95-11-107	51-24-25107	REP	95-11-107
51-20-3156	REP-P	95-04-106	51-22-003	REP-P	95-04-106	51-24-45000	REP-P	95-04-106
51-20-3156	REP	95-11-107	51-22-003	REP	95-11-107	51-24-45000	REP	95-11-107
51-20-3300	REP-P	95-04-106	51-22-004	REP-P	95-04-106	51-24-45211	REP-P	95-04-106
51-20-3300	REP	95-11-107	51-22-004	REP	95-11-107	51-24-45211	REP	95-11-107
51-20-3304	REP-P	95-04-106	51-22-005	REP-P	95-04-106	51-24-78000	REP-P	95-04-106
51-20-3304	REP	95-11-107	51-22-005	REP	95-11-107	51-24-78000	REP	95-11-107
51-20-3306	REP-P	95-04-106	51-22-007	REP-P	95-04-106	51-24-78201	REP-P	95-04-106
51-20-3306	REP	95-11-107	51-22-007	REP	95-11-107	51-24-78201	REP	95-11-107
51-20-3306	REP-P	95-04-106	51-22-008	REP-P	95-04-106	51-24-79000	REP-P	95-04-106
51-20-3315	REP-P	95-04-106	51-22-008	REP	95-11-107	51-24-79000	REP	95-11-107
51-20-3315	REP	95-11-107	51-22-008	REP	95-11-107	51-24-79601	REP-P	95-04-106
51-20-3350	REP-P	95-04-106	51-22-0400	REP-P	95-04-106	51-24-79601	REP	95-11-107
51-20-3350	REP	95-11-107	51-22-0400	REP	95-11-107	51-24-79603	REP-P	95-04-106
51-20-3800	REP-P	95-04-106	51-22-0423	REP-P	95-04-106	51-24-79603	REP	95-11-107
51-20-3800	REP	95-11-107	51-22-0423	REP	95-11-107	51-24-79809	REP-P	95-04-106
51-20-3800	REP-P	95-04-106	51-22-0500	REP-P	95-04-106	51-24-79809	REP	95-11-107
51-20-3801	REP-P	95-04-106	51-22-0500	REP	95-11-107	51-24-79901	REP-P	95-04-106
51-20-3801	REP	95-11-107	51-22-0504	REP-P	95-04-106	51-24-79901	REP	95-11-107
51-20-3802	REP-P	95-04-106	51-22-0504	REP	95-11-107	51-24-80000	REP-P	95-04-106
51-20-3802	REP	95-11-107	51-22-0800	REP-P	95-04-106	51-24-80000	REP	95-11-107
51-20-3900	REP-P	95-04-106	51-22-0800	REP	95-11-107	51-24-80101	REP-P	95-04-106
51-20-3900	REP	95-11-107	51-22-0807	REP-P	95-04-106	51-24-80101	REP	95-11-107
51-20-3901	REP-P	95-04-106	51-22-0807	REP	95-11-107	51-24-80101	REP	95-11-107
51-20-3901	REP	95-11-107	51-22-1000	REP-P	95-04-106	51-24-80101	REP-P	95-04-106

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51-24-80108	REP-P	95-04-106	55-01	PREP	95-22-072	67-25-416	AMD	95-06-057
51-24-80108	REP	95-11-107	55-01-010	AMD-E	95-04-075	67-25-418	NEW	95-06-057
51-24-80109	REP-P	95-04-106	55-01-010	AMD-E	95-12-016	67-25-420	REP	95-06-057
51-24-80109	REP	95-11-107	55-01-010	AMD-E	95-20-012	67-25-428	REP	95-06-057
51-24-80110	REP-P	95-04-106	55-01-020	AMD-E	95-04-075	67-25-432	AMD	95-06-057
51-24-80110	REP	95-11-107	55-01-020	AMD-E	95-12-016	67-25-436	NEW	95-06-057
51-24-80111	REP-P	95-04-106	55-01-020	AMD-E	95-20-012	67-25-440	AMD	95-06-057
51-24-80111	REP	95-11-107	55-01-030	AMD-E	95-04-075	67-25-444	AMD	95-06-057
51-24-80113	REP-P	95-04-106	55-01-030	AMD-E	95-12-016	67-25-446	AMD	95-06-057
51-24-80113	REP	95-11-107	55-01-030	AMD-E	95-20-012	67-25-448	AMD	95-06-057
51-24-80114	REP-P	95-04-106	55-01-040	AMD-E	95-04-075	67-25-452	AMD	95-06-057
51-24-80114	REP	95-11-107	55-01-040	AMD-E	95-12-016	67-25-500	REP	95-06-057
51-24-80120	REP-P	95-04-106	55-01-040	AMD-E	95-20-012	67-25-505	REP	95-06-057
51-24-80120	REP	95-11-107	55-01-050	AMD-E	95-04-075	67-25-510	REP	95-06-057
51-24-80202	REP-P	95-04-106	55-01-050	AMD-E	95-12-016	67-25-525	REP	95-06-057
51-24-80202	REP	95-11-107	55-01-050	AMD-E	95-20-012	67-25-530	REP	95-06-057
51-24-80301	REP-P	95-04-106	55-01-060	AMD-E	95-04-075	67-25-540	AMD	95-06-057
51-24-80301	REP	95-11-107	55-01-060	AMD-E	95-12-016	67-25-545	AMD	95-06-057
51-24-80303	REP-P	95-04-106	55-01-060	AMD-E	95-20-012	67-25-550	AMD	95-06-057
51-24-80303	REP	95-11-107	55-01-070	AMD-E	95-04-075	67-25-560	AMD	95-06-057
51-24-80305	REP-P	95-04-106	55-01-070	AMD-E	95-12-016	67-25-570	AMD	95-06-057
51-24-80305	REP	95-11-107	55-01-070	AMD-E	95-20-012	67-25-590	AMD	95-06-057
51-24-80315	REP-P	95-04-106	60-12-010	PREP	95-04-090	67-35-030	PREP	95-04-012
51-24-80315	REP	95-11-107	60-12-010	AMD-P	95-06-085	67-35-030	AMD-P	95-05-040
51-24-80401	REP-P	95-04-106	60-12-010	AMD	95-10-097	67-35-030	AMD	95-12-007
51-24-80401	REP	95-11-107	67-25-005	AMD	95-06-057	67-35-210	PREP	95-04-012
51-24-80402	REP-P	95-04-106	67-25-010	AMD	95-06-057	67-35-210	AMD-P	95-05-040
51-24-80402	REP	95-11-107	67-25-015	AMD	95-06-057	67-35-210	AMD	95-12-007
51-24-80402	REP-P	95-04-106	67-25-020	AMD	95-06-057	67-35-215	PREP	95-04-012
51-24-80402	REP	95-11-107	67-25-025	AMD	95-06-057	67-35-215	NEW-P	95-05-040
51-24-80402	REP-P	95-04-106	67-25-030	AMD	95-06-057	67-35-215	NEW	95-12-007
51-24-80402	REP	95-11-107	67-25-050	AMD	95-06-057	67-35-220	PREP	95-04-012
51-24-80402	REP-P	95-04-106	67-25-055	AMD	95-06-057	67-35-220	AMD-P	95-05-040
51-24-80402	REP	95-11-107	67-25-056	NEW	95-06-057	67-35-220	AMD	95-12-007
51-24-80402	REP-P	95-04-106	67-25-070	AMD	95-06-057	67-35-230	PREP	95-04-012
51-24-80402	REP	95-11-107	67-25-075	AMD	95-06-057	67-35-230	AMD-P	95-05-040
51-24-80402	REP-P	95-04-106	67-25-077	AMD	95-06-057	67-35-230	AMD	95-12-007
51-24-80402	REP	95-11-107	67-25-080	AMD	95-06-057	67-35-350	PREP	95-04-012
51-24-80402	REP-P	95-04-106	67-25-085	AMD	95-06-057	67-35-350	REP-P	95-05-040
51-24-80402	REP	95-11-107	67-25-090	AMD	95-06-057	67-35-350	REP	95-12-007
51-24-80402	REP-P	95-04-106	67-25-095	AMD	95-06-057	67-35-360	PREP	95-04-012
51-24-80402	REP	95-11-107	67-25-100	AMD	95-06-057	67-35-360	AMD-P	95-05-040
51-24-80402	REP-P	95-04-106	67-25-105	REP	95-06-057	67-35-360	AMD	95-12-007
51-24-80402	REP	95-11-107	67-25-110	AMD	95-06-057	67-35-430	PREP	95-04-012
51-24-80402	REP-P	95-04-106	67-25-120	REP	95-06-057	67-35-430	AMD-P	95-05-040
51-24-80402	REP	95-11-107	67-25-255	AMD	95-06-057	67-35-430	AMD	95-12-007
51-24-80402	REP-P	95-04-106	67-25-257	AMD	95-06-057	82-50-021	AMD-P	95-11-116
51-24-80402	REP	95-11-107	67-25-260	AMD	95-06-057	82-50-021	AMD	95-15-031
51-24-80402	REP-P	95-04-106	67-25-270	AMD	95-06-057	106-72-005	PREP	95-18-087
51-24-80402	REP	95-11-107	67-25-275	AMD	95-06-057	106-72-005	AMD-E	95-20-061
51-24-80402	REP-P	95-04-106	67-25-280	AMD	95-06-057	106-72-005	AMD-P	95-22-045
51-24-80402	REP	95-11-107	67-25-281	REP	95-06-057	106-72-025	PREP	95-18-087
51-24-80402	REP-P	95-04-106	67-25-284	NEW	95-06-057	106-72-025	AMD-E	95-20-061
51-24-80402	REP	95-11-107	67-25-288	NEW	95-06-057	106-72-025	AMD-P	95-22-045
51-24-80402	REP-P	95-04-106	67-25-300	AMD	95-06-057	106-140-036	AMD-P	95-19-019
51-24-80402	REP	95-11-107	67-25-325	AMD	95-06-057	106-140-036	AMD	95-22-058
51-24-80402	REP-P	95-04-106	67-25-326	AMD	95-06-057	130-10	PREP	95-06-051A
51-24-80402	REP	95-11-107	67-25-350	AMD	95-06-057	131-12-010	AMD-E	95-10-012
51-24-80402	REP-P	95-04-106	67-25-360	AMD	95-06-057	131-12-010	PREP	95-10-017
51-24-80402	REP	95-11-107	67-25-380	AMD	95-06-057	131-12-010	AMD-P	95-10-018
51-24-80402	REP-P	95-04-106	67-25-384	AMD	95-06-057	131-12-010	AMD-C	95-13-005
51-24-80402	REP	95-11-107	67-25-385	REP	95-06-057	131-12-010	AMD	95-13-068
51-24-80402	REP-P	95-04-106	67-25-388	AMD	95-06-057	131-16-005	PREP	95-05-026
51-24-80402	REP	95-11-107	67-25-390	AMD	95-06-057	131-16-005	REP-P	95-06-064
51-24-80402	REP-P	95-04-106	67-25-392	REP	95-06-057	131-16-005	REP	95-10-014
51-24-80402	REP	95-11-107	67-25-394	AMD	95-06-057	131-16-056	PREP	95-10-087
51-24-80402	REP-P	95-04-106	67-25-396	AMD	95-06-057	131-16-056	NEW-P	95-10-089
51-24-80402	REP	95-11-107	67-25-398	NEW	95-06-057	131-16-056	NEW-C	95-13-006
51-24-80402	REP-P	95-04-106	67-25-399	NEW	95-06-057	131-16-056	NEW	95-13-069
51-24-80402	REP	95-11-107	67-25-400	AMD	95-06-057	131-28	AMD-C	95-13-007
51-24-80402	REP-P	95-04-106	67-25-404	AMD	95-06-057	131-28-010	AMD-E	95-07-004
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131-28-015	AMD-E	95-07-004	132G-126-070	REP-P	95-04-008	132K-120-005	REP-P	95-12-103
131-28-015	PREP	95-10-088	132G-126-070	REP	95-07-103	132K-120-005	REP	95-17-073
131-28-015	AMD-P	95-10-090	132G-126-080	REP-P	95-04-008	132K-120-010	REP-P	95-12-103
131-28-015	AMD	95-13-070	132G-126-080	REP	95-07-103	132K-120-010	REP	95-17-073
131-28-021	AMD-E	95-07-004	132G-126-200	REP-P	95-04-008	132K-120-015	REP-P	95-12-103
131-28-021	PREP	95-10-088	132G-126-200	REP	95-07-103	132K-120-015	REP	95-17-073
131-28-021	AMD-P	95-10-090	132G-126-210	REP-P	95-04-008	132K-120-020	REP-P	95-12-103
131-28-021	AMD	95-13-070	132G-126-210	REP	95-07-103	132K-120-020	REP	95-17-073
131-28-025	AMD-E	95-07-004	132G-126-220	REP-P	95-04-008	132K-120-025	REP-P	95-12-103
131-28-025	PREP	95-10-088	132G-126-220	REP	95-07-103	132K-120-025	REP	95-17-073
131-28-025	AMD-P	95-10-090	132G-126-230	REP-P	95-04-008	132K-120-030	REP-P	95-12-103
131-28-025	AMD	95-13-070	132G-126-230	REP	95-07-103	132K-120-030	REP	95-17-073
131-28-02501	NEW-E	95-07-004	132G-126-240	REP-P	95-04-008	132K-120-035	REP-P	95-12-103
131-28-02501	PREP	95-10-088	132G-126-240	REP	95-07-103	132K-120-035	REP	95-17-073
131-28-02501	NEW-P	95-10-090	132G-126-250	REP-P	95-04-008	132K-120-040	REP-P	95-12-103
131-28-02501	NEW	95-13-070	132G-126-250	REP	95-07-103	132K-120-040	REP	95-17-073
131-28-026	AMD-E	95-07-004	132G-126-260	REP-P	95-04-008	132K-120-045	REP-P	95-12-103
131-28-026	PREP	95-10-088	132G-126-260	REP	95-07-103	132K-120-045	REP	95-17-073
131-28-026	AMD-P	95-10-090	132G-126-270	REP-P	95-04-008	132K-120-050	REP-P	95-12-103
131-28-026	AMD	95-13-070	132G-126-270	REP	95-07-103	132K-120-050	REP	95-17-073
131-28-026	AMD-E	95-19-063	132G-126-280	REP-P	95-04-008	132K-120-055	REP-P	95-12-103
131-28-026	AMD-P	95-22-073	132G-126-280	REP	95-07-103	132K-120-055	REP	95-17-073
131-28-028	REP-E	95-07-004	132G-126-290	REP-P	95-04-008	132K-120-060	REP-P	95-12-103
131-28-028	PREP	95-10-088	132G-126-290	REP	95-07-103	132K-120-060	REP	95-17-073
131-28-028	REP-P	95-10-090	132G-126-300	REP-P	95-04-008	132K-120-065	REP-P	95-12-103
131-28-028	REP	95-13-070	132G-126-300	REP	95-07-103	132K-120-065	REP	95-17-073
131-28-030	AMD-E	95-07-004	132G-126-310	REP-P	95-04-008	132K-120-070	REP-P	95-12-103
131-28-030	PREP	95-10-088	132G-126-310	REP	95-07-103	132K-120-070	REP	95-17-073
131-28-030	AMD-P	95-10-090	132G-126-320	REP-P	95-04-008	132K-120-075	REP-P	95-12-103
131-28-030	AMD	95-13-070	132G-126-320	REP	95-07-103	132K-120-075	REP	95-17-073
131-28-040	AMD-E	95-07-004	132G-126-330	REP-P	95-04-008	132K-120-080	REP-P	95-12-103
131-28-040	PREP	95-10-088	132G-126-330	REP	95-07-103	132K-120-080	REP	95-17-073
131-28-040	AMD-P	95-10-090	132G-126-340	REP-P	95-04-008	132K-120-085	REP-P	95-12-103
131-28-040	AMD	95-13-070	132G-126-340	REP	95-07-103	132K-120-085	REP	95-17-073
131-28-045	AMD-E	95-07-004	132G-126-350	REP-P	95-04-008	132K-130-010	PREP	95-11-137
131-28-045	PREP	95-10-088	132G-126-350	REP	95-07-103	132K-130-010	NEW-P	95-12-102
131-28-045	AMD-P	95-10-090	132G-126-360	REP-P	95-04-008	132K-130-010	NEW	95-17-072
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131-28-080	AMD-E	95-07-004	132G-126-370	REP-P	95-04-008	132M-108-020	AMD	95-16-069
131-28-080	PREP	95-10-088	132G-126-370	REP	95-07-103	132M-108-090	NEW-P	95-06-052
131-28-080	AMD-P	95-10-090	132G-126-380	REP-P	95-04-008	132M-108-090	NEW	95-11-014
131-28-080	AMD	95-13-070	132G-126-380	REP	95-07-103	132M-160-040	NEW-P	95-13-097
131-28-085	AMD-E	95-07-004	132G-126-390	REP-P	95-04-008	132M-160-040	NEW	95-16-069
131-28-085	PREP	95-10-088	132G-126-390	REP	95-07-103	132M-160-050	NEW-P	95-13-097
131-28-085	AMD-P	95-10-090	132G-126-400	REP-P	95-04-008	132M-160-050	NEW	95-16-069
131-28-085	AMD	95-13-070	132G-126-400	REP	95-07-103	132Q-04-076	NEW-P	95-11-019
131-28-090	AMD-E	95-07-004	132G-160-075	PREP	95-15-016	132Q-04-076	NEW	95-16-066
131-28-090	PREP	95-10-088	132G-160-075	NEW-P	95-19-081	132Q-04-077	NEW-P	95-11-020
131-28-090	AMD-P	95-10-090	132H-121-020	NEW-P	95-14-069	132Q-04-077	NEW	95-16-067
131-28-090	AMD	95-13-070	132H-121-020	NEW	95-19-050	132Q-04-078	NEW-P	95-11-021
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131-46-135	NEW	95-10-013	132H-152-110	REP-P	95-21-093	132Q-04-097	NEW	95-03-060
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132D-300-005	PREP	95-16-050	132H-152-130	REP-P	95-21-093	133-10-010	AMD-P	95-13-075
132D-300-010	REP-P	95-19-080	132H-152-135	NEW-P	95-21-093	133-10-020	PREP	95-12-079
132D-300-020	REP-P	95-19-080	132H-160-052	NEW-P	95-14-070	133-10-020	AMD-P	95-13-075
132D-300-030	REP-P	95-19-080	132H-160-052	NEW	95-19-049	133-10-030	AMD-P	95-13-075
132D-300-040	REP-P	95-19-080	132H-160-093	REP-P	95-14-070	133-20-010	PREP	95-12-080
132D-305-005	NEW-P	95-19-080	132H-160-093	REP	95-19-049	133-20-010	AMD-P	95-13-078
132D-310-005	NEW-P	95-19-080	132H-160-094	REP-P	95-14-070	133-20-020	PREP	95-12-080
132D-315-005	NEW-P	95-19-080	132H-160-094	REP	95-19-049	133-20-020	AMD-P	95-13-078
132G-126-010	REP-P	95-04-008	132H-160-095	REP-P	95-14-070	133-20-040	PREP	95-12-080
132G-126-010	REP	95-07-103	132H-160-095	REP	95-19-049	133-20-040	AMD-P	95-13-078
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132G-126-020	REP	95-07-103	132H-160-182	PREP	95-14-068	133-20-060	AMD-P	95-13-078
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133-40-010	PREP	95-12-082	137-95-020	REP	95-22-059	173-10-030	REP-P	95-20-071
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133-40-020	AMD-P	95-13-076	137-95-050	REP	95-22-059	173-10-060	REP-P	95-20-071
133-40-030	PREP	95-12-082	137-95-060	REP	95-22-059	173-10-070	REP-P	95-20-071
133-40-030	AMD-P	95-13-076	137-95-070	REP	95-22-059	173-10-080	REP-P	95-20-071
133-40-040	PREP	95-12-082	137-95-080	REP	95-22-059	173-10-090	REP-P	95-20-071
133-40-040	AMD-P	95-13-076	137-95-090	REP	95-22-059	173-10-100	REP-P	95-20-071
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137-28-020	REP	95-15-044	137-95-140	REP	95-22-059	173-12-020	REP-P	95-05-065
137-28-025	REP	95-15-044	137-95-150	REP	95-22-059	173-12-020	REP	95-09-036
137-28-030	REP	95-15-044	137-95-160	REP	95-22-059	173-12-030	REP-P	95-05-065
137-28-031	REP	95-15-044	137-95-170	REP	95-22-059	173-12-030	REP	95-09-036
137-28-032	REP	95-15-044	137-95-180	REP	95-22-059	173-12-040	REP-P	95-05-065
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137-28-045	REP	95-15-044	137-95-210	REP	95-22-059	173-12-050	REP	95-09-036
137-28-050	REP	95-15-044	137-95-220	REP	95-22-059	173-12-060	REP-P	95-05-065
137-28-055	REP	95-15-044	137-95-230	REP	95-22-059	173-12-060	REP	95-09-036
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137-28-072	REP	95-15-044	137-95-250	REP	95-22-059	173-16	PREP	95-22-068
137-28-075	REP	95-15-044	137-95-260	REP	95-22-059	173-17	PREP	95-22-068
137-28-080	REP	95-15-044	137-95-270	REP	95-22-059	173-18	PREP	95-22-068
137-28-085	REP	95-15-044	137-95-280	REP	95-22-059	173-19	PREP	95-22-068
137-28-090	REP	95-15-044	137-95-290	REP	95-22-059	173-19-1202	PREP	95-11-087
137-28-093	REP	95-15-044	137-96-010	NEW	95-22-059	173-19-1301	AMD	95-12-057
137-28-094	REP	95-15-044	137-96-020	NEW	95-22-059	173-19-250	PREP	95-04-101
137-28-095	REP	95-15-044	173-96-030	NEW	95-22-059	173-19-250	AMD-P	95-07-144
137-28-097	REP	95-15-044	137-96-040	NEW	95-22-059	173-19-250	AMD	95-20-046
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137-28-107	REP	95-15-044	137-96-120	NEW	95-22-059	173-19-2519	PREP	95-07-022
137-28-110	REP	95-15-044	137-96-130	NEW	95-22-059	173-19-2519	AMD-P	95-12-092
137-28-115	REP	95-15-044	137-96-140	NEW	95-22-059	173-19-2519	AMD	95-17-039
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137-28-130	REP	95-15-044	137-96-160	NEW	95-22-059	173-19-2521	AMD-P	95-11-088
137-28-140	NEW	95-15-044	139-10-210	AMD-P	95-04-068	173-19-2521	AMD	95-16-024
137-28-150	NEW	95-15-044	139-10-210	AMD	95-08-036	173-19-260	PREP	95-04-076
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137-28-190	NEW	95-15-044	162-30	PREP	95-18-047	173-19-3101	AMD	95-10-051
137-28-200	NEW	95-15-044	173-06-010	REP-P	95-03-081	173-19-3507	AMD-S	95-03-082
137-28-210	NEW	95-15-044	173-06-010	REP	95-07-058	173-19-3507	AMD	95-08-042
137-28-220	NEW	95-15-044	173-06-020	REP-P	95-03-081	173-19-3514	AMD-P	95-03-078
137-28-230	NEW	95-15-044	173-06-020	REP	95-07-058	173-19-3514	AMD	95-11-008
137-28-240	NEW	95-15-044	173-06-030	REP-P	95-03-081	173-19-360	PREP	95-07-019
137-28-250	NEW	95-15-044	173-06-030	REP	95-07-058	173-19-360	AMD	95-07-125
137-28-260	NEW	95-15-044	173-06-040	REP-P	95-03-081	173-19-360	AMD-P	95-09-052
137-28-270	NEW	95-15-044	173-06-040	REP	95-07-058	173-19-360	AMD	95-18-102
137-28-280	NEW	95-15-044	173-06-100	NEW-P	95-03-081	173-19-370	AMD	95-12-026
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137-28-300	NEW	95-15-044	173-06-110	NEW-P	95-03-081	173-19-420	AMD-P	95-11-089
137-28-310	NEW	95-15-044	173-06-110	NEW	95-07-058	173-19-420	AMD	95-16-048
137-28-320	NEW	95-15-044	173-06-120	NEW-P	95-03-081	173-19-4205	AMD-P	95-11-089
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137-28-340	NEW	95-15-044	173-06-130	NEW-P	95-03-081	173-20	PREP	95-22-068
137-28-350	NEW	95-15-044	173-06-130	NEW	95-07-058	173-22	PREP	95-22-068
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137-28-380	NEW	95-15-044	173-08-030	REP-P	95-20-071	173-175-020	AMD-P	95-18-104
137-28-390	NEW	95-15-044	173-08-040	REP-P	95-20-071	173-175-020	AMD	95-22-030
137-28-400	NEW	95-15-044	173-08-050	REP-P	95-20-071	173-175-030	AMD-P	95-18-104
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173-175-700	REP	95-22-030	173-303-073	NEW	95-22-008	173-303-335	NEW-P	95-11-113
173-175-710	REP-P	95-18-104	173-303-075	AMD-P	95-11-113	173-303-335	NEW	95-22-008
173-175-710	REP	95-22-030	173-303-075	AMD	95-22-008	173-303-340	AMD-P	95-11-113
173-175-720	REP-P	95-18-104	173-303-081	AMD-P	95-11-113	173-303-340	AMD	95-22-008
173-175-720	REP	95-22-030	173-303-081	AMD	95-22-008	173-303-350	AMD-P	95-11-113
173-175-730	REP-P	95-18-104	173-303-082	AMD-P	95-11-113	173-303-350	AMD	95-22-008
173-175-730	REP	95-22-030	173-303-082	AMD	95-22-008	173-303-355	AMD-P	95-11-113
173-175-740	REP-P	95-18-104	173-303-083	AMD-P	95-11-113	173-303-355	AMD	95-22-008
173-175-740	REP	95-22-030	173-303-083	AMD	95-22-008	173-303-360	AMD-P	95-11-113
173-175-750	REP-P	95-18-104	173-303-090	AMD-P	95-11-113	173-303-360	AMD	95-22-008
173-175-750	REP	95-22-030	173-303-090	AMD	95-22-008	173-303-370	AMD-P	95-11-113
173-175-760	REP-P	95-18-104	173-303-100	AMD-P	95-11-113	173-303-370	AMD	95-22-008
173-175-760	REP	95-22-030	173-303-100	AMD	95-22-008	173-303-380	AMD-P	95-11-113
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173-175-770	REP	95-22-030	173-303-104	AMD	95-22-008	173-303-390	AMD-P	95-11-113
173-175-780	REP-P	95-18-104	173-303-110	AMD-P	95-11-113	173-303-390	AMD	95-22-008
173-175-780	REP	95-22-030	173-303-110	AMD	95-22-008	173-303-395	AMD-P	95-11-113
173-175-790	REP-P	95-18-104	173-303-120	AMD-P	95-11-113	173-303-395	AMD	95-22-008
173-175-790	REP	95-22-030	173-303-120	AMD	95-22-008	173-303-400	AMD-P	95-11-113
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173-204-200	AMD-P	95-16-023	173-303-160	AMD-P	95-11-113	173-303-510	AMD	95-22-008
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173-204-520	AMD-P	95-16-023	173-303-190	AMD	95-22-008	173-303-610	AMD	95-22-008
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173-224-090	AMD-P	95-15-045	173-303-250	AMD	95-22-008	173-303-655	AMD	95-22-008
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173-303-030	AMD	95-22-008	173-303-282	AMD-P	95-11-113	173-303-680	AMD-P	95-11-113
173-303-040	AMD-P	95-11-113	173-303-282	AMD	95-22-008	173-303-680	AMD	95-22-008
173-303-040	AMD	95-22-008	173-303-283	AMD-P	95-11-113	173-303-690	NEW-P	95-11-113
173-303-045	AMD-P	95-11-113	173-303-283	AMD	95-22-008	173-303-690	NEW	95-22-008
173-303-045	AMD	95-22-008	173-303-290	AMD-P	95-11-113	173-303-691	NEW-P	95-11-113
173-303-060	AMD-P	95-11-113	173-303-290	AMD	95-22-008	173-303-691	NEW	95-22-008
173-303-060	AMD	95-22-008	173-303-300	AMD-P	95-11-113	173-303-695	NEW-P	95-11-113
173-303-070	AMD-P	95-11-113	173-303-300	AMD	95-22-008	173-303-695	NEW	95-22-008
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173-303-810	AMD-P	95-11-113	173-354-990	NEW-P	95-15-104	173-422-160	AMD	95-06-068
173-303-810	AMD	95-22-008	173-360-100	AMD	95-04-102	173-422-170	AMD	95-06-068
173-303-830	AMD-P	95-11-113	173-360-110	AMD	95-04-102	173-422-190	AMD	95-06-068
173-303-830	AMD	95-22-008	173-360-120	AMD	95-04-102	173-422-195	AMD	95-06-068
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173-303-840	AMD	95-22-008	173-360-190	AMD	95-04-102	173-430-020	AMD	95-03-083
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173-303-902	AMD	95-22-008	173-360-210	AMD	95-04-102	173-430-040	AMD	95-03-083
173-303-905	AMD-P	95-11-113	173-360-305	AMD	95-04-102	173-430-050	AMD	95-03-083
173-303-905	AMD	95-22-008	173-360-310	AMD	95-04-102	173-430-060	AMD	95-03-083
173-303-910	AMD-P	95-11-113	173-360-320	AMD	95-04-102	173-430-070	AMD	95-03-083
173-303-910	AMD	95-22-008	173-360-325	AMD	95-04-102	173-430-080	AMD	95-03-083
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173-303-9903	AMD	95-22-008	173-360-335	AMD	95-04-102	173-430-100	NEW	95-03-083
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173-303-9904	AMD	95-22-008	173-360-345	AMD	95-04-102	173-548	PREP	95-12-059
173-303-9905	AMD-P	95-11-113	173-360-350	AMD	95-04-102	173-548-010	AMD-E	95-07-009
173-303-9905	AMD	95-22-008	173-360-370	AMD	95-04-102	173-548-010	AMD-W	95-12-065
173-303-9906	AMD-P	95-11-113	173-360-380	AMD	95-04-102	173-548-015	NEW-E	95-07-009
173-303-9906	AMD	95-22-008	173-360-385	AMD	95-04-102	173-548-015	NEW-W	95-12-065
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173-330-030	REP-P	95-15-104	173-360-620	NEW	95-04-102	173-563-015	AMD	95-02-066
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173-330-060	REP-P	95-15-104	173-360-650	REP	95-04-102	174-116-011	PREP	95-05-010
173-330-070	REP-P	95-15-104	173-360-655	REP	95-04-102	174-116-020	PREP	95-05-010
173-330-900	REP-P	95-15-104	173-360-660	REP	95-04-102	174-116-020	AMD-P	95-07-132
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173-351	PREP	95-13-088	173-400-102	NEW	95-07-126	174-116-041	AMD-P	95-07-132
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173-354-008	NEW-P	95-15-104	173-400-171	AMD	95-07-126	174-116-042	AMD-P	95-07-132
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173-354-090	NEW-P	95-15-104	173-420-040	AMD-P	95-10-052	174-116-044	PREP	95-05-010
173-354-100	NEW-P	95-15-104	173-420-040	AMD	95-18-022	174-116-044	AMD-P	95-07-132
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173-354-340	NEW-P	95-15-104	173-420-060	AMD	95-18-022	174-116-050	AMD-P	95-07-132
173-354-360	NEW-P	95-15-104	173-420-065	NEW-P	95-10-052	174-116-050	AMD	95-16-093
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174-116-072	AMD	95-16-093	180-24-405	NEW	95-20-055	180-77-030	REP	95-12-056
174-116-080	PREP	95-05-010	180-24-410	NEW-P	95-16-064	180-77-031	NEW-P	95-08-058
174-116-080	AMD-P	95-07-132	180-24-410	NEW	95-20-055	180-77-031	NEW	95-12-056
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174-116-091	PREP	95-05-010	180-24-415	NEW	95-20-055	180-77-035	REP	95-12-056
174-116-091	AMD-P	95-07-132	180-25-032	PREP	95-17-033	180-77-040	REP-P	95-08-058
174-116-091	AMD	95-16-093	180-25-032	REP-P	95-20-087	180-77-040	REP	95-12-056
174-116-092	PREP	95-05-010	180-27	PREP	95-05-038	180-77-041	NEW-P	95-08-058
174-116-092	AMD-P	95-07-132	180-27-019	AMD-P	95-05-083	180-77-041	NEW	95-12-056
174-116-092	AMD	95-16-093	180-27-019	AMD	95-08-032	180-77-045	REP-P	95-08-058
174-116-119	PREP	95-05-010	180-27-019	PREP	95-12-075	180-77-045	REP	95-12-056
174-116-119	AMD-P	95-07-132	180-27-019	AMD-P	95-16-077	180-77-050	REP-P	95-08-058
174-116-119	AMD	95-16-093	180-27-019	AMD	95-20-090	180-77-050	REP	95-12-056
174-116-121	PREP	95-05-010	180-27-040	PREP	95-12-073	180-77-055	REP-P	95-08-058
174-116-121	AMD-P	95-07-132	180-27-040	AMD-P	95-16-079	180-77-055	REP	95-12-056
174-116-121	AMD	95-16-093	180-27-040	AMD	95-20-089	180-77-060	REP-P	95-08-058
174-116-122	PREP	95-05-010	180-27-05605	AMD-E	95-11-092	180-77-060	REP	95-12-056
174-116-122	AMD-P	95-07-132	180-27-05605	PREP	95-12-043	180-77-065	REP-P	95-08-058
174-116-122	AMD	95-16-093	180-27-05605	AMD-P	95-12-074	180-77-065	REP	95-12-056
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174-116-123	AMD-P	95-07-132	180-27-600	PREP	95-14-042	180-77-068	NEW	95-12-056
174-116-123	AMD	95-16-093	180-27-600	NEW-P	95-16-078	180-77-070	AMD-P	95-08-058
174-116-124	PREP	95-05-010	180-27-600	NEW	95-20-088	180-77-070	AMD	95-12-056
174-116-124	AMD-P	95-07-132	180-27-605	PREP	95-14-042	180-77-075	AMD-P	95-08-058
174-116-124	AMD	95-16-093	180-27-605	NEW-P	95-16-078	180-77-075	AMD	95-12-056
174-116-125	PREP	95-05-010	180-27-605	NEW	95-20-088	180-77-080	AMD-P	95-08-058
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174-116-127	PREP	95-05-010	180-27-610	NEW-P	95-16-078	180-77-085	REP-P	95-08-058
174-116-127	AMD-P	95-07-132	180-27-610	NEW	95-20-088	180-77-085	REP	95-12-056
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182-13-010	NEW-P	95-03-063	192-12-141	PREP	95-04-104	197-11-220	NEW	95-07-023
182-13-010	NEW-W	95-03-074	192-12-141	PREP	95-07-075	197-11-225	NEW-E	95-03-059
182-13-010	NEW-P	95-03-075	192-12-141	AMD-P	95-15-094	197-11-228	NEW-E	95-03-059
182-13-010	NEW	95-07-011	192-12-141	AMD	95-18-107	197-11-228	NEW	95-07-023
182-13-020	NEW-P	95-03-063	192-12-141	PREP	95-21-095	197-11-230	NEW-E	95-03-059
182-13-020	NEW-W	95-03-074	192-12-184	AMD-P	95-06-081	197-11-230	NEW	95-07-023
182-13-020	NEW-P	95-03-075	192-12-184	AMD	95-09-085	197-11-232	NEW-E	95-03-059
182-13-020	NEW	95-07-011	192-12-190	AMD-P	95-06-081	197-11-232	NEW	95-07-023
182-13-030	NEW-P	95-03-063	192-12-190	AMD	95-09-085	197-11-235	NEW-E	95-03-059
182-13-030	NEW-W	95-03-074	192-12-320	AMD-P	95-06-081	197-11-235	NEW	95-07-023
182-13-030	NEW-P	95-03-075	192-12-320	AMD	95-09-085	197-11-250	NEW	95-08-041
182-13-030	NEW	95-07-011	192-12-340	AMD-P	95-06-081	197-11-253	NEW	95-08-041
182-13-040	NEW-P	95-03-063	192-12-340	AMD	95-09-085	197-11-256	NEW	95-08-041
182-13-040	NEW-W	95-03-074	192-16	PREP	95-11-128	197-11-259	NEW	95-08-041
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182-13-040	NEW	95-07-011	192-16-007	REP-P	95-06-081	197-11-265	NEW	95-08-041
182-14-010	NEW-E	95-08-001	192-16-007	REP	95-09-085	197-11-268	NEW	95-08-041
182-14-010	NEW-E	95-15-092	192-16-017	AMD-P	95-06-081	197-11-305	AMD	95-07-023
182-14-020	NEW-E	95-08-001	192-16-017	AMD	95-09-085	197-11-340	AMD	95-07-023
182-14-020	NEW-E	95-15-092	192-16-019	AMD-P	95-06-081	197-11-680	AMD	95-07-023
182-14-030	NEW-E	95-08-001	192-16-019	AMD	95-09-085	197-11-748	REP	95-07-023
182-14-030	NEW-E	95-15-092	192-16-022	PREP	95-21-095	197-11-890	AMD	95-07-023
182-14-040	NEW-E	95-08-001	192-16-021	AMD-P	95-06-081	197-11-904	AMD	95-07-023
182-14-040	NEW-E	95-15-092	192-16-021	AMD	95-09-085	197-11-908	AMD	95-07-023
182-14-050	NEW-E	95-08-001	192-16-024	NEW-E	95-14-091	197-11-938	AMD	95-07-023
182-14-050	NEW-E	95-15-092	192-16-025	AMD-P	95-06-081	204-24-050	AMD-S	95-03-089
182-14-060	NEW-E	95-08-001	192-16-025	AMD	95-09-085	204-24-050	AMD	95-07-137
182-14-060	NEW-E	95-15-092	192-16-050	AMD-P	95-06-081	204-41-030	AMD-E	95-04-060
182-14-070	NEW-E	95-08-001	192-16-050	AMD	95-09-085	204-41-030	PREP	95-05-001
182-14-070	NEW-E	95-15-092	192-16-051	PREP	95-11-128	204-41-030	AMD-P	95-06-065
182-14-080	NEW-E	95-08-001	192-16-051	AMD-E	95-14-091	204-41-030	AMD	95-09-091
182-14-080	NEW-E	95-15-092	192-16-052	NEW-E	95-14-091	208-620-010	NEW-P	95-22-107
182-14-090	NEW-E	95-08-001	192-16-065	REP-P	95-06-081	208-620-020	NEW-P	95-22-107
182-14-090	NEW-E	95-15-092	192-16-065	REP	95-09-085	208-620-030	NEW-P	95-22-107
182-14-100	NEW-E	95-08-001	192-18-012	PREP	95-21-095	208-620-040	NEW-P	95-22-107
182-14-100	NEW-E	95-15-092	192-23-018	PREP	95-07-075	208-620-050	NEW-P	95-22-107
182-16	PREP	95-04-057	192-23-019	NEW-P	95-08-077	208-620-060	NEW-P	95-22-107
182-18	PREP	95-04-057	192-23-019	NEW	95-12-014	208-620-070	NEW-P	95-22-107
182-20-001	NEW-P	95-08-060	192-23-800	PREP	95-21-095	208-620-080	NEW-P	95-22-107
182-20-001	NEW	95-12-010	192-23-810	PREP	95-21-095	208-620-090	NEW-P	95-22-107
182-20-010	NEW-P	95-08-060	192-23-900	PREP	95-21-095	208-620-150	NEW-P	95-22-107
182-20-010	NEW	95-12-010	192-28-100	REP-P	98-06-081	208-620-180	NEW-P	95-22-107
182-20-100	NEW-P	95-08-060	192-28-100	REP	95-09-085	208-620-200	NEW-P	95-22-107
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182-20-130	NEW-P	95-08-060	192-28-110	AMD	95-09-085	220-12-010	AMD-P	95-14-133
182-20-130	NEW	95-12-010	192-28-120	AMD-P	98-06-081	220-12-010	AMD	95-17-062
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182-20-300	NEW	95-12-010	192-32-010	AMD	95-09-085	220-22-030	AMD	95-13-056
182-20-320	NEW-P	95-08-060	192-32-015	AMD-P	95-06-081	220-24-02000W	NEW-E	95-16-002
182-20-320	NEW	95-12-010	192-32-015	AMD	95-09-085	220-24-02000W	REP-E	95-17-047
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220-32-05500N	REP-E	95-18-023	220-47-411	AMD	95-13-056	220-56-124	AMD-P	95-22-111
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230-25-070	AMD-P	95-07-111	232-16-380	AMD-P	95-14-107	232-28-252	NEW	95-11-033
230-25-070	AMD	95-12-051	232-16-380	AMD	95-18-066	232-28-253	NEW-P	95-06-101
230-25-220	PREP	95-20-068	232-24-120	REP-E	95-20-016	232-28-253	NEW	95-11-032
230-25-330	AMD-P	95-07-111	232-24-120	REP-P	95-22-112	232-28-254	NEW-P	95-06-103
230-25-330	AMD	95-12-051	232-28-02202	AMD	95-03-024	232-28-254	NEW	95-11-031
230-30-050	PREP	95-19-034	232-28-02202	AMD-P	95-14-101	232-28-255	NEW-P	95-06-105
230-30-050	AMD-P	95-20-070	232-28-02202	AMD	95-18-067	232-28-255	NEW	95-11-029
230-30-065	PREP	95-19-034	232-28-02203	AMD	95-03-025	232-28-256	NEW-P	95-06-104
230-30-065	AMD-P	95-20-070	232-28-02203	AMD-P	95-22-112	232-28-256	NEW	95-11-030
230-30-070	PREP	95-19-034	232-28-02204	AMD	95-03-026	232-28-257	NEW-P	95-06-096
230-30-070	AMD-P	95-20-070	232-28-02204	AMD-P	95-22-112	232-28-257	NEW	95-11-027
230-30-080	PREP	95-19-034	232-28-02205	AMD	95-03-027	232-28-257	AMD-P	95-22-112
230-30-080	AMD-P	95-20-070	232-28-02205	AMD-P	95-22-112	232-28-258	NEW-P	95-14-105
230-30-097	PREP	95-19-034	232-28-02206	AMD	95-03-028	232-28-258	NEW	95-18-070
230-30-097	AMD-P	95-20-070	232-28-02210	AMD	95-03-029	232-28-259	NEW-P	95-14-129
230-30-106	PREP	95-19-034	232-28-02210	AMD-P	95-22-112	232-28-259	NEW	95-18-071
230-30-106	AMD-P	95-20-070	232-28-02220	AMD	95-03-040	232-28-260	NEW-P	95-22-112
230-40-050	PREP	95-19-034	232-28-02220	AMD-P	95-06-100	232-28-404	REP-E	95-20-016
230-40-050	AMD-P	95-20-070	232-28-02220	AMD	95-11-035	232-28-404	REP-P	95-22-112
230-40-125	PREP	95-19-034	232-28-02220	AMD-P	95-22-112	232-28-407	REP-E	95-20-016
230-40-125	AMD-P	95-20-070	232-28-02240	AMD-P	95-22-112	232-28-407	REP-P	95-22-112
230-40-200	PREP	95-19-034	232-28-02250	AMD-P	95-22-112	232-28-418	REP-P	95-14-103
230-40-200	AMD-P	95-20-070	232-28-02270	AMD-P	95-22-112	232-28-418	REP	95-18-068
230-40-225	AMD-P	95-20-070	232-28-02280	AMD	95-03-030	232-28-419	NEW-P	95-14-103

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
232-28-419	NEW	95-18-068	232-28-61954	REP	95-17-064	245-01-120	DECOD	95-12-009
232-28-419	AMD-P	95-22-112	232-28-61957	REP-E	95-09-050	245-01-130	DECOD	95-12-009
232-28-514	AMD-P	95-14-102	232-28-61957	REP-P	95-14-134	245-01-140	DECOD	95-12-009
232-28-514	AMD	95-18-065	232-28-61957	REP	95-17-064	245-01-150	DECOD	95-12-009
232-28-60101	REP-E	95-20-016	232-28-812	REP-E	95-20-016	245-02-010	NEW	95-04-115
232-28-60101	REP-P	95-22-112	232-28-812	REP-P	95-22-112	245-02-020	NEW	95-04-115
232-28-60102	REP-E	95-20-016	232-28-827	REP-P	95-22-112	245-02-025	NEW	95-04-115
232-28-60102	REP-P	95-22-112	232-28-831	REP-P	95-22-112	245-02-030	NEW	95-04-115
232-28-604	REP-E	95-20-016	236-12	PREP	95-11-130	245-02-035	NEW	95-04-115
232-28-604	REP-P	95-22-112	236-12-015	AMD-P	95-13-107	245-02-040	NEW	95-04-115
232-28-60415	REP-E	95-20-016	236-12-015	AMD	95-16-107	245-02-045	NEW	95-04-115
232-28-60415	REP-P	95-22-112	236-12-360	AMD-P	95-13-107	245-02-050	NEW	95-04-115
232-28-605	REP-E	95-20-016	236-12-360	AMD	95-16-107	245-02-100	NEW	95-04-112
232-28-605	REP-P	95-22-112	236-12-361	AMD-P	95-13-107	245-02-110	NEW	95-04-112
232-28-60508	REP-E	95-20-016	236-12-361	AMD	95-16-107	245-02-115	NEW	95-04-112
232-28-60508	REP-P	95-22-112	236-12-362	AMD-P	95-13-107	245-02-120	NEW	95-04-112
232-28-61610	REP-E	95-20-016	236-12-362	AMD	95-16-107	245-02-125	NEW	95-04-112
232-28-61610	REP-P	95-22-112	236-15	PREP	95-11-131	245-02-130	NEW	95-04-112
232-28-619	AMD	95-05-008	236-15-010	NEW	95-05-044	245-02-131	NEW	95-04-112
232-28-619	AMD-P	95-06-093	236-15-010	REP-P	95-13-108	245-02-135	NEW	95-04-112
232-28-619	AMD	95-10-027	236-15-010	REP	95-16-106	245-02-140	NEW	95-04-112
232-28-619	AMD-P	95-14-134	236-15-015	NEW	95-05-044	245-02-145	NEW	95-04-112
232-28-619	AMD	95-19-011	236-15-015	REP-P	95-13-108	245-02-150	NEW	95-04-112
232-28-619	AMD-P	95-22-113	236-15-015	REP	95-16-106	245-02-155	NEW	95-04-112
232-28-61900A	NEW-E	95-04-065	236-15-050	NEW	95-05-044	245-02-160	NEW	95-04-112
232-28-61900B	NEW-E	95-07-018	236-15-050	REP-P	95-13-108	245-02-165	NEW	95-04-112
232-28-61900B	REP-E	95-12-030	236-15-050	REP	95-16-106	245-02-170	NEW	95-04-112
232-28-61900B	REP-E	95-12-040	236-15-100	NEW	95-05-044	245-02-175	NEW	95-04-112
232-28-61900C	NEW-E	95-09-050	236-15-100	REP-P	95-13-108	245-02-180	NEW	95-04-112
232-28-61900C	REP-E	95-16-094	236-15-100	REP	95-16-106	245-03-010	NEW-P	95-06-075
232-28-61900D	NEW-E	95-09-051	236-15-200	NEW	95-05-044	245-03-010	NEW-W	95-07-037
232-28-61900D	REP-E	95-16-094	236-15-200	REP-P	95-13-108	245-03-010	NEW-W	95-12-047
232-28-61900E	NEW-E	95-12-030	236-15-200	REP	95-16-106	245-03-020	NEW-P	95-06-075
232-28-61900E	REP-E	95-12-040	236-15-300	NEW	95-05-044	245-03-020	NEW-W	95-07-037
232-28-61900F	NEW-E	95-12-040	236-15-300	REP-P	95-13-108	245-03-020	NEW-W	95-12-047
232-28-61900F	REP-E	95-16-094	236-15-300	REP	95-16-106	245-03-040	NEW-P	95-06-075
232-28-61900G	NEW-E	95-14-063	236-15-700	NEW	95-05-044	245-03-040	NEW-W	95-07-037
232-28-61900H	NEW-E	95-16-094	236-15-700	REP-P	95-13-108	245-03-040	NEW-W	95-12-047
232-28-61900H	REP-E	95-16-094	236-15-700	REP	95-16-106	245-03-050	NEW-P	95-06-075
232-28-61900I	NEW-E	95-20-015	236-15-800	NEW	95-05-044	245-03-050	NEW-W	95-07-037
232-28-61900I	REP-E	95-20-015	236-15-800	REP-P	95-13-108	245-03-050	NEW-W	95-12-047
232-28-61900J	NEW-E	95-21-065	236-15-800	REP	95-16-106	245-03-080	NEW-P	95-06-075
232-28-61900J	REP-E	95-21-065	236-15-900	NEW	95-05-044	245-03-080	NEW-W	95-07-037
232-28-61940	REP-E	95-09-050	236-15-900	REP-P	95-13-108	245-03-080	NEW-W	95-12-047
232-28-61940	REP-P	95-14-134	236-15-900	REP	95-16-106	245-03-120	NEW-P	95-06-075
232-28-61940	REP	95-17-064	240-10-030	AMD	95-09-025	245-03-120	NEW-W	95-07-037
232-28-61941	REP-E	95-09-050	240-10-040	AMD	95-09-025	245-03-120	NEW-W	95-12-047
232-28-61941	REP-P	95-14-134	243-01-010	NEW-P	95-17-112	245-03-140	NEW-P	95-06-075
232-28-61941	REP	95-17-064	243-01-020	NEW-P	95-17-112	245-03-140	NEW-W	95-07-037
232-28-61942	REP-E	95-09-050	243-01-030	NEW-P	95-17-112	245-03-140	NEW-W	95-12-047
232-28-61942	REP-P	95-14-134	243-01-040	NEW-P	95-17-112	245-03-160	NEW-P	95-06-075
232-28-61942	REP	95-17-064	243-01-050	NEW-P	95-17-112	245-03-160	NEW-W	95-07-037
232-28-61945	REP-E	95-09-050	243-01-060	NEW-P	95-17-112	245-03-160	NEW-W	95-12-047
232-28-61945	REP-P	95-14-134	243-01-070	NEW-P	95-17-112	245-03-180	NEW-P	95-06-075
232-28-61945	REP	95-17-064	243-01-080	NEW-P	95-17-112	245-03-180	NEW-W	95-07-037
232-28-61946	REP-E	95-09-050	243-01-090	NEW-P	95-17-112	245-03-180	NEW-W	95-12-047
232-28-61946	REP-P	95-14-134	243-01-100	NEW-P	95-17-112	245-03-200	NEW-P	95-06-075
232-28-61946	REP	95-17-064	243-01-110	NEW-P	95-17-112	245-03-200	NEW-W	95-07-037
232-28-61947	REP-E	95-09-050	243-01-120	NEW-P	95-17-112	245-03-200	NEW-W	95-12-047
232-28-61947	REP-P	95-14-134	243-01-130	NEW-P	95-17-112	245-03-220	NEW-P	95-06-075
232-28-61947	REP	95-17-064	243-01-140	NEW-P	95-17-112	245-03-220	NEW-W	95-07-037
232-28-61950	REP-E	95-09-050	243-01-150	NEW-P	95-17-112	245-03-220	NEW-W	95-12-047
232-28-61950	REP-P	95-14-134	245-01-010	DECOD	95-12-009	245-03-240	NEW-P	95-06-075
232-28-61950	REP	95-17-064	245-01-020	DECOD	95-12-009	245-03-240	NEW-W	95-07-037
232-28-61951	REP-E	95-09-050	245-01-030	DECOD	95-12-009	245-03-240	NEW-W	95-12-047
232-28-61951	REP-P	95-14-134	245-01-040	DECOD	95-12-009	245-03-260	NEW-P	95-06-075
232-28-61951	REP	95-17-064	245-01-050	DECOD	95-12-009	245-03-260	NEW-W	95-07-037
232-28-61952	NEW-W	95-03-066	245-01-060	DECOD	95-12-009	245-03-260	NEW-W	95-12-047
232-28-61953	REP-E	95-09-050	245-01-070	DECOD	95-12-009	245-03-280	NEW-P	95-06-075
232-28-61953	REP-P	95-14-134	245-01-080	DECOD	95-12-009	245-03-280	NEW-W	95-07-037
232-28-61953	REP	95-17-064	245-01-090	DECOD	95-12-009	245-03-280	NEW-W	95-12-047
232-28-61954	REP-E	95-09-050	245-01-100	DECOD	95-12-009	245-03-300	NEW-P	95-06-075
232-28-61954	REP-P	95-14-134	245-01-110	DECOD	95-12-009	245-03-300	NEW-W	95-07-037

TABLE

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
245-03-300	NEW-W	95-12-047	245-04-060	NEW-W	95-07-033	245-04-320	NEW-W	95-12-047
245-03-320	NEW-P	95-06-075	245-04-060	NEW-W	95-12-047	245-04-330	NEW-P	95-06-078
245-03-320	NEW-W	95-07-037	245-04-070	NEW-P	95-06-077	245-04-330	NEW-W	95-07-031
245-03-320	NEW-W	95-12-047	245-04-070	NEW-W	95-07-033	245-04-330	NEW-W	95-12-047
245-03-390	NEW-P	95-06-075	245-04-070	NEW-W	95-12-047	245-04-340	NEW-P	95-06-078
245-03-390	NEW-W	95-07-037	245-04-080	NEW-P	95-06-077	245-04-340	NEW-W	95-07-031
245-03-390	NEW-W	95-12-047	245-04-080	NEW-W	95-07-033	245-04-340	NEW-W	95-12-047
245-03-520	NEW-W	95-07-035	245-04-080	NEW-W	95-12-047	245-04-350	NEW-P	95-06-078
245-03-520	NEW-W	95-12-047	245-04-090	AMD-P	95-03-101	245-04-350	NEW-W	95-07-031
245-03-540	NEW-W	95-07-035	245-04-090	AMD	95-06-048	245-04-350	NEW-W	95-12-047
245-03-540	NEW-W	95-12-047	245-04-090	DECOD	95-12-009	245-08-010	NEW-P	95-04-114
245-03-560	NEW-W	95-07-035	245-04-100	AMD-P	95-03-101	245-08-010	NEW-W	95-07-030
245-03-560	NEW-W	95-12-047	245-04-100	AMD	95-06-048	245-08-010	NEW-W	95-12-047
245-03-580	NEW-W	95-07-035	245-04-100	DECOD	95-12-009	245-08-020	NEW-P	95-04-114
245-03-580	NEW-W	95-12-047	245-04-110	AMD-P	95-03-101	245-08-020	NEW-W	95-07-030
245-03-610	NEW-P	95-06-076	245-04-110	AMD	95-06-048	245-08-020	NEW-W	95-12-047
245-03-610	NEW-W	95-12-047	245-04-110	DECOD	95-12-009	245-08-030	NEW-P	95-04-114
245-03-620	NEW-P	95-06-076	245-04-115	AMD-P	95-03-101	245-08-030	NEW-W	95-07-030
245-03-620	NEW-W	95-07-036	245-04-115	AMD	95-06-048	245-08-030	NEW-W	95-12-047
245-03-620	NEW-W	95-12-047	245-04-115	DECOD	95-12-009	245-08-040	NEW-P	95-04-114
245-03-630	NEW-P	95-06-076	245-04-125	NEW-P	95-04-113	245-08-040	NEW-W	95-07-030
245-03-630	NEW-W	95-12-047	245-04-125	NEW-W	95-12-047	245-08-040	NEW-W	95-12-047
245-03-640	NEW-P	95-06-076	245-04-130	NEW-P	95-04-113	245-08-050	NEW-P	95-04-114
245-03-640	NEW-W	95-07-036	245-04-130	NEW-W	95-12-047	245-08-050	NEW-W	95-07-030
245-03-640	NEW-W	95-12-047	245-04-135	NEW-P	95-04-113	245-08-050	NEW-W	95-12-047
245-03-650	NEW-P	95-06-076	245-04-135	NEW-W	95-12-047	246-01-040	AMD-P	95-07-054
245-03-650	NEW-W	95-07-036	245-04-140	NEW-P	95-04-113	246-01-040	AMD	95-10-043
245-03-650	NEW-W	95-12-047	245-04-140	NEW-W	95-12-047	246-01-080	AMD-P	95-07-054
245-03-660	NEW-P	95-06-076	245-04-145	NEW-P	95-04-113	246-01-080	AMD	95-10-043
245-03-660	NEW-W	95-07-036	245-04-145	NEW-W	95-12-047	246-08-400	NEW-E	95-14-108
245-03-660	NEW-W	95-12-047	245-04-150	NEW-P	95-04-113	246-08-400	NEW-P	95-17-126
245-03-670	NEW-P	95-06-076	245-04-150	NEW-W	95-12-047	246-08-400	NEW	95-20-080
245-03-670	NEW-W	95-12-047	245-04-155	NEW-P	95-04-113	246-100-166	PREP	95-05-012
245-03-680	NEW-P	95-06-076	245-04-155	NEW-W	95-12-047	246-100-166	AMD-P	95-22-089
245-03-680	NEW-W	95-07-036	245-04-160	NEW-P	95-04-113	246-100-236	AMD-S	95-08-026
245-03-680	NEW-W	95-12-047	245-04-160	NEW-W	95-12-047	246-100-236	AMD	95-13-037
245-03-810	NEW-P	95-06-074	245-04-165	NEW-P	95-04-113	246-130	AMD-P	95-15-109
245-03-810	NEW-W	95-07-034	245-04-165	NEW-W	95-12-047	246-130-001	AMD-P	95-15-109
245-03-810	NEW-W	95-12-047	245-04-170	NEW-P	95-04-113	246-130-010	AMD-P	95-15-109
245-03-820	NEW-P	95-06-074	245-04-170	NEW-W	95-12-047	246-130-020	AMD-P	95-15-109
245-03-820	NEW-W	95-07-034	245-04-175	NEW-P	95-04-113	246-130-030	AMD-P	95-15-109
245-03-820	NEW-W	95-12-047	245-04-175	NEW-W	95-12-047	246-130-040	AMD-P	95-15-109
245-03-830	NEW-P	95-06-074	245-04-180	NEW-P	95-04-113	246-130-050	REP-P	95-15-109
245-03-830	NEW-W	95-07-034	245-04-180	NEW-W	95-12-047	246-130-060	AMD-P	95-15-109
245-03-830	NEW-W	95-12-047	245-04-185	NEW-P	95-04-113	246-130-070	AMD-P	95-15-109
245-03-840	NEW-P	95-06-074	245-04-185	NEW-W	95-12-047	246-170	AMD	95-04-035
245-03-840	NEW-W	95-07-034	245-04-190	NEW-P	95-04-113	246-170-001	REP	95-04-035
245-03-840	NEW-W	95-12-047	245-04-190	NEW-W	95-12-047	246-170-002	NEW	95-04-035
245-03-860	NEW-P	95-06-074	245-04-195	NEW-P	95-04-113	246-170-010	REP	95-04-035
245-03-860	NEW-W	95-07-034	245-04-195	NEW-W	95-12-047	246-170-011	NEW	95-04-035
245-03-860	NEW-W	95-12-047	245-04-200	NEW-P	95-06-079	246-170-020	REP	95-04-035
245-03-880	NEW-P	95-06-074	245-04-200	NEW-W	95-07-032	246-170-021	NEW	95-04-035
245-03-880	NEW-W	95-07-034	245-04-200	NEW-W	95-12-047	246-170-030	REP	95-04-035
245-03-880	NEW-W	95-12-047	245-04-210	NEW-P	95-06-079	246-170-031	NEW	95-04-035
245-04-010	NEW-P	95-06-077	245-04-210	NEW-W	95-07-032	246-170-040	REP	95-04-035
245-04-010	NEW-W	95-07-033	245-04-210	NEW-W	95-12-047	246-170-041	NEW	95-04-035
245-04-010	NEW-W	95-12-047	245-04-220	NEW-P	95-06-079	246-170-050	REP	95-04-035
245-04-020	NEW-P	95-06-077	245-04-220	NEW-W	95-07-032	246-170-051	NEW	95-04-035
245-04-020	NEW-W	95-07-033	245-04-220	NEW-W	95-12-047	246-170-055	NEW	95-04-035
245-04-020	NEW-W	95-12-047	245-04-230	NEW-P	95-06-079	246-170-060	REP	95-04-035
245-04-025	NEW-P	95-06-077	245-04-230	NEW-W	95-07-032	246-170-061	NEW	95-04-035
245-04-025	NEW-W	95-07-033	245-04-230	NEW-W	95-12-047	246-170-065	NEW	95-04-035
245-04-025	NEW-W	95-12-047	245-04-240	NEW-P	95-06-079	246-170-070	REP	95-04-035
245-04-030	NEW-P	95-06-077	245-04-240	NEW-W	95-07-032	246-170-080	REP	95-04-035
245-04-030	NEW-W	95-07-033	245-04-240	NEW-W	95-12-047	246-170-090	REP	95-04-035
245-04-030	NEW-W	95-12-047	245-04-300	NEW-P	95-06-078	246-249-020	AMD-P	95-04-100
245-04-040	NEW-P	95-06-077	245-04-300	NEW-W	95-07-031	246-249-020	AMD	95-13-094
245-04-040	NEW-W	95-07-033	245-04-300	NEW-W	95-12-047	246-249-080	AMD-P	95-04-100
245-04-040	NEW-W	95-12-047	245-04-310	NEW-P	95-06-078	246-249-080	AMD	95-13-094
245-04-050	NEW-P	95-06-077	245-04-310	NEW-W	95-07-031	246-254	PREP	95-05-058
245-04-050	NEW-W	95-07-033	245-04-310	NEW-W	95-12-047	246-254-053	AMD-P	95-08-066
245-04-050	NEW-W	95-12-047	245-04-320	NEW-P	95-06-078	246-254-053	AMD	95-12-004
245-04-060	NEW-P	95-06-077	245-04-320	NEW-W	95-07-031	246-254-070	AMD-P	95-08-066

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246-254-080	AMD-P	95-08-066	246-322-090	REP-P	95-12-096	246-324-170	NEW-P	95-12-094
246-254-080	AMD	95-12-004	246-322-090	REP	95-22-012	246-324-170	NEW	95-22-013
246-254-090	AMD-P	95-08-066	246-322-100	AMD-P	95-12-096	246-324-180	NEW-P	95-12-094
246-254-090	AMD	95-12-004	246-322-100	AMD	95-22-012	246-324-180	NEW	95-22-013
246-254-100	AMD-P	95-08-066	246-322-110	REP-P	95-12-096	246-324-190	NEW-P	95-12-094
246-254-100	AMD	95-12-004	246-322-110	REP	95-22-012	246-324-190	NEW	95-22-013
246-254-120	AMD-P	95-08-066	246-322-120	AMD-P	95-12-096	246-324-200	NEW-P	95-12-094
246-254-120	AMD	95-12-004	246-322-120	AMD	95-22-012	246-324-200	NEW	95-22-013
246-255	PREP	95-05-058	246-322-130	REP-P	95-12-096	246-324-210	NEW-P	95-12-094
246-272-25001	AMD-P	95-04-034	246-322-130	REP	95-22-012	246-324-210	NEW	95-22-013
246-272-25001	AMD	95-09-018	246-322-140	NEW-P	95-12-096	246-324-220	NEW-P	95-12-094
246-273-001	NEW-P	95-21-056	246-322-140	NEW	95-22-012	246-324-220	NEW	95-22-013
246-273-010	NEW-P	95-21-056	246-322-150	NEW-P	95-12-096	246-324-230	NEW-P	95-12-094
246-273-020	NEW-P	95-21-056	246-322-150	NEW	95-22-012	246-324-230	NEW	95-22-013
246-273-030	NEW-P	95-21-056	246-322-160	NEW-P	95-12-096	246-324-240	NEW-P	95-12-094
246-273-040	NEW-P	95-21-056	246-322-160	NEW	95-22-012	246-324-240	NEW	95-22-013
246-273-050	NEW-P	95-21-056	246-322-170	NEW-P	95-12-096	246-324-250	NEW-P	95-12-094
246-273-060	NEW-P	95-21-056	246-322-170	NEW	95-22-012	246-324-250	NEW	95-22-013
246-273-070	NEW-P	95-21-056	246-322-180	NEW-P	95-12-096	246-324-500	NEW-P	95-12-094
246-273-080	NEW-P	95-21-056	246-322-180	NEW	95-22-012	246-324-500	NEW	95-22-013
246-273-990	NEW-P	95-21-056	246-322-190	NEW-P	95-12-096	246-324-990	NEW-P	95-12-094
246-290-990	PREP	95-05-059	246-322-190	NEW	95-22-012	246-324-990	NEW	95-22-013
246-290-990	AMD-P	95-15-108	246-322-200	NEW-P	95-12-096	246-325	PREP	95-07-073
246-290-990	AMD	95-20-079	246-322-200	NEW	95-22-012	246-325-990	AMD-P	95-09-059
246-291	PREP	95-09-017	246-322-210	NEW-P	95-12-096	246-325-990	AMD	95-12-097
246-291-010	AMD-P	95-15-107	246-322-210	NEW	95-22-012	246-326	PREP	95-07-073
246-291-010	AMD	95-20-078	246-322-220	NEW-P	95-12-096	246-326-990	AMD-P	95-09-059
246-291-020	AMD-P	95-15-107	246-322-220	NEW	95-22-012	246-326-990	AMD	95-12-097
246-291-020	AMD	95-20-078	246-322-230	NEW-P	95-12-096	246-327	PREP	95-07-073
246-291-025	AMD-P	95-15-107	246-322-230	NEW	95-22-012	246-327-990	AMD-P	95-09-059
246-291-025	AMD	95-20-078	246-322-240	NEW-P	95-12-096	246-327-990	AMD	95-12-097
246-291-030	AMD-P	95-15-107	246-322-240	NEW	95-22-012	246-331	PREP	95-07-073
246-291-030	AMD	95-20-078	246-316-250	NEW-P	95-12-096	246-331-990	AMD-P	95-09-059
246-291-100	AMD-P	95-15-107	246-322-250	NEW	95-22-012	246-331-990	AMD	95-12-097
246-291-100	AMD	95-20-078	246-322-250	NEW-P	95-12-096	246-336	PREP	95-07-073
246-291-110	AMD-P	95-15-107	246-322-500	NEW	95-22-012	246-336-990	AMD-P	95-09-059
246-291-110	AMD	95-20-078	246-322-990	AMD-P	95-09-059	246-336-990	AMD	95-12-097
246-291-130	AMD-P	95-15-107	246-322-990	AMD	95-12-097	246-358	PREP	95-11-072
246-291-130	AMD	95-20-078	246-322-991	AMD-P	95-09-059	246-358-001	AMD-E	95-13-093
246-291-140	AMD-P	95-15-107	246-322-991	REP-P	95-12-096	246-358-001	AMD-P	95-20-075
246-291-140	AMD	95-20-078	246-322-991	AMD	95-12-097	246-358-001	AMD-E	95-22-009
246-314	PREP	95-07-073	246-322-991	REP	95-22-012	246-358-010	AMD-E	95-08-018
246-314-990	AMD-P	95-09-059	246-323	PREP	95-07-073	246-358-010	AMD-E	95-13-093
246-314-990	AMD	95-12-097	246-323-990	AMD-P	95-09-059	246-358-010	AMD-P	95-20-075
246-316	PREP	95-07-073	246-323-990	AMD	95-12-097	246-358-010	AMD-E	95-22-009
246-316-990	AMD-P	95-09-059	246-324-001	NEW-P	95-12-094	246-358-020	AMD-E	95-08-018
246-316-990	AMD	95-12-097	246-324-001	NEW	95-22-013	246-358-020	AMD-E	95-13-093
246-318	PREP	95-07-073	246-324-010	NEW-P	95-12-094	246-358-020	AMD-P	95-20-075
246-318-990	AMD-P	95-09-059	246-324-010	NEW	95-22-013	246-358-020	AMD-E	95-22-009
246-318-990	AMD	95-12-097	246-324-020	NEW-P	95-12-094	246-358-025	AMD-E	95-13-092
246-322	PREP	95-07-073	246-324-020	NEW	95-22-013	246-358-025	AMD-P	95-20-074
246-322-001	NEW-P	95-12-096	246-324-025	NEW-P	95-12-094	246-358-025	AMD-E	95-22-010
246-322-001	NEW	95-22-012	246-324-025	NEW	95-22-013	246-358-030	AMD-E	95-13-092
246-322-010	AMD-P	95-12-096	246-324-030	NEW-P	95-12-094	246-358-030	AMD-P	95-20-074
246-322-010	AMD	95-22-012	246-324-030	NEW	95-22-013	246-358-030	AMD-E	95-22-010
246-322-020	AMD-P	95-12-096	246-324-035	NEW-P	95-12-094	246-358-045	AMD-E	95-13-093
246-322-020	AMD	95-22-012	246-324-035	NEW	95-22-013	246-358-045	AMD-P	95-20-075
246-322-025	NEW-P	95-12-096	246-324-040	NEW-P	95-12-094	246-358-045	AMD-E	95-22-009
246-322-025	NEW	95-22-012	246-324-040	NEW	95-22-013	246-358-055	AMD-E	95-13-093
246-322-030	NEW-P	95-12-096	246-324-050	NEW-P	95-12-094	246-358-055	AMD-P	95-20-075
246-322-030	NEW	95-22-012	246-324-050	NEW	95-22-013	246-358-055	AMD-E	95-22-009
246-322-035	NEW-P	95-12-096	246-324-060	NEW-P	95-12-094	246-358-065	AMD-E	95-13-093
246-322-035	NEW	95-22-012	246-324-060	NEW	95-22-013	246-358-065	AMD-P	95-20-075
246-322-040	AMD-P	95-12-096	246-324-100	NEW-P	95-12-094	246-358-065	AMD-E	95-22-009
246-322-040	AMD	95-22-012	246-324-100	NEW	95-22-013	246-358-075	AMD-E	95-13-093
246-322-050	AMD-P	95-12-096	246-324-120	NEW-P	95-12-094	246-358-075	AMD-P	95-20-075
246-322-050	AMD	95-22-012	246-324-120	NEW	95-22-013	246-358-075	AMD-E	95-22-009
246-322-060	AMD-P	95-12-096	246-324-140	NEW-P	95-12-094	246-358-085	AMD-E	95-08-018
246-322-060	AMD	95-22-012	246-324-140	NEW	95-22-013	246-358-085	AMD-E	95-13-093
246-322-070	REP-P	95-12-096	246-324-150	NEW-P	95-12-094	246-358-085	AMD-P	95-20-075
246-322-070	REP	95-22-012	246-324-150	NEW	95-22-013	246-358-085	AMD-E	95-22-009
246-322-080	REP-P	95-12-096	246-324-160	NEW-P	95-12-094	246-358-090	NEW-E	95-13-093

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246-358-095	AMD-E	95-13-093	246-812-101	NEW	95-22-062
246-358-095	AMD-P	95-20-075	246-812-120	NEW-E	95-09-029
246-358-095	AMD-E	95-22-009	246-812-120	NEW-P	95-15-110
246-358-100	NEW-E	95-13-093	246-812-120	NEW-E	95-17-046
246-358-100	NEW-P	95-20-075	246-812-120	NEW	95-22-062
246-358-100	NEW	95-22-009	246-812-125	NEW-E	95-09-029
246-358-105	REP-E	95-13-093	246-812-125	NEW-P	95-15-110
246-358-105	REP-P	95-20-075	246-812-125	NEW-E	95-17-046
246-358-105	REP	95-22-009	246-812-125	NEW	95-22-062
246-358-115	REP-E	95-13-093	246-812-130	NEW-E	95-09-029
246-358-115	REP-P	95-20-075	246-812-130	NEW-P	95-15-110
246-358-115	REP	95-22-009	246-812-130	NEW-E	95-17-046
246-358-125	AMD-E	95-13-093	246-812-130	NEW	95-22-062
246-358-125	AMD-P	95-20-075	246-812-140	NEW-E	95-09-029
246-358-125	AMD-E	95-22-009	246-812-140	NEW-P	95-15-110
246-358-135	AMD-E	95-13-093	246-812-140	NEW-E	95-17-046
246-358-135	AMD-P	95-20-075	246-812-140	NEW	95-22-062
246-358-135	AMD-E	95-22-009	246-812-150	NEW-E	95-09-029
246-358-140	AMD-E	95-08-018	246-812-150	NEW-P	95-15-110
246-358-140	AMD-E	95-13-093	246-812-150	NEW-E	95-17-046
246-358-140	AMD-P	95-20-075	246-812-150	NEW	95-22-062
246-358-140	AMD-E	95-22-009	246-812-155	NEW-E	95-09-029
246-358-145	AMD-E	95-13-093	246-812-155	NEW-P	95-15-110
246-358-145	AMD-P	95-20-075	246-812-155	NEW-E	95-17-046
246-358-145	AMD-E	95-22-009	246-812-155	NEW	95-22-062
246-358-155	AMD-E	95-13-093	246-812-160	NEW-E	95-09-029
246-358-155	AMD-P	95-20-075	246-812-160	NEW-P	95-15-110
246-358-155	AMD-E	95-22-009	246-812-160	NEW-E	95-17-046
246-358-175	AMD-E	95-13-093	246-812-160	NEW	95-22-062
246-358-175	AMD-P	95-20-075	246-812-170	NEW-E	95-09-029
246-358-175	AMD-E	95-22-009	246-812-170	NEW-P	95-15-110
246-380	PREP	95-07-073	246-812-170	NEW-E	95-17-046
246-430	PREP	95-12-005	246-812-170	NEW	95-22-062
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246-430-030	PREP	95-12-005	246-812-301	NEW-P	95-15-110
246-430-040	PREP	95-12-005	246-812-301	NEW-E	95-17-046
246-560-001	PREP	95-06-073	246-812-301	NEW	95-22-062
246-560-010	PREP	95-06-073	246-812-320	NEW-E	95-09-029
246-560-015	PREP	95-06-073	246-812-320	NEW-P	95-15-110
246-560-020	PREP	95-06-073	246-812-320	NEW-E	95-17-046
246-560-030	PREP	95-06-073	246-812-320	NEW	95-22-062
246-560-040	PREP	95-06-073	246-812-330	NEW-E	95-09-029
246-560-050	PREP	95-06-073	246-812-330	NEW-P	95-15-110
246-560-060	PREP	95-06-073	246-812-330	NEW-E	95-17-046
246-560-070	PREP	95-06-073	246-812-330	NEW	95-22-062
246-560-080	PREP	95-06-073	246-812-340	NEW-E	95-09-029
246-560-090	PREP	95-06-073	246-812-340	NEW-P	95-15-110
246-560-100	PREP	95-06-073	246-812-340	NEW-E	95-17-046
246-780	PREP	95-07-055	246-812-340	NEW	95-22-062
246-780-001	NEW-P	95-20-076	246-812-350	NEW-E	95-09-029
246-780-010	NEW-P	95-20-076	246-812-350	NEW-P	95-15-110
246-780-020	NEW-P	95-20-076	246-812-350	NEW-E	95-17-046
246-780-030	NEW-P	95-20-076	246-812-350	NEW	95-22-062
246-780-040	NEW-P	95-20-076	246-812-360	NEW-E	95-09-029
246-780-050	NEW-P	95-20-076	246-812-360	NEW-P	95-15-110
246-780-060	NEW-P	95-20-076	246-812-360	NEW-E	95-17-046
246-780-070	NEW-P	95-20-076	246-812-360	NEW	95-22-062
246-812	PREP	95-06-017	246-812-390	NEW-E	95-09-029
246-812-001	NEW-E	95-09-029	246-812-390	NEW-P	95-15-110
246-812-001	NEW-P	95-15-110	246-812-390	NEW-E	95-17-046
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246-812-010	NEW-P	95-15-110	246-812-400	NEW-E	95-17-046
246-812-010	NEW-E	95-17-046	246-812-400	NEW	95-22-062
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246-812-015	NEW-E	95-17-046	246-812-410	NEW	95-22-062
246-812-015	NEW	95-22-062	246-812-420	NEW-E	95-09-029
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246-816-090	REP-P	95-12-068	246-817-210	NEW-P	95-12-068	246-817-790	NEW	95-21-041
246-816-100	REP-P	95-12-068	246-817-210	NEW	95-21-041	246-817-801	NEW-P	95-12-068
246-816-110	REP-P	95-12-068	246-817-301	NEW-P	95-12-068	246-817-801	NEW	95-21-041
246-816-120	REP-P	95-12-068	246-817-301	NEW	95-21-041	246-817-810	NEW-P	95-12-068
246-816-130	REP-P	95-12-068	246-817-310	NEW-P	95-12-068	246-817-810	NEW	95-21-041
246-816-140	REP-P	95-12-068	246-817-310	NEW	95-21-041	246-817-820	NEW-P	95-12-068
246-816-150	REP-P	95-12-068	246-817-320	NEW-P	95-12-068	246-817-820	NEW	95-21-041
246-816-201	REP-P	95-12-068	246-817-320	NEW	95-21-041	246-817-830	NEW-P	95-12-068
246-816-210	REP-P	95-12-068	246-817-330	NEW-P	95-12-068	246-817-830	NEW	95-21-041
246-816-220	REP-P	95-12-068	246-817-330	NEW	95-21-041	246-817-990	NEW-P	95-12-067
246-816-225	REP-P	95-12-068	246-817-340	NEW-P	95-12-068	246-817-990	NEW	95-16-122
246-816-230	REP-P	95-12-068	246-817-340	NEW	95-21-041	246-818-015	REP-P	95-12-068
246-816-240	REP-P	95-12-068	246-817-350	NEW-P	95-12-068	246-818-020	REP-P	95-12-068
246-816-250	REP-P	95-12-068	246-817-350	NEW	95-21-041	246-818-030	REP-P	95-12-068
246-816-260	REP-P	95-12-068	246-817-360	NEW-P	95-12-068	246-818-040	REP-P	95-12-068
246-816-301	REP-P	95-12-068	246-817-360	NEW	95-21-041	246-818-050	REP-P	95-12-068
246-816-310	REP-P	95-12-068	246-817-370	NEW-P	95-12-068	246-818-060	REP-P	95-12-068
246-816-320	REP-P	95-12-068	246-817-370	NEW	95-21-041	246-818-070	REP-P	95-12-068
246-816-330	REP-P	95-12-068	246-817-380	NEW-P	95-12-068	246-818-080	REP-P	95-12-068
246-816-340	REP-P	95-12-068	246-817-380	NEW	95-21-041	246-818-090	REP-P	95-12-068
246-816-350	REP-P	95-12-068	246-817-390	NEW-P	95-12-068	246-818-100	REP-P	95-12-068
246-816-360	REP-P	95-12-068	246-817-390	NEW	95-21-041	246-818-120	REP-P	95-12-068
246-816-370	REP-P	95-12-068	246-817-400	NEW-P	95-12-068	246-818-130	REP-P	95-12-068
246-816-380	REP-P	95-12-068	246-817-400	NEW	95-21-041	246-818-140	REP-P	95-12-068
246-816-390	REP-P	95-12-068	246-817-410	NEW-P	95-12-068	246-818-142	REP-P	95-12-068
246-816-400	REP-P	95-12-068	246-817-410	NEW	95-21-041	246-818-143	REP-P	95-12-068
246-816-410	REP-P	95-12-068	246-817-420	NEW-P	95-12-068	246-818-150	REP-P	95-12-068
246-816-501	REP-P	95-12-068	246-817-420	NEW	95-21-041	246-818-991	REP-P	95-12-067
246-816-510	REP-P	95-12-068	246-817-430	NEW-P	95-12-068	246-818-991	REP-P	95-12-068
246-816-520	REP-P	95-12-068	246-817-430	NEW	95-21-041	246-818-991	REP	95-16-122
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246-816-701	REP-P	95-12-068	246-817-501	NEW	95-21-041	246-828-040	AMD	95-19-017
246-816-710	REP-P	95-12-068	246-817-510	NEW-P	95-12-068	246-828-070	AMD-P	95-11-111
246-816-720	REP-P	95-12-068	246-817-510	NEW	95-21-041	246-828-070	AMD	95-19-017
246-816-730	REP-P	95-12-068	246-817-520	NEW-P	95-12-068	246-828-075	NEW-P	95-11-111
246-816-740	REP-P	95-12-068	246-817-520	NEW	95-21-041	246-828-075	NEW	95-19-017
246-816-990	REP-P	95-12-067	246-817-530	NEW-P	95-12-068	246-828-080	AMD-P	95-11-111
246-816-990	REP-P	95-12-068	246-817-530	NEW	95-21-041	246-828-080	AMD	95-19-017
246-816-990	REP	95-16-122	246-817-540	NEW-P	95-12-068	246-828-090	AMD-P	95-11-111
246-817-001	NEW-P	95-12-068	246-817-540	NEW	95-21-041	246-828-090	AMD	95-19-017
246-817-001	NEW	95-21-041	246-817-550	NEW-P	95-12-068	246-828-100	AMD-P	95-11-111
246-817-010	NEW-P	95-12-068	246-817-550	NEW	95-21-041	246-828-100	AMD	95-19-017
246-817-010	NEW	95-21-041	246-817-560	NEW-P	95-12-068	246-828-120	AMD-P	95-11-111
246-817-015	NEW-P	95-12-068	246-817-560	NEW	95-21-041	246-828-120	AMD	95-19-017
246-817-015	NEW	95-21-041	246-817-570	NEW-P	95-12-068	246-828-295	NEW-P	95-11-111
246-817-101	NEW-P	95-12-068	246-817-570	NEW	95-21-041	246-828-295	NEW	95-19-017
246-817-101	NEW	95-21-041	246-817-601	NEW-P	95-12-068	246-828-300	AMD-P	95-11-111
246-817-110	NEW-P	95-12-068	246-817-601	NEW	95-21-041	246-828-300	AMD	95-19-017
246-817-110	NEW	95-21-041	246-817-610	NEW-P	95-12-068	246-828-320	AMD-P	95-11-111
246-817-120	NEW-P	95-12-068	246-817-610	NEW	95-21-041	246-828-320	AMD	95-19-017
246-817-120	NEW	95-21-041	246-817-620	NEW-P	95-12-068	246-828-360	AMD-P	95-11-111
246-817-130	NEW-P	95-12-068	246-817-620	NEW	95-21-041	246-828-360	AMD	95-19-017
246-817-130	NEW	95-21-041	246-817-630	NEW-P	95-12-068	246-828-370	AMD-P	95-11-111
246-817-135	NEW-P	95-12-068	246-817-630	NEW	95-21-041	246-828-370	AMD	95-19-017
246-817-135	NEW	95-21-041	246-817-701	NEW-P	95-12-068	246-828-400	AMD-P	95-11-111
246-817-140	NEW-P	95-12-068	246-817-701	NEW	95-21-041	246-828-400	AMD	95-19-017
246-817-140	NEW	95-21-041	246-817-710	NEW-P	95-12-068	246-828-410	AMD-P	95-11-111
246-817-150	NEW-P	95-12-068	246-817-710	NEW	95-21-041	246-828-410	AMD	95-19-017
246-817-150	NEW	95-21-041	246-817-720	NEW-P	95-12-068	246-828-530	AMD-P	95-11-111
246-817-160	NEW-P	95-12-068	246-817-720	NEW	95-21-041	246-828-530	AMD	95-19-017
246-817-160	NEW	95-21-041	246-817-730	NEW-P	95-12-068	246-828-550	AMD-P	95-11-111
246-817-170	NEW-P	95-12-068	246-817-730	NEW	95-21-041	246-828-550	AMD	95-19-017
246-817-170	NEW	95-21-041	246-817-740	NEW-P	95-12-068	246-828-560	AMD-P	95-11-111
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246-817-180	NEW-P	95-12-068	246-817-750	NEW	95-21-041	246-828-990	AMD	95-19-017
246-817-180	NEW	95-21-041	246-817-760	NEW-P	95-12-068	246-830-005	NEW-P	95-07-013
246-817-185	NEW-P	95-12-068	246-817-760	NEW	95-21-041	246-830-005	NEW	95-11-108
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246-817-186	NEW-P	95-12-068	246-817-770	NEW	95-21-041	246-830-025	NEW-P	95-21-090
246-817-186	NEW	95-21-041	246-817-780	NEW-P	95-12-068	246-830-025	NEW-W	95-22-063

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246-830-037	NEW-P	95-21-090	246-838-190	REP-P	95-12-095	246-840-565	NEW-P	95-12-095
246-830-037	NEW-W	95-22-063	246-838-190	REP	95-21-072	246-840-565	NEW	95-21-072
246-830-201	AMD-E	95-15-009	246-838-200	REP-P	95-12-095	246-840-570	NEW-P	95-12-095
246-830-201	AMD-P	95-21-090	246-838-200	REP	95-21-072	246-840-570	NEW	95-21-072
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246-830-220	AMD-P	95-21-090	246-838-220	REP-P	95-12-095	246-840-990	NEW-P	95-08-049
246-830-220	AMD-W	95-22-063	246-838-220	REP	95-21-072	246-840-990	NEW	95-12-021
246-830-230	AMD-P	95-07-013	246-838-230	REP-P	95-12-095	246-843-010	AMD	95-07-128
246-830-230	AMD	95-11-108	246-838-230	REP	95-21-072	246-843-090	AMD	95-07-128
246-830-230	REP-E	95-15-009	246-838-240	REP-P	95-12-095	246-843-205	AMD	95-07-128
246-830-230	REP-P	95-21-090	246-838-240	REP	95-21-072	246-843-240	REP	95-07-128
246-830-230	REP-W	95-22-063	246-838-990	PREP	95-04-069	246-843-320	AMD	95-07-128
246-830-240	REP-E	95-15-009	246-838-990	REP-P	95-08-049	246-851-060	REP-P	95-11-110
246-830-240	REP-P	95-21-090	246-838-990	REP	95-12-021	246-851-060	REP	95-14-114
246-830-240	REP-W	95-22-063	246-839-030	PREP	95-09-058	246-851-070	REP-P	95-11-110
246-830-250	REP-E	95-15-009	246-839-080	PREP	95-06-018	246-851-070	REP	95-14-114
246-830-250	REP-P	95-21-090	246-839-090	PREP	95-06-018	246-851-080	REP-P	95-11-110
246-830-250	REP-W	95-22-063	246-839-090	PREP	95-09-058	246-851-480	AMD-P	95-11-110
246-830-255	AMD-E	95-15-009	246-839-505	REP-P	95-12-095	246-851-490	AMD-P	95-11-110
246-830-255	AMD-P	95-21-090	246-839-505	REP	95-21-072	246-851-490	AMD	95-14-114
246-830-255	AMD-W	95-22-063	246-839-506	REP-P	95-12-095	246-851-500	AMD-P	95-11-110
246-830-260	AMD-E	95-15-009	246-839-506	REP	95-21-072	246-851-500	AMD	95-14-114
246-830-260	AMD-P	95-21-090	246-839-525	REP-P	95-12-095	246-851-560	NEW	95-04-084
246-830-260	AMD-W	95-22-063	246-839-525	REP	95-21-072	246-851-990	PREP	95-09-056
246-830-270	AMD-E	95-15-009	246-839-530	REP-P	95-12-095	246-851-990	AMD-P	95-11-109
246-830-270	AMD-P	95-21-090	246-839-530	REP	95-21-072	246-851-990	AMD	95-14-111
246-830-270	AMD-W	95-22-063	246-839-535	REP-P	95-12-095	246-858	AMD-C	95-18-095
246-830-280	AMD-E	95-15-009	246-839-535	REP	95-21-072	246-858-020	PREP	95-06-036
246-830-280	AMD-P	95-21-090	246-839-540	REP-P	95-12-095	246-858-020	AMD-P	95-14-113
246-830-280	AMD-W	95-22-063	246-839-540	REP	95-21-072	246-861	AMD-C	95-03-070
246-830-401	AMD-P	95-07-013	246-839-545	REP-P	95-12-095	246-861-010	AMD	95-08-019
246-830-401	AMD	95-11-108	246-839-545	REP	95-21-072	246-861-020	AMD	95-08-019
246-830-410	REP-P	95-07-013	246-839-550	REP-P	95-12-095	246-861-030	REP-W	95-08-062
246-830-410	REP	95-11-108	246-839-550	REP	95-21-072	246-861-040	AMD	95-08-019
246-830-420	AMD-P	95-07-013	246-839-555	REP-P	95-12-095	246-861-040	PREP	95-18-090
246-830-420	AMD	95-11-108	246-839-555	REP	95-21-072	246-861-050	AMD	95-08-019
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246-830-423	NEW-W	95-22-063	246-839-565	REP	95-21-072	246-861-090	PREP	95-12-019
246-830-425	NEW-E	95-15-009	246-839-570	REP-P	95-12-095	246-861-090	PREP	95-12-093
246-830-425	NEW-P	95-21-090	246-839-570	REP	95-21-072	246-861-090	AMD-P	95-16-121
246-830-425	NEW-W	95-22-063	246-839-575	PREP	95-09-058	246-861-090	AMD-C	95-18-092
246-830-427	NEW-E	95-15-009	246-839-575	REP-P	95-12-095	246-863-095	NEW-P	95-14-112
246-830-427	NEW-P	95-21-090	246-839-575	REP	95-21-072	246-863-095	NEW-C	95-18-094
246-830-427	NEW-W	95-22-063	246-839-990	PREP	95-04-069	246-869-240	REP-P	95-14-112
246-830-430	AMD-P	95-07-013	246-839-990	REP-P	95-08-049	246-881-040	AMD-P	95-14-115
246-830-430	AMD	95-11-108	246-839-990	REP	95-12-021	246-881-040	AMD-C	95-18-093
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246-830-440	AMD	95-11-108	246-840-500	NEW	95-21-072	246-887-160	PREP	95-07-086
246-830-450	AMD-P	95-07-013	246-840-505	NEW-P	95-12-095	246-887-160	AMD-P	95-13-109
246-830-450	AMD	95-11-108	246-840-505	NEW	95-21-072	246-887-160	AMD-C	95-18-091
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246-830-475	AMD	95-11-108	246-840-510	NEW	95-21-072	246-891-020	AMD	95-08-020
246-830-475	AMD-E	95-15-009	246-840-520	NEW-P	95-12-095	246-891-030	AMD-P	95-04-099
246-830-610	AMD-P	95-07-013	246-840-520	NEW	95-21-072	246-891-030	AMD	95-08-020
246-830-610	AMD	95-11-108	246-840-525	NEW-P	95-12-095	246-901-065	PREP	95-20-073
246-830-990	AMD-P	95-07-013	246-840-525	NEW	95-21-072	246-917-020	REP-P	95-22-088
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246-838-100	PREP	95-06-018	246-840-535	NEW	95-21-072	246-917-040	REP-P	95-22-088
246-838-140	REP-P	95-12-095	246-840-540	NEW-P	95-12-095	246-917-050	REP-P	95-22-088
246-838-140	REP	95-21-072	246-840-540	NEW	95-21-072	246-917-060	REP-P	95-22-088
246-838-150	REP-P	95-12-095	246-840-545	NEW-P	95-12-095	246-917-070	REP-P	95-22-088
246-838-150	REP	95-21-072	246-840-545	NEW	95-21-072	246-917-080	REP-P	95-22-088
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246-838-160	REP	95-21-072	246-840-550	NEW	95-21-072	246-917-100	REP-P	95-22-088
246-838-170	REP-P	95-12-095	246-840-555	NEW-P	95-12-095	246-917-110	REP-P	95-22-088
246-838-170	REP	95-21-072	246-840-555	NEW	95-21-072	246-917-120	REP-P	95-22-088
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246-917-126	REP-P	95-22-088	246-919-470	NEW-P	95-22-088	246-920-660	REP-P	95-22-088
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246-917-135	REP-P	95-22-088	246-919-500	NEW-P	95-22-088	246-920-680	REP-P	95-22-088
246-917-140	REP-P	95-22-088	246-919-510	NEW-P	95-22-088	246-920-690	REP-P	95-22-088
246-917-150	REP-P	95-22-088	246-919-600	NEW-P	95-22-088	246-920-710	REP-P	95-22-088
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246-917-170	REP-P	95-22-088	246-919-620	NEW-P	95-22-088	246-920-730	REP-P	95-22-088
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246-917-200	REP-P	95-22-088	246-919-720	NEW-P	95-22-088	246-920-760	REP-P	95-22-088
246-917-210	REP-P	95-22-088	246-919-730	NEW-P	95-22-088	246-920-770	REP-P	95-22-088
246-917-220	REP-P	95-22-088	246-919-740	NEW-P	95-22-088	246-920-780	REP-P	95-22-088
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246-918-007	AMD-P	95-22-088	246-920-030	REP-P	95-22-088	246-924-990	PREP	95-08-050
246-918-008	AMD-P	95-22-088	246-920-040	REP-P	95-22-088	246-928-015	NEW-P	95-14-110
246-918-009	AMD-P	95-22-088	246-920-120	REP-P	95-22-088	246-928-015	NEW	95-18-019
246-918-030	AMD-P	95-22-088	246-920-130	REP-P	95-22-088	246-928-990	PREP	95-10-042
246-918-035	AMD-P	95-22-088	246-920-140	REP-P	95-22-088	246-928-990	AMD-P	95-14-110
246-918-050	AMD-P	95-22-088	246-920-150	REP-P	95-22-088	246-928-990	AMD	95-18-019
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246-918-080	AMD-P	95-22-088	246-920-170	REP-P	95-22-088	246-937-020	NEW	95-04-083
246-918-085	AMD-P	95-22-088	246-920-180	REP-P	95-22-088	246-937-030	NEW	95-04-083
246-918-090	AMD-P	95-22-088	246-920-190	REP-P	95-22-088	246-937-040	NEW	95-04-083
246-918-095	AMD-P	95-22-088	246-920-200	REP-P	95-22-088	246-937-050	NEW	95-04-083
246-918-110	AMD-P	95-22-088	246-920-210	REP-P	95-22-088	246-937-060	NEW	95-04-083
246-918-120	AMD-P	95-22-088	246-920-220	REP-P	95-22-088	246-937-070	NEW	95-04-083
246-918-130	AMD-P	95-22-088	246-920-230	REP-P	95-22-088	246-937-080	NEW	95-04-083
246-918-140	AMD-P	95-22-088	246-920-240	REP-P	95-22-088	246-937-090	NEW	95-04-083
246-918-170	AMD-P	95-22-088	246-920-250	REP-P	95-22-088	246-937-100	NEW	95-04-083
246-918-180	AMD-P	95-22-088	246-920-260	REP-P	95-22-088	246-937-110	NEW	95-04-083
246-918-250	AMD-P	95-22-088	246-920-270	REP-P	95-22-088	246-976-010	PREP	95-13-052
246-918-260	AMD-P	95-22-088	246-920-280	REP-P	95-22-088	246-976-010	AMD-E	95-13-053
246-918-310	AMD-P	95-22-088	246-920-290	REP-P	95-22-088	246-976-010	AMD-E	95-21-040
246-918-990	AMD-P	95-22-088	246-920-300	REP-P	95-22-088	246-976-045	NEW-E	95-13-053
246-919-010	NEW-P	95-22-088	246-920-310	REP-P	95-22-088	246-976-045	NEW-E	95-21-040
246-919-020	NEW-P	95-22-088	246-920-320	REP-P	95-22-088	246-976-165	NEW-E	95-13-053
246-919-030	NEW-P	95-22-088	246-920-330	REP-P	95-22-088	246-976-165	NEW-E	95-21-040
246-919-100	NEW-P	95-22-088	246-920-340	REP-P	95-22-088	250-20-011	AMD-P	95-03-014
246-919-110	NEW-P	95-22-088	246-920-350	REP-P	95-22-088	250-20-011	AMD	95-10-007
246-919-120	NEW-P	95-22-088	246-920-360	REP-P	95-22-088	250-20-011	AMD-P	95-13-111
246-919-130	NEW-P	95-22-088	246-920-370	REP-P	95-22-088	250-20-011	AMD	95-17-045
246-919-140	NEW-P	95-22-088	246-920-380	REP-P	95-22-088	250-20-013	NEW-P	95-13-111
246-919-150	NEW-P	95-22-088	246-920-390	REP-P	95-22-088	250-20-013	NEW	95-17-045
246-919-200	NEW-P	95-22-088	246-920-400	REP-P	95-22-088	250-20-015	AMD-P	95-13-111
246-919-210	NEW-P	95-22-088	246-920-410	REP-P	95-22-088	250-20-015	AMD	95-17-045
246-919-220	NEW-P	95-22-088	246-920-420	REP-P	95-22-088	250-20-021	AMD-P	95-03-014
246-919-230	NEW-P	95-22-088	246-920-430	REP-P	95-22-088	250-20-021	AMD	95-10-007
246-919-240	NEW-P	95-22-088	246-920-440	REP-P	95-22-088	250-20-021	AMD-P	95-13-111
246-919-300	NEW-P	95-22-088	246-920-450	REP-P	95-22-088	250-20-021	AMD-E	95-15-049
246-919-305	NEW-P	95-22-088	246-920-460	REP-P	95-22-088	250-20-021	AMD	95-17-045
246-919-310	NEW-P	95-22-088	246-920-470	REP-P	95-22-088	250-20-031	AMD-P	95-13-111
246-919-320	NEW-P	95-22-088	246-920-480	REP-P	95-22-088	250-20-037	AMD-P	95-13-111
246-919-330	NEW-P	95-22-088	246-920-490	REP-P	95-22-088	250-20-041	AMD-P	95-13-111
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246-919-350	NEW-P	95-22-088	246-920-510	REP-P	95-22-088	250-20-051	AMD-P	95-13-111
246-919-355	NEW-P	95-22-088	246-920-520	REP-P	95-22-088	250-28-020	AMD	95-11-059
246-919-360	NEW-P	95-22-088	246-920-530	REP-P	95-22-088	250-28-030	AMD	95-11-059
246-919-365	NEW-P	95-22-088	246-920-540	REP-P	95-22-088	250-28-060	AMD	95-11-059
246-919-370	NEW-P	95-22-088	246-920-550	REP-P	95-22-088	250-28-060	AMD-P	95-11-125
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296-31-060	AMD	95-15-004	296-62-05413	AMD-W	95-10-019	296-104-045	AMD	95-19-058
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358-20-010	AMD	95-07-074	365-210-010	NEW-P	95-10-048	388-15	PREP	95-13-041
358-20-020	AMD-P	95-03-054	365-210-010	NEW	95-14-121	388-15	PREP	95-18-045
358-20-020	AMD	95-07-074	365-210-020	NEW-E	95-09-001	388-15-192	NEW-P	95-16-016
358-20-030	AMD-P	95-03-054	365-210-020	NEW-P	95-10-048	388-15-192	NEW	95-20-041
358-20-030	AMD	95-07-074	365-210-020	NEW	95-14-121	388-15-194	NEW-P	95-16-016
358-20-032	NEW-P	95-03-054	365-210-030	NEW-E	95-09-001	388-15-194	NEW	95-20-041
358-20-032	NEW	95-07-074	365-210-030	NEW-P	95-10-048	388-15-196	NEW-P	95-16-016
358-20-040	AMD-P	95-03-054	365-210-030	NEW	95-14-121	388-15-196	NEW	95-20-041
358-20-040	AMD	95-07-074	365-210-040	NEW-P	95-10-048	388-15-202	AMD-P	95-16-016
358-30-005	NEW-P	95-03-054	365-210-040	NEW	95-14-121	388-15-202	AMD	95-20-041
358-30-005	NEW	95-07-074	365-210-050	NEW-P	95-10-048	388-15-203	AMD-P	95-16-016
358-30-010	AMD-P	95-03-054	365-210-050	NEW	95-14-121	388-15-203	AMD	95-20-041
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388-15-207	AMD	95-20-041	388-15-935	NEW	95-15-011	388-47-125	REP-P	95-15-001
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388-15-209	AMD	95-20-041	388-15-940	NEW	95-15-011	388-47-127	AMD-E	95-14-079
388-15-212	REP-P	95-16-016	388-15-940	PREP	95-21-013	388-47-127	REP-P	95-15-001
388-15-212	REP	95-20-041	388-15-945	NEW-P	95-11-005	388-47-127	AMD	95-18-020
388-15-213	REP-P	95-16-016	388-15-945	NEW-C	95-14-050	388-47-127	REP	95-19-075
388-15-213	REP	95-20-041	388-15-945	NEW	95-15-011	388-47-130	AMD-P	95-14-078
388-15-214	AMD-P	95-16-016	388-15-945	PREP	95-21-013	388-47-130	AMD-E	95-14-079
388-15-214	AMD	95-20-041	388-15-950	NEW-P	95-11-005	388-47-130	REP-P	95-15-001
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388-15-216	AMD	95-20-041	388-15-955	NEW-P	95-11-005	388-47-135	AMD-E	95-14-079
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388-15-610	AMD	95-20-041	388-46	AMD	95-19-003	388-47-215	REP-P	95-15-001
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388-15-620	AMD	95-20-041	388-46-110	NEW	95-19-003	388-47-300	REP-P	95-15-001
388-15-630	AMD-P	95-16-016	388-47	PREP	95-12-078	388-47-300	REP	95-19-075
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388-73-516	NEW-W	95-11-051	388-77A-041	REP	95-18-002	388-87-050	REP-P	95-21-064
388-73-522	NEW-S	95-07-024	388-77A-050	REP-P	95-15-068	388-87-072	AMD	95-04-033
388-73-522	NEW-W	95-11-051	388-77A-050	REP	95-18-002	388-91	PREP	95-15-032
388-73-524	NEW-S	95-07-024	388-77A-055	REP-P	95-15-068	388-91-005	REP-P	95-16-014
388-73-524	NEW-W	95-11-051	388-77A-055	REP	95-18-002	388-91-005	REP-W	95-17-029
388-73-606	AMD-S	95-07-024	388-86	PREP	95-15-008	388-91-007	PREP	95-13-021
388-73-606	AMD-W	95-11-051	388-86-005	PREP	95-13-020	388-91-007	REP-P	95-14-059
388-76	PREP	95-17-025	388-86-005	AMD-P	95-14-058	388-91-007	REP-E	95-14-061
388-77	PREP	95-15-036	388-86-005	AMD-E	95-14-060	388-91-007	REP-P	95-16-014
388-77-005	REP-P	95-15-068	388-86-005	AMD-W	95-17-086	388-91-007	REP-W	95-17-029
388-77-005	REP	95-18-002	388-86-005	AMD-P	95-18-005	388-91-007	REP	95-17-032
388-77-006	REP-P	95-15-068	388-86-005	AMD	95-22-039	388-91-010	PREP	95-13-021
388-77-006	REP	95-18-002	388-86-009	REP-P	95-15-023	388-91-010	AMD-P	95-14-059
388-77-010	REP-P	95-15-068	388-86-009	REP	95-18-046	388-91-010	AMD-E	95-14-061
388-77-010	REP	95-18-002	388-86-00902	REP-P	95-15-023	388-91-010	REP-P	95-16-014
388-77-015	REP-P	95-15-068	388-86-00902	REP	95-18-046	388-91-010	REP-W	95-17-029
388-77-015	REP	95-18-002	388-86-020	REP-E	95-16-115	388-91-010	AMD	95-17-032
388-77-045	REP-P	95-15-068	388-86-020	REP-P	95-17-023	388-91-013	REP-P	95-16-014
388-77-045	REP	95-18-002	388-86-020	REP-W	95-17-049	388-91-013	REP-W	95-17-029
388-77-200	REP-P	95-15-068	388-86-020	REP-P	95-21-064	388-91-015	REP-P	95-16-014
388-77-200	REP	95-18-002	388-86-021	REP-E	95-16-115	388-91-015	REP-W	95-17-029
388-77-210	REP-P	95-15-068	388-86-021	REP-P	95-17-023	388-91-016	REP-P	95-16-014
388-77-210	REP	95-18-002	388-86-021	REP-W	95-17-049	388-91-016	REP-W	95-17-029
388-77-240	REP-P	95-15-068	388-86-021	REP-P	95-21-064	388-91-020	PREP	95-13-021
388-77-240	REP	95-18-002	388-86-022	PREP	95-15-012	388-91-020	AMD-P	95-14-059
388-77-255	REP-P	95-15-068	388-86-022	AMD-E	95-18-052	388-91-020	AMD-E	95-14-061
388-77-255	REP	95-18-002	388-86-022	AMD-P	95-18-078	388-91-020	REP-P	95-16-014
388-77-270	REP-P	95-15-068	388-86-022	AMD	95-21-051	388-91-020	REP-W	95-17-029
388-77-270	REP	95-18-002	388-86-030	PREP	95-08-043	388-91-020	AMD	95-17-032
388-77-285	REP-P	95-15-068	388-86-030	PREP	95-13-020	388-91-030	REP-P	95-16-014
388-77-285	REP	95-18-002	388-86-030	AMD-P	95-14-058	388-91-030	REP-W	95-17-029
388-77-320	REP-P	95-15-068	388-86-030	AMD-E	95-14-060	388-91-035	REP-P	95-16-014
388-77-320	REP	95-18-002	388-86-030	AMD-W	95-17-086	388-91-035	REP-W	95-17-029
388-77-500	REP-P	95-15-068	388-86-030	AMD-P	95-18-005	388-91-040	REP-P	95-16-014
388-77-500	REP	95-18-002	388-86-030	AMD	95-22-039	388-91-040	REP-W	95-17-029
388-77-515	REP-P	95-15-068	388-86-073	PREP	95-13-020	388-91-050	REP-P	95-16-014
388-77-515	REP	95-18-002	388-86-073	AMD-P	95-14-058	388-91-050	REP-W	95-17-029
388-77-520	REP-P	95-15-068	388-86-073	AMD-E	95-14-060	388-96	PREP	95-12-022
388-77-520	REP	95-18-002	388-86-073	AMD-W	95-17-086	388-96-010	AMD-E	95-14-119
388-77-525	REP-P	95-15-068	388-86-073	AMD-P	95-18-005	388-96-010	AMD-P	95-14-120
388-77-525	REP	95-18-002	388-86-073	AMD	95-22-039	388-96-010	AMD	95-19-037
388-77-531	REP-P	95-15-068	388-86-075	PREP	95-13-020	388-96-032	AMD-E	95-14-119
388-77-531	REP	95-18-002	388-86-075	AMD-P	95-14-058	388-96-032	AMD-P	95-14-120
388-77-555	REP-P	95-15-068	388-86-075	AMD-E	95-14-060	388-96-032	AMD	95-19-037
388-77-555	REP	95-18-002	388-86-075	AMD-W	95-17-086	388-96-108	AMD-E	95-14-119
388-77-600	REP-P	95-15-068	388-86-075	AMD-P	95-18-005	388-96-108	AMD-P	95-14-120
388-77-600	REP	95-18-002	388-86-075	AMD	95-22-039	388-96-108	AMD	95-19-037
388-77-605	REP-P	95-15-068	388-86-090	PREP	95-13-020	388-96-204	AMD-E	95-14-119
388-77-605	REP	95-18-002	388-86-090	AMD-P	95-14-058	388-96-204	AMD-P	95-14-120
388-77-610	REP-P	95-15-068	388-86-090	AMD-E	95-14-060	388-96-204	AMD	95-19-037
388-77-610	REP	95-18-002	388-86-090	AMD-W	95-17-086	388-96-210	AMD-E	95-14-119
388-77-615	REP-P	95-15-068	388-86-090	AMD-P	95-18-005	388-96-210	AMD-P	95-14-120
388-77-615	REP	95-18-002	388-86-090	AMD	95-22-039	388-96-210	AMD	95-19-037
388-77-735	REP-P	95-15-068	388-86-095	PREP	95-08-043	388-96-216	REP-E	95-14-119
388-77-735	REP	95-18-002	388-86-098	PREP	95-13-020	388-96-216	REP-P	95-14-120
388-77-737	REP-P	95-15-068	388-86-098	AMD-P	95-14-058	388-96-216	REP	95-19-037
388-77-737	REP	95-18-002	388-86-098	AMD-E	95-14-060	388-96-220	AMD-E	95-14-119
388-77-810	REP-P	95-15-068	388-86-098	AMD-W	95-17-086	388-96-220	AMD-P	95-14-120
388-77-810	REP	95-18-002	388-86-098	AMD-P	95-18-005	388-96-220	AMD	95-19-037
388-77-820	REP-P	95-15-068	388-86-098	AMD	95-22-039	388-96-221	AMD-E	95-14-119
388-77-820	REP	95-18-002	388-87	PREP	95-15-008	388-96-221	AMD-P	95-14-120
388-77-900	REP-P	95-15-068	388-87-005	AMD-E	95-16-115	388-96-221	AMD	95-19-037
388-77-900	REP	95-18-002	388-87-005	AMD-P	95-17-023	388-96-224	AMD-E	95-14-119
388-77A	PREP	95-15-036	388-87-005	AMD-W	95-17-049	388-96-224	AMD-P	95-14-120
388-77A-010	REP-P	95-15-068	388-87-005	AMD-P	95-21-064	388-96-224	AMD	95-19-037
388-77A-010	REP	95-18-002	388-87-011	PREP	95-19-059	388-96-229	AMD-E	95-14-119
388-77A-020	REP-P	95-15-068	388-87-020	PREP	95-15-047	388-96-229	AMD-P	95-14-120
388-77A-020	REP	95-18-002	388-87-020	AMD-E	95-16-114	388-96-229	AMD	95-19-037
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388-96-501	AMD-P	95-14-120	388-97-240	AMD-E	95-21-100	388-215-1160	NEW	95-19-002
388-96-501	AMD	95-19-037	388-150	PREP	95-16-057	388-215-1170	PREP	95-16-041
388-96-585	AMD-E	95-14-119	388-150-090	AMD-E	95-18-006	388-215-1170	NEW-P	95-16-042
388-96-585	AMD-P	95-14-120	388-150-090	AMD-P	95-18-007	388-215-1170	NEW-E	95-16-045
388-96-585	AMD	95-19-037	388-150-090	AMD-C	95-22-042	388-215-1170	NEW	95-19-002
388-96-704	AMD-E	95-14-119	388-151	PREP	95-16-057	388-215-1510	PREP	95-11-066
388-96-704	AMD-P	95-14-120	388-151-090	AMD-E	95-18-006	388-215-1510	NEW-P	95-11-067
388-96-704	AMD	95-19-037	388-151-090	AMD-P	95-18-007	388-215-1510	NEW	95-14-048
388-96-709	AMD-E	95-14-119	388-151-090	AMD-C	95-22-042	388-216-2150	PREP	95-09-012
388-96-709	AMD-P	95-14-120	388-155	PREP	95-16-057	388-216-2150	AMD-P	95-11-050
388-96-709	AMD	95-19-037	388-155-090	AMD-E	95-18-006	388-216-2150	AMD	95-14-049
388-96-710	AMD-E	95-14-119	388-155-090	AMD-P	95-18-007	388-216-2350	PREP	95-14-081
388-96-710	AMD-P	95-14-120	388-155-090	AMD-C	95-22-042	388-216-2350	AMD-P	95-16-120
388-96-710	AMD	95-19-037	388-160	PREP	95-16-057	388-216-2350	AMD	95-19-006
388-96-713	AMD-E	95-14-119	388-160	PREP	95-17-041	388-216-2450	PREP	95-09-012
388-96-713	AMD-P	95-14-120	388-160-090	AMD-E	95-18-006	388-216-2450	AMD-P	95-11-050
388-96-713	AMD	95-19-037	388-160-090	AMD-P	95-18-007	388-216-2450	AMD	95-14-049
388-96-716	AMD-E	95-14-119	388-160-090	AMD-C	95-22-042	388-216-2650	PREP	95-09-012
388-96-716	AMD-P	95-14-120	388-165	PREP	95-05-068	388-216-2650	AMD-P	95-11-050
388-96-716	AMD	95-19-037	388-165-005	NEW-P	95-08-044	388-216-2650	AMD	95-14-049
388-96-719	AMD-E	95-14-119	388-165-005	NEW	95-11-048	388-216-2650	PREP	95-09-012
388-96-719	AMD-P	95-14-120	388-165-010	NEW-P	95-08-044	388-216-2800	AMD-P	95-11-050
388-96-719	AMD	95-19-037	388-165-010	NEW	95-11-048	388-216-2800	AMD	95-14-049
388-96-722	AMD-E	95-14-119	388-165-020	NEW-P	95-08-044	388-217-3050	PREP	95-19-061
388-96-722	AMD-P	95-14-120	388-165-020	NEW	95-11-048	388-217-3050	PREP	95-19-082
388-96-722	AMD	95-19-037	388-165-030	NEW-P	95-08-044	388-217-3050	AMD-P	95-21-083
388-96-727	AMD-E	95-14-119	388-165-030	NEW	95-11-048	388-217-3200	PREP	95-19-061
388-96-727	AMD-P	95-14-120	388-165-040	NEW-P	95-08-044	388-217-3200	PREP	95-19-082
388-96-727	AMD	95-19-037	388-165-040	NEW	95-11-048	388-217-3200	AMD-P	95-21-083
388-96-735	AMD-E	95-14-119	388-165-050	NEW-P	95-08-044	388-218-1050	AMD	95-04-048
388-96-735	AMD-P	95-14-120	388-165-050	NEW	95-11-048	388-218-1050	PREP	95-11-007
388-96-735	AMD	95-19-037	388-165-060	NEW-P	95-08-044	388-218-1050	AMD-P	95-11-101
388-96-737	AMD-E	95-14-119	388-165-060	NEW	95-11-048	388-218-1050	AMD	95-14-047
388-96-737	AMD-P	95-14-120	388-165-070	NEW-P	95-08-044	388-218-1200	PREP	95-08-023
388-96-737	AMD	95-19-037	388-165-070	NEW	95-11-048	388-218-1200	AMD-P	95-09-035
388-96-745	AMD-E	95-14-119	388-165-080	NEW-P	95-08-044	388-218-1200	AMD	95-11-124
388-96-745	AMD-P	95-14-120	388-165-080	NEW	95-11-048	388-218-1350	PREP	95-08-023
388-96-745	AMD	95-19-037	388-165-090	NEW-P	95-08-044	388-218-1350	AMD-P	95-09-035
388-96-753	REP-E	95-14-119	388-165-090	NEW	95-11-048	388-218-1350	AMD	95-11-124
388-96-753	REP-P	95-14-120	388-165-100	NEW-P	95-08-044	388-218-1400	AMD	95-04-048
388-96-753	REP	95-19-037	388-165-100	NEW	95-11-048	388-218-1450	PREP	95-08-023
388-96-754	AMD-E	95-14-119	388-201	PREP	95-19-020	388-218-1450	AMD-P	95-09-035
388-96-754	AMD-P	95-14-120	388-201-100	NEW-P	95-21-084	388-218-1450	AMD	95-11-124
388-96-754	AMD	95-19-037	388-201-200	NEW-P	95-21-084	388-218-1500	AMD	95-04-048
388-96-763	AMD-E	95-14-119	388-201-300	NEW-P	95-21-084	388-218-1510	PREP	95-11-007
388-96-763	AMD-P	95-14-120	388-201-400	NEW-P	95-21-084	388-218-1510	AMD-P	95-11-101
388-96-763	AMD	95-19-037	388-201-410	NEW-P	95-21-084	388-218-1510	AMD	95-14-047
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388-96-765	AMD-P	95-14-120	388-201-430	NEW-P	95-21-084	388-218-1515	PREP	95-11-007
388-96-765	AMD	95-19-037	388-201-440	NEW-P	95-21-084	388-218-1515	REP-P	95-11-101
388-96-769	AMD-E	95-14-119	388-201-450	NEW-P	95-21-084	388-218-1515	REP	95-14-047
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388-96-776	AMD-P	95-14-120	388-215-1000	PREP	95-09-013	388-218-1605	AMD	95-11-124
388-96-776	AMD	95-19-037	388-215-1000	PREP	95-11-066	388-218-1610	PREP	95-08-023
388-96-813	AMD-E	95-14-119	388-215-1000	AMD-P	95-11-067	388-218-1610	AMD-P	95-09-035
388-96-813	AMD-P	95-14-120	388-215-1000	AMD	95-14-048	388-218-1610	AMD	95-11-124
388-96-813	AMD	95-19-037	388-215-1130	PREP	95-16-041	388-218-1630	PREP	95-08-023
388-96-901	AMD-E	95-14-119	388-215-1130	NEW-P	95-16-042	388-218-1630	AMD-P	95-09-035
388-96-901	AMD-P	95-14-120	388-215-1130	NEW-E	95-16-045	388-218-1630	AMD	95-11-124
388-96-901	AMD	95-19-037	388-215-1130	NEW	95-19-002	388-218-1680	PREP	95-08-023
388-96-902	REP-E	95-14-119	388-215-1140	PREP	95-16-041	388-218-1680	AMD-P	95-09-035
388-96-902	REP-P	95-14-120	388-215-1140	NEW-P	95-16-042	388-218-1680	AMD	95-11-124
388-96-902	REP	95-19-037	388-215-1140	NEW-E	95-16-045	388-218-1695	PREP	95-14-080
388-96-904	AMD-E	95-14-119	388-215-1140	NEW	95-19-002	388-218-1695	AMD-P	95-16-119
388-96-904	AMD-P	95-14-120	388-215-1150	PREP	95-16-041	388-218-1695	AMD	95-19-005
388-96-904	AMD	95-19-037	388-215-1150	NEW-P	95-16-042	388-218-1730	PREP	95-08-023
388-97	PREP	95-18-043	388-215-1150	NEW-E	95-16-045	388-218-1730	AMD-P	95-09-035
388-97	PREP	95-19-060	388-215-1150	NEW	95-19-002	388-218-1730	AMD	95-11-124
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388-225-0020	PREP	95-05-039	388-300-0800	NEW	95-19-075	388-330-035	NEW-E	95-16-087
388-225-0020	AMD-P	95-08-010	388-300-0900	NEW-P	95-15-001	388-330-035	RESCIND	95-16-100
388-225-0020	AMD	95-11-046	388-300-0900	NEW	95-19-075	388-330-035	NEW-W	95-16-101
388-225-0300	REP-P	95-08-010	388-300-1000	NEW-P	95-15-001	388-330-035	NEW-E	95-18-006
388-225-0300	REP	95-11-046	388-300-1000	NEW	95-19-075	388-330-035	NEW-P	95-18-007
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388-233-0010	AMD-P	95-21-067	388-300-1100	NEW	95-19-075	388-500-0005	PREP	95-13-020
388-233-0020	AMD-P	95-21-067	388-300-1200	NEW-P	95-15-001	388-500-0005	AMD-P	95-14-058
388-233-0050	AMD-P	95-21-067	388-300-1200	NEW	95-19-075	388-500-0005	AMD-E	95-14-060
388-233-0060	AMD-P	95-21-067	388-300-1300	NEW-P	95-15-001	388-500-0005	AMD-W	95-17-086
388-233-0070	AMD-P	95-21-067	388-300-1300	NEW	95-19-075	388-500-0005	AMD-P	95-18-005
388-233-0090	AMD-P	95-21-067	388-300-1400	NEW-P	95-15-001	388-500-0005	AMD	95-22-039
388-235-9000	AMD	95-03-048	388-300-1400	NEW	95-19-075	388-501-0130	PREP	95-17-042
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388-250-1200	AMD	95-07-123	388-300-1500	NEW	95-19-075	388-503-0320	PREP	95-15-037
388-250-1250	PREP	95-17-050	388-300-1600	NEW-P	95-15-001	388-503-0320	AMD-P	95-21-071
388-250-1250	AMD-P	95-18-036	388-300-1600	NEW	95-19-075	388-503-0370	PREP	95-13-020
388-250-1250	AMD-E	95-18-061	388-300-1700	NEW-P	95-15-001	388-503-0370	AMD-P	95-14-058
388-250-1250	AMD	95-21-049	388-300-1700	NEW	95-19-075	388-503-0370	AMD-E	95-14-060
388-250-1300	PREP	95-17-050	388-300-1800	NEW-P	95-15-001	388-503-0370	AMD-W	95-17-086
388-250-1300	AMD-P	95-18-036	388-300-1800	NEW	95-19-075	388-503-0370	AMD-P	95-18-005
388-250-1300	AMD-E	95-18-061	388-300-1900	NEW-P	95-15-001	388-503-0370	AMD	95-22-039
388-250-1300	AMD	95-21-049	388-300-1900	NEW	95-19-075	388-504-0470	PREP	95-14-005
388-250-1400	PREP	95-22-023	388-300-2000	NEW-P	95-15-001	388-504-0470	AMD-P	95-19-100
388-250-1700	AMD	95-03-046	388-300-2000	NEW	95-19-075	388-504-0470	AMD	95-22-040
388-250-1700	PREP	95-16-015	388-300-2100	NEW-P	95-15-001	388-505-0520	PREP	95-19-036
388-250-1700	AMD-P	95-17-128	388-300-2100	NEW	95-19-075	388-505-0520	AMD-P	95-21-101
388-250-1700	AMD	95-20-028	388-300-2200	NEW-P	95-15-001	388-505-0580	PREP	95-17-060
388-250-1750	PREP	95-17-050	388-300-2200	NEW	95-19-075	388-505-0580	AMD-P	95-22-041
388-250-1750	AMD-P	95-18-036	388-300-2300	NEW-P	95-15-001	388-505-0590	AMD	95-04-047
388-250-1750	AMD-E	95-18-061	388-300-2300	NEW	95-19-075	388-505-0590	PREP	95-07-090
388-250-1750	AMD	95-21-049	388-300-2400	NEW-P	95-15-001	388-505-0590	AMD-P	95-13-085
388-255-1200	PREP	95-20-008	388-300-2400	NEW	95-19-075	388-505-0590	AMD-P	95-14-037
388-255-1200	AMD-P	95-22-043	388-300-2500	NEW-P	95-15-001	388-505-0590	AMD-W	95-14-038
388-265-1750	PREP	95-09-044	388-300-2500	NEW	95-19-075	388-505-0590	AMD	95-17-031
388-265-1750	AMD-P	95-09-054	388-300-2600	NEW-P	95-15-001	388-506-0610	AMD-P	95-07-049
388-265-1750	AMD-E	95-09-055	388-300-2600	NEW	95-19-075	388-506-0610	AMD	95-10-025
388-265-1750	AMD	95-11-119	388-300-2700	NEW-P	95-15-001	388-506-0610	PREP	95-15-038
388-290	PREP	95-13-061	388-300-2700	NEW	95-19-075	388-506-0610	AMD-P	95-16-013
388-290	PREP	95-17-096	388-300-2800	NEW-P	95-15-001	388-506-0610	AMD-E	95-16-018
388-290-010	NEW-P	95-19-021	388-300-2800	NEW	95-19-075	388-506-0610	AMD	95-19-007
388-290-020	NEW-P	95-19-021	388-300-2900	NEW-P	95-15-001	388-507-0710	AMD	95-05-022
388-290-040	NEW-P	95-19-021	388-300-2900	NEW	95-19-075	388-507-0710	PREP	95-08-009
388-290-110	NEW-P	95-19-021	388-300-3000	NEW-P	95-15-001	388-507-0710	AMD-P	95-13-087
388-290-115	NEW-P	95-19-021	388-300-3000	NEW	95-19-075	388-507-0710	AMD-W	95-14-038
388-290-120	NEW-P	95-19-021	388-300-3100	NEW-P	95-15-001	388-508-0805	PREP	95-06-071
388-290-123	NEW-P	95-19-021	388-300-3100	NEW	95-19-075	388-508-0805	AMD-P	95-08-045
388-290-130	NEW-P	95-19-021	388-300-3200	NEW-P	95-15-001	388-508-0805	AMD-E	95-08-046
388-290-135	NEW-P	95-19-021	388-300-3200	NEW	95-19-075	388-508-0805	AMD	95-11-045
388-290-140	NEW-P	95-19-021	388-300-3300	NEW-P	95-15-001	388-508-0820	AMD-P	95-13-086
388-290-155	NEW-P	95-19-021	388-300-3300	NEW	95-19-075	388-508-0820	AMD	95-16-058
388-290-160	NEW-P	95-19-021	388-300-3400	NEW-P	95-15-001	388-509-0920	PREP	95-06-071
388-290-170	NEW-P	95-19-021	388-300-3400	NEW	95-19-075	388-509-0920	AMD-P	95-08-045
388-290-180	NEW-P	95-19-021	388-300-3500	NEW-P	95-15-001	388-509-0920	AMD-E	95-08-046
388-290-210	NEW-P	95-19-021	388-300-3500	NEW	95-19-075	388-509-0920	AMD	95-11-056
388-290-250	NEW-P	95-19-021	388-300-3600	NEW-P	95-15-001	388-509-0960	AMD	95-05-023
388-290-260	NEW-P	95-19-021	388-300-3600	NEW	95-19-075	388-509-0960	PREP	95-06-071
388-300	PREP	95-08-021	388-300-3700	NEW-P	95-15-001	388-509-0960	AMD-P	95-08-045
388-300-0100	NEW-P	95-15-001	388-300-3700	NEW	95-19-075	388-509-0960	AMD-E	95-08-046
388-300-0100	NEW	95-19-075	388-300-3800	NEW-P	95-15-001	388-509-0960	AMD	95-11-056
388-300-0200	NEW-P	95-15-001	388-300-3800	NEW	95-19-075	388-511-1105	AMD-P	95-06-072
388-300-0200	NEW	95-19-075	388-300-3900	NEW-P	95-15-001	388-511-1105	AMD	95-08-070
388-300-0300	NEW-P	95-15-001	388-300-3900	NEW	95-19-075	388-511-1130	AMD-P	95-06-072
388-300-0300	NEW	95-19-075	388-330	PREP	95-11-006	388-511-1130	AMD-W	95-08-071
388-300-0400	NEW-P	95-15-001	388-330	PREP	95-16-057	388-511-1140	AMD-P	95-06-072
388-300-0400	NEW	95-19-075	388-330-010	AMD-P	95-16-086	388-511-1140	AMD	95-08-070
388-300-0500	NEW-P	95-15-001	388-330-010	AMD-E	95-16-087	388-511-1140	PREP	95-21-012
388-300-0500	NEW	95-19-075	388-330-010	RESCIND	95-16-100	388-511-1140	AMD-E	95-22-074
388-300-0600	NEW-P	95-15-001	388-330-010	AMD-W	95-16-101	388-511-1160	AMD-P	95-06-072
388-300-0600	NEW	95-19-075	388-330-010	AMD-E	95-18-006	388-511-1160	AMD	95-08-070
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388-513-1315	PREP	95-15-038	388-522-2230	PREP	95-06-033	388-530-1550	NEW-W	95-17-029
388-513-1315	AMD-P	95-16-013	388-522-2230	AMD-P	95-12-031	388-530-1600	NEW-P	95-16-014
388-513-1315	AMD-E	95-16-018	388-522-2230	AMD	95-15-039	388-530-1600	NEW-W	95-17-029
388-513-1315	AMD	95-19-007	388-527-2710	REP-P	95-14-116	388-530-1650	NEW-P	95-16-014
388-513-1330	PREP	95-07-072	388-527-2710	REP-E	95-14-117	388-530-1650	NEW-W	95-17-029
388-513-1350	AMD	95-05-022	388-527-2710	REP-C	95-17-030	388-530-1700	NEW-P	95-16-014
388-513-1380	AMD	95-05-022	388-527-2710	REP	95-19-001	388-530-1700	NEW-W	95-17-029
388-513-1380	PREP	95-06-071	388-527-2720	REP-P	95-14-116	388-530-1750	NEW-P	95-16-014
388-513-1380	AMD-P	95-08-045	388-527-2720	REP-E	95-14-117	388-530-1750	NEW-W	95-17-029
388-513-1380	AMD-E	95-08-046	388-527-2720	REP-C	95-17-030	388-530-1800	NEW-P	95-16-014
388-513-1380	AMD	95-11-045	388-527-2720	REP	95-19-001	388-530-1800	NEW-W	95-17-029
388-513-1380	PREP	95-14-002	388-527-2730	NEW-P	95-14-116	388-530-1850	NEW-P	95-16-014
388-513-1395	PREP	95-15-037	388-527-2730	NEW-E	95-14-117	388-530-1850	NEW-W	95-17-029
388-513-1395	AMD-P	95-21-071	388-527-2730	NEW-C	95-17-030	388-530-1900	NEW-P	95-16-014
388-515-1505	PREP	95-12-011	388-527-2730	NEW	95-19-001	388-530-1900	NEW-W	95-17-029
388-515-1505	AMD-P	95-17-061	388-527-2730	NEW-E	95-21-020	388-535	PREP	95-15-008
388-515-1505	AMD	95-20-030	388-527-2735	NEW	95-19-001	388-535-1000	NEW-E	95-16-115
388-515-1530	PREP	95-11-077	388-527-2740	NEW-P	95-14-116	388-535-1000	NEW-P	95-17-023
388-515-1530	AMD-P	95-15-035	388-527-2740	NEW-E	95-14-117	388-535-1000	NEW-W	95-17-049
388-515-1530	AMD	95-18-001	388-527-2740	NEW-C	95-17-030	388-535-1000	NEW-P	95-21-050
388-517-1710	AMD-P	95-11-049	388-527-2740	NEW	95-19-001	388-535-1050	NEW-E	95-16-115
388-517-1710	AMD	95-14-046	388-527-2740	NEW-E	95-21-020	388-535-1050	NEW-P	95-17-023
388-517-1715	AMD-P	95-11-049	388-527-2742	NEW-P	95-14-116	388-535-1050	NEW-W	95-17-049
388-517-1715	AMD	95-14-046	388-527-2742	NEW-E	95-14-117	388-535-1050	NEW-P	95-21-050
388-517-1720	PREP	95-06-071	388-527-2742	NEW-C	95-17-030	388-535-1100	NEW-E	95-16-115
388-517-1720	AMD-P	95-08-045	388-527-2742	NEW	95-19-001	388-535-1100	NEW-P	95-17-023
388-517-1720	AMD-E	95-08-046	388-527-2744	NEW-P	95-14-116	388-535-1100	NEW-W	95-17-049
388-517-1720	AMD	95-11-056	388-527-2744	NEW-E	95-14-117	388-535-1100	NEW-P	95-21-050
388-517-1730	AMD-P	95-11-049	388-527-2744	NEW-C	95-17-030	388-535-1150	NEW-E	95-16-115
388-517-1730	AMD	95-14-046	388-527-2750	NEW	95-19-001	388-535-1150	NEW-P	95-17-023
388-517-1740	PREP	95-06-071	388-527-2750	NEW-E	95-21-020	388-535-1150	NEW-W	95-17-049
388-517-1740	AMD-P	95-08-045	388-527-2752	NEW	95-19-001	388-535-1150	NEW-P	95-21-050
388-517-1740	AMD-E	95-08-046	388-527-2752	NEW-E	95-21-020	388-535-1200	NEW-E	95-16-115
388-517-1740	AMD	95-11-056	388-527-2753	NEW	95-19-001	388-535-1200	NEW-P	95-17-023
388-517-1740	PREP	95-15-007	388-527-2754	NEW	95-19-001	388-535-1200	NEW-W	95-17-049
388-517-1740	AMD-P	95-20-011	388-527-2754	NEW-E	95-21-020	388-535-1200	NEW-P	95-21-050
388-517-1750	AMD-P	95-11-049	388-527-2770	NEW-P	95-14-116	388-535-1250	NEW-E	95-16-115
388-517-1750	AMD	95-14-046	388-527-2770	NEW-E	95-14-117	388-535-1250	NEW-P	95-17-023
388-517-1760	PREP	95-06-071	388-527-2770	NEW-C	95-17-030	388-535-1250	NEW-W	95-17-049
388-517-1760	AMD-P	95-08-045	388-527-2790	NEW-P	95-14-116	388-535-1250	NEW-P	95-21-050
388-517-1760	AMD-E	95-08-046	388-527-2790	NEW-E	95-14-117	388-535-1300	NEW-E	95-16-115
388-517-1760	AMD	95-11-056	388-527-2790	NEW-C	95-17-030	388-535-1300	NEW-P	95-17-023
388-518-1805	AMD	95-04-049	388-527-2790	NEW	95-19-001	388-535-1300	NEW-W	95-17-049
388-518-1805	PREP	95-13-020	388-527-2790	NEW-E	95-21-020	388-535-1300	NEW-P	95-21-050
388-518-1805	AMD-P	95-14-058	388-529-2950	PREP	95-13-020	388-535-1350	NEW-E	95-16-115
388-518-1805	AMD-E	95-14-060	388-529-2950	AMD-P	95-14-058	388-535-1350	NEW-P	95-17-023
388-518-1805	AMD-W	95-17-086	388-529-2950	AMD-E	95-14-060	388-535-1350	NEW-W	95-17-049
388-518-1805	AMD-P	95-18-005	388-529-2950	AMD-W	95-17-086	388-535-1350	NEW-P	95-21-050
388-518-1805	AMD	95-22-039	388-529-2950	AMD-P	95-18-005	388-535-1400	NEW-E	95-16-115
388-518-1810	PREP	95-13-020	388-529-2950	AMD	95-22-039	388-535-1400	NEW-P	95-17-023
388-518-1810	AMD-P	95-14-058	388-530-1000	NEW-P	95-16-014	388-535-1400	NEW-W	95-17-049
388-518-1810	AMD-E	95-14-060	388-530-1000	NEW-W	95-17-029	388-535-1400	NEW-P	95-21-050
388-518-1810	AMD-W	95-17-086	388-530-1050	NEW-P	95-16-014	388-535-1450	NEW-E	95-16-115
388-518-1810	AMD-P	95-18-005	388-530-1050	NEW-W	95-17-029	388-535-1450	NEW-P	95-17-023
388-518-1810	AMD	95-22-039	388-530-1100	NEW-P	95-16-014	388-535-1450	NEW-W	95-17-049
388-518-1840	PREP	95-13-020	388-530-1100	NEW-W	95-17-029	388-535-1450	NEW-P	95-21-050
388-518-1840	AMD-P	95-14-058	388-530-1150	NEW-P	95-16-014	388-535-1500	NEW-E	95-16-115
388-518-1840	AMD-E	95-14-060	388-530-1150	NEW-W	95-17-029	388-535-1500	NEW-P	95-17-023
388-518-1840	AMD-W	95-17-086	388-530-1200	NEW-P	95-16-014	388-535-1500	NEW-W	95-17-049
388-518-1840	AMD-P	95-18-005	388-530-1200	NEW-W	95-17-029	388-535-1500	NEW-P	95-21-050
388-518-1840	AMD	95-22-039	388-530-1250	NEW-P	95-16-014	388-535-1550	NEW-E	95-16-115
388-519-1905	PREP	95-13-020	388-530-1250	NEW-W	95-17-029	388-535-1550	NEW-P	95-17-023
388-519-1905	AMD-P	95-14-058	388-530-1300	NEW-P	95-16-014	388-535-1550	NEW-W	95-17-049
388-519-1905	AMD-E	95-14-060	388-530-1300	NEW-W	95-17-029	388-538	PREP	95-12-033
388-519-1905	AMD-W	95-17-086	388-530-1350	NEW-P	95-16-014	388-538-050	AMD-P	95-15-023
388-519-1905	AMD-P	95-18-005	388-530-1350	NEW-W	95-17-029	388-538-050	AMD	95-18-046
388-519-1905	AMD	95-22-039	388-530-1400	NEW-P	95-16-014	388-538-060	AMD-P	95-15-023
388-521-2140	PREP	95-13-020	388-530-1400	NEW-W	95-17-029	388-538-060	AMD	95-18-046
388-521-2140	AMD-P	95-14-058	388-530-1450	NEW-P	95-16-014	388-538-070	AMD-P	95-15-023
388-521-2140	AMD-E	95-14-060	388-530-1450	NEW-W	95-17-029	388-538-070	AMD	95-18-046
388-521-2140	AMD-W	95-17-086	388-530-1500	NEW-P	95-16-014	388-538-080	AMD-P	95-15-023
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388-538-090	AMD-P	95-15-023	392-121-257	AMD	95-21-096	392-140-576	NEW	95-18-051
388-538-090	AMD	95-18-046	392-121-259	AMD-P	95-18-096	392-140-577	NEW-P	95-15-054
388-538-095	AMD-P	95-15-023	392-121-259	AMD	95-21-096	392-140-577	NEW	95-18-051
388-538-095	AMD	95-18-046	392-121-261	AMD-P	95-18-096	392-140-578	NEW-P	95-15-054
388-538-100	AMD	95-04-033	392-121-261	AMD	95-21-096	392-140-578	NEW	95-18-051
388-538-100	AMD-P	95-15-023	392-121-262	NEW-P	95-18-096	392-140-580	NEW-P	95-15-054
388-538-100	AMD	95-18-046	392-121-262	NEW	95-21-096	392-140-580	NEW	95-18-051
388-538-110	AMD-P	95-15-023	392-121-270	AMD-P	95-18-096	392-140-581	NEW-P	95-15-054
388-538-110	AMD	95-18-046	392-121-270	AMD	95-21-096	392-140-581	NEW	95-18-051
388-538-120	AMD-P	95-15-023	392-121-280	AMD-P	95-18-096	392-140-582	NEW-P	95-15-054
388-538-120	AMD	95-18-046	392-121-280	AMD	95-21-096	392-140-582	NEW	95-18-051
388-538-130	AMD-P	95-15-023	392-121-295	AMD-P	95-18-096	392-140-583	NEW-P	95-15-054
388-538-130	AMD	95-18-046	392-121-295	AMD	95-21-096	392-140-583	NEW	95-18-051
388-538-140	AMD-P	95-15-023	392-121-435	NEW-P	95-22-032	392-140-584	NEW-P	95-15-054
388-538-140	AMD	95-18-046	392-122	PREP	95-14-014	392-140-584	NEW	95-18-051
388-538-150	AMD-P	95-15-023	392-122	PREP	95-15-089	392-140-585	NEW-P	95-15-054
388-538-150	AMD	95-18-046	392-122-100	AMD-P	95-22-031	392-140-585	NEW	95-18-051
390-05-190	AMD-E	95-14-076	392-122-105	AMD-P	95-22-031	392-140-586	NEW-P	95-15-054
390-05-210	AMD-E	95-14-076	392-122-106	AMD-P	95-22-031	392-140-586	NEW	95-18-051
390-05-245	NEW-E	95-14-076	392-122-107	AMD-P	95-22-031	392-140-588	NEW-P	95-15-054
390-16-038	AMD-E	95-14-076	392-122-110	AMD-P	95-22-031	392-140-588	NEW	95-18-051
390-16-313	NEW-E	95-14-076	392-122-120	AMD-P	95-22-031	392-140-590	NEW-P	95-15-054
390-16-314	NEW-E	95-14-076	392-122-130	AMD-P	95-22-031	392-140-590	NEW	95-18-051
390-17-050	REP-E	95-14-076	392-122-131	AMD-P	95-22-031	392-140-592	NEW-P	95-15-054
390-17-052	REP-E	95-14-076	392-122-132	AMD-P	95-22-031	392-140-592	NEW	95-18-051
390-17-400	PREP	95-18-089	392-122-135	AMD-P	95-22-031	392-140-594	NEW-P	95-15-054
390-17-400	AMD-P	95-22-104	392-122-140	AMD-P	95-22-031	392-140-594	NEW	95-18-051
390-20-020	AMD-E	95-18-079	392-122-145	AMD-P	95-22-031	392-141-115	AMD-P	95-15-075
390-20-020	AMD-P	95-21-007	392-122-150	AMD-P	95-22-031	392-141-115	AMD	95-18-050
390-20-110	AMD-P	95-21-008	392-122-155	AMD-P	95-22-031	392-141-135	AMD-P	95-15-075
390-24-010	AMD-P	95-21-006	392-122-160	AMD-P	95-22-031	392-141-135	AMD	95-18-050
390-24-020	AMD-P	95-21-006	392-122-165	AMD-P	95-22-031	392-141-145	REP-P	95-15-075
391-08	PREP	95-20-036	392-122-166	NEW-P	95-22-031	392-141-145	REP	95-18-050
391-25	PREP	95-20-036	392-122-205	AMD-P	95-05-020	392-141-151	NEW-P	95-15-075
391-35	PREP	95-20-036	392-122-205	AMD	95-08-025	392-141-151	NEW	95-18-050
391-35-300	NEW-E	95-07-026	392-122-214	REP-P	95-05-020	392-141-170	AMD-P	95-15-075
391-45	PREP	95-20-036	392-122-214	REP	95-08-025	392-141-170	AMD	95-18-050
391-45-431	REP-E	95-06-087	392-122-221	AMD-P	95-05-020	392-141-176	NEW-P	95-15-075
391-45-560	NEW-E	95-07-026	392-122-221	AMD	95-08-025	392-141-176	NEW	95-18-050
391-55	PREP	95-20-036	392-122-230	AMD-P	95-05-020	392-141-185	AMD-P	95-15-075
391-65	PREP	95-20-036	392-122-230	AMD	95-08-025	392-141-185	AMD	95-18-050
391-95	PREP	95-20-036	392-122-260	REP-P	95-05-020	392-142-005	AMD-P	95-13-100
392-121	PREP	95-10-032	392-122-260	REP	95-08-025	392-142-005	AMD	95-17-011
392-121	PREP	95-14-015	392-122-275	AMD-P	95-05-020	392-142-005	AMD-E	95-17-012
392-121	PREP	95-15-090	392-122-275	AMD	95-08-025	392-142-010	AMD-P	95-13-100
392-121-106	AMD-E	95-04-055	392-122-710	AMD-P	95-22-031	392-142-010	AMD	95-17-011
392-121-106	AMD-P	95-06-059	392-122-805	AMD-P	95-22-031	392-142-010	AMD-E	95-17-012
392-121-106	AMD	95-10-011	392-122-900	PREP	95-13-081	392-142-095	AMD-P	95-13-100
392-121-107	AMD-P	95-14-140	392-122-900	AMD-P	95-15-029	392-142-095	AMD	95-17-011
392-121-107	AMD	95-18-097	392-122-900	AMD-E	95-15-030	392-142-095	AMD-E	95-17-012
392-121-182	AMD-P	95-14-140	392-122-900	AMD	95-18-074	392-142-115	AMD-P	95-13-100
392-121-182	AMD	95-18-097	392-122-900	AMD-P	95-22-031	392-142-115	AMD	95-17-011
392-121-188	AMD-P	95-14-140	392-123-054	PREP	95-11-024	392-142-115	AMD-E	95-17-012
392-121-188	AMD	95-18-097	392-127	PREP	95-14-013	392-142-125	AMD-P	95-13-100
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392-121-210	AMD	95-21-096	392-140-570	NEW	95-18-051	392-142-135	AMD-E	95-17-012
392-121-215	AMD-P	95-18-096	392-140-571	NEW-P	95-15-054	392-142-155	AMD-P	95-13-100
392-121-215	AMD	95-21-096	392-140-571	NEW	95-18-051	392-142-155	AMD	95-17-011
392-121-220	AMD-P	95-18-096	392-140-572	NEW-P	95-15-054	392-142-155	AMD-E	95-17-012
392-121-220	AMD	95-21-096	392-140-572	NEW	95-18-051	392-142-162	NEW-P	95-13-100
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392-121-225	AMD	95-21-096	392-140-573	NEW	95-18-051	392-142-162	NEW-E	95-17-012
392-121-245	AMD-P	95-18-096	392-140-574	NEW-P	95-15-054	392-142-163	NEW-P	95-13-100
392-121-245	AMD	95-21-096	392-140-574	NEW	95-18-051	392-142-163	NEW	95-17-011
392-121-255	AMD-P	95-18-096	392-140-575	NEW-P	95-15-054	392-142-163	NEW-E	95-17-012
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392-142-170	AMD-P	95-13-100	392-169-035	REP	95-09-042	392-171-366	REP-P	95-15-114
392-142-170	AMD	95-17-011	392-169-045	AMD-P	95-06-084	392-171-366	REP	95-21-055
392-142-170	AMD-E	95-17-012	392-169-045	AMD	95-09-042	392-171-371	REP-P	95-15-114
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392-142-175	REP	95-17-011	392-169-050	AMD	95-09-042	392-171-376	REP-P	95-15-114
392-142-175	REP-E	95-17-012	392-169-055	AMD-P	95-06-084	392-171-376	REP	95-21-055
392-142-205	AMD-P	95-13-100	392-169-055	AMD	95-09-042	392-171-381	REP-P	95-15-114
392-142-205	AMD	95-17-011	392-169-057	AMD-P	95-06-084	392-171-381	REP	95-21-055
392-142-205	AMD-E	95-17-012	392-169-057	AMD	95-09-042	392-171-382	REP-P	95-15-114
392-142-210	AMD-P	95-13-100	392-169-060	AMD-P	95-06-084	392-171-382	REP	95-21-055
392-142-210	AMD	95-17-011	392-169-060	AMD	95-09-042	392-171-383	REP-P	95-15-114
392-142-210	AMD-E	95-17-012	392-169-065	AMD-P	95-06-084	392-171-383	REP	95-21-055
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392-142-212	NEW	95-17-011	392-169-075	AMD-P	95-06-084	392-171-386	REP	95-21-055
392-142-212	NEW-E	95-17-012	392-169-075	AMD	95-09-042	392-171-391	REP-P	95-15-114
392-142-213	NEW-P	95-13-100	392-169-080	AMD-P	95-06-084	392-171-391	REP	95-21-055
392-142-213	NEW	95-17-011	392-169-080	AMD	95-09-042	392-171-396	REP-P	95-15-114
392-142-213	NEW-E	95-17-012	392-169-085	AMD-P	95-06-084	392-171-396	REP	95-21-055
392-142-240	AMD-P	95-13-100	392-169-085	AMD	95-09-042	392-171-401	REP-P	95-15-114
392-142-240	AMD	95-17-011	392-169-090	AMD-P	95-06-084	392-171-401	REP	95-21-055
392-142-240	AMD-E	95-17-012	392-169-090	AMD	95-09-042	392-171-406	REP-P	95-15-114
392-142-265	AMD-P	95-13-100	392-169-100	AMD-P	95-06-084	392-171-406	REP	95-21-055
392-142-265	AMD	95-17-011	392-169-100	AMD	95-09-042	392-171-411	REP-P	95-15-114
392-142-265	AMD-E	95-17-012	392-169-105	AMD-P	95-06-084	392-171-411	REP	95-21-055
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392-162-042	REP-P	95-15-076	392-169-110	AMD-P	95-06-084	392-171-412	REP	95-21-055
392-162-042	REP	95-19-031	392-169-110	AMD	95-09-042	392-171-413	REP-P	95-15-114
392-162-043	NEW-P	95-15-076	392-169-115	AMD-P	95-06-084	392-171-413	REP	95-21-055
392-162-043	NEW	95-19-031	392-169-115	AMD	95-09-042	392-171-418	REP-P	95-15-114
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392-162-044	REP	95-19-031	392-169-120	AMD	95-09-042	392-171-421	REP-P	95-15-114
392-162-049	AMD-P	95-15-076	392-169-125	AMD-P	95-06-084	392-171-421	REP	95-21-055
392-162-049	AMD	95-19-031	392-169-125	AMD	95-09-042	392-171-431	REP-P	95-15-114
392-162-052	AMD-P	95-15-076	392-171	PREP	95-04-089	392-171-431	REP	95-21-055
392-162-052	AMD	95-19-031	392-171	PREP	95-10-050	392-171-436	REP-P	95-15-114
392-162-055	REP-P	95-15-076	392-171-295	REP-P	95-15-114	392-171-436	REP	95-21-055
392-162-055	REP	95-19-031	392-171-295	REP	95-21-055	392-171-441	REP-P	95-15-114
392-162-057	AMD-P	95-15-076	392-171-300	REP-P	95-15-114	392-171-441	REP	95-21-055
392-162-057	AMD	95-19-031	392-171-300	REP	95-21-055	392-171-446	REP-P	95-15-114
392-162-062	AMD-P	95-15-076	392-171-305	REP-P	95-15-114	392-171-446	REP	95-21-055
392-162-062	AMD	95-19-031	392-171-305	REP	95-21-055	392-171-451	REP-P	95-15-114
392-162-067	AMD-P	95-15-076	392-171-310	REP-P	95-15-114	392-171-451	REP	95-21-055
392-162-067	AMD	95-19-031	392-171-310	REP	95-21-055	392-171-452	REP-P	95-15-114
392-162-070	REP-P	95-15-076	392-171-311	REP-P	95-15-114	392-171-452	REP	95-21-055
392-162-070	REP	95-19-031	392-171-311	REP	95-21-055	392-171-454	REP-P	95-15-114
392-162-075	AMD-P	95-15-076	392-171-315	REP-P	95-15-114	392-171-454	REP	95-21-055
392-162-075	AMD	95-19-031	392-171-315	REP	95-21-055	392-171-456	REP-P	95-15-114
392-162-080	AMD-P	95-15-076	392-171-320	REP-P	95-15-114	392-171-456	REP	95-21-055
392-162-080	AMD	95-19-031	392-171-320	REP	95-21-055	392-171-457	REP-P	95-15-114
392-162-085	AMD-P	95-15-076	392-171-321	REP-P	95-15-114	392-171-457	REP	95-21-055
392-162-085	AMD	95-19-031	392-171-321	REP	95-21-055	392-171-461	REP-P	95-15-114
392-162-095	AMD-P	95-15-076	392-171-322	REP-P	95-15-114	392-171-461	REP	95-21-055
392-162-095	AMD	95-19-031	392-171-322	REP	95-21-055	392-171-462	REP-P	95-15-114
392-162-105	PREP	95-15-051	392-171-323	REP-P	95-15-114	392-171-462	REP	95-21-055
392-162-105	AMD-P	95-15-053	392-171-323	REP	95-21-055	392-171-463	REP-P	95-15-114
392-162-105	AMD	95-19-032	392-171-324	REP-P	95-15-114	392-171-463	REP	95-21-055
392-162-110	AMD-P	95-15-076	392-171-324	REP	95-21-055	392-171-464	REP-P	95-15-114
392-162-110	AMD	95-19-031	392-171-325	REP-P	95-15-114	392-171-464	REP	95-21-055
392-169-005	AMD-P	95-06-084	392-171-325	REP	95-21-055	392-171-466	REP-P	95-15-114
392-169-005	AMD	95-09-042	392-171-331	REP-P	95-15-114	392-171-466	REP	95-21-055
392-169-015	AMD-P	95-06-084	392-171-331	REP	95-21-055	392-171-471	REP-P	95-15-114
392-169-015	AMD	95-09-042	392-171-336	REP-P	95-15-114	392-171-471	REP	95-21-055
392-169-020	AMD-P	95-06-084	392-171-336	REP	95-21-055	392-171-476	REP-P	95-15-114
392-169-020	AMD	95-09-042	392-171-341	REP-P	95-15-114	392-171-476	REP	95-21-055
392-169-022	AMD-P	95-06-084	392-171-341	REP	95-21-055	392-171-481	REP-P	95-15-114
392-169-022	AMD	95-09-042	392-171-346	REP-P	95-15-114	392-171-481	REP	95-21-055
392-169-023	AMD-P	95-06-084	392-171-346	REP	95-21-055	392-171-486	REP-P	95-15-114
392-169-023	AMD	95-09-042	392-171-351	REP-P	95-15-114	392-171-486	REP	95-21-055
392-169-025	AMD-P	95-06-084	392-171-351	REP	95-21-055	392-171-491	REP-P	95-15-114
392-169-025	AMD	95-09-042	392-171-358	REP-P	95-15-114	392-171-491	REP	95-21-055
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392-172-408	NEW	95-21-055	392-172-580	NEW-P	95-15-114	415-108-0104	NEW	95-16-053
392-172-410	NEW-P	95-15-114	392-172-580	NEW	95-21-055	415-108-0105	NEW-P	95-09-069
392-172-410	NEW	95-21-055	392-172-582	NEW-P	95-15-114	415-108-0105	NEW	95-16-053
392-172-412	NEW-P	95-15-114	392-172-582	NEW	95-21-055	415-108-0106	NEW-P	95-09-069
392-172-412	NEW	95-21-055	392-172-584	NEW-P	95-15-114	415-108-0106	NEW	95-16-053
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392-172-414	NEW	95-21-055	392-172-586	NEW-P	95-15-114	415-108-0107	NEW	95-16-053
392-172-416	NEW-P	95-15-114	392-172-586	NEW	95-21-055	415-108-0108	NEW-P	95-09-069
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392-172-418	NEW-P	95-15-114	392-172-588	NEW	95-21-055	415-108-0109	NEW-P	95-09-069
392-172-418	NEW	95-21-055	392-172-590	NEW-P	95-15-114	415-108-0109	NEW	95-16-053
392-172-420	NEW-P	95-15-114	392-172-590	NEW	95-21-055	415-108-320	REP-P	95-22-081
392-172-420	NEW	95-21-055	392-172-592	NEW-P	95-15-114	415-108-322	REP-P	95-22-081
392-172-422	NEW-P	95-15-114	392-172-592	NEW	95-21-055	415-108-324	AMD-P	95-22-081
392-172-422	NEW	95-21-055	392-172-594	NEW-P	95-15-114	415-108-326	AMD-P	95-22-081
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392-172-424	NEW	95-21-055	399-10-010	AMD-P	95-07-107	415-108-461	REP-P	95-22-080
392-172-426	NEW-P	95-15-114	399-10-010	AMD	95-11-093	415-108-462	PREP	95-18-012
392-172-426	NEW	95-21-055	399-20-020	AMD-P	95-07-108	415-108-462	REP-P	95-22-080
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392-172-500	NEW	95-21-055	399-30-040	AMD-P	95-07-109	415-108-470	AMD	95-22-006
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392-172-506	NEW	95-21-055	415-100-055	AMD-P	95-22-081	415-108-679	NEW	95-16-053
392-172-508	NEW-P	95-15-114	415-104-011	AMD-P	95-09-069	415-108-680	NEW-P	95-09-069
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392-172-510	NEW-P	95-15-114	415-104-0111	NEW-P	95-09-069	415-108-690	NEW-P	95-09-069
392-172-510	NEW	95-21-055	415-104-0111	NEW	95-16-053	415-108-690	NEW	95-16-053
392-172-512	NEW-P	95-15-114	415-104-0112	NEW-P	95-09-069	415-108-700	NEW-P	95-09-069
392-172-512	NEW	95-21-055	415-104-0112	NEW	95-16-053	415-108-700	NEW	95-16-053
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392-172-514	NEW	95-21-055	415-104-0113	NEW	95-16-053	415-108-710	NEW	95-16-053
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392-172-516	NEW	95-21-055	415-104-0114	NEW	95-16-053	415-108-720	NEW	95-16-053
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392-172-518	NEW	95-21-055	415-104-0115	NEW	95-16-053	415-108-725	NEW	95-16-053
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392-172-520	NEW	95-21-055	415-104-0117	NEW	95-16-053	415-108-726	NEW	95-16-053
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392-172-522	NEW	95-21-055	415-104-0118	NEW	95-16-053	415-108-728	NEW	95-16-053
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392-172-525	NEW	95-21-055	415-104-0120	NEW	95-16-053	415-112-015	AMD	95-16-053
392-172-526	NEW-P	95-15-114	415-104-0121	NEW-P	95-09-069	415-112-015	AMD-P	95-22-083
392-172-526	NEW	95-21-055	415-104-0121	NEW	95-16-053	415-112-0151	NEW-P	95-09-069
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392-172-550	NEW	95-21-055	415-104-0122	NEW	95-16-053	415-112-0152	NEW-P	95-09-069
392-172-552	NEW-P	95-15-114	415-104-0125	NEW-P	95-22-082	415-112-0152	NEW	95-16-053
392-172-552	NEW	95-21-055	415-104-201	REP-P	95-22-081	415-112-0153	NEW-P	95-09-069
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392-172-558	NEW-P	95-15-114	415-104-224	NEW	95-16-053	415-112-0155	NEW-W	95-22-086
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392-172-560	NEW	95-21-055	415-104-225	AMD-P	95-22-082	415-112-0157	NEW-P	95-09-069
392-172-562	NEW-P	95-15-114	415-104-235	NEW-P	95-09-069	415-112-0157	NEW	95-16-053
392-172-562	NEW	95-21-055	415-104-235	NEW	95-16-053	415-112-0158	NEW-P	95-09-069
392-172-564	NEW-P	95-15-114	415-104-245	NEW-P	95-09-069	415-112-0158	NEW	95-16-053
392-172-564	NEW	95-21-055	415-104-245	NEW	95-16-053	415-112-0159	NEW-P	95-09-069
392-172-566	NEW-P	95-15-114	415-108-010	AMD-P	95-09-069	415-112-0159	NEW	95-16-053
392-172-566	NEW	95-21-055	415-108-010	AMD	95-16-053	415-112-0161	NEW-P	95-09-069
392-172-568	NEW-P	95-15-114	415-108-010	AMD-P	95-22-083	415-112-0161	NEW	95-16-053
392-172-568	NEW	95-21-055	415-108-0101	NEW-P	95-09-069	415-112-0162	NEW-P	95-09-069
392-172-570	NEW-P	95-15-114	415-108-0101	NEW	95-16-053	415-112-0162	NEW	95-16-053
392-172-570	NEW	95-21-055	415-108-0102	NEW-P	95-09-069	415-112-0163	NEW-P	95-09-069
392-172-572	NEW-P	95-15-114	415-108-0102	NEW	95-16-053	415-112-0163	NEW	95-16-053
392-172-572	NEW	95-21-055	415-108-0103	NEW-P	95-09-069	415-112-0164	NEW-P	95-09-069

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415-112-0165	NEW-P	95-09-069	415-115-120	AMD	95-12-058	434-120-140	PREP	95-06-049
415-112-0165	NEW	95-16-053	419-18	AMD-P	95-03-091	434-120-140	AMD-P	95-08-073
415-112-0166	NEW-P	95-09-069	419-18	AMD	95-06-066	434-120-140	AMD	95-11-135
415-112-0166	NEW-W	95-22-086	419-18-020	AMD-P	95-03-091	434-120-145	PREP	95-06-049
415-112-0167	NEW-P	95-09-069	419-18-020	AMD	95-06-066	434-120-145	AMD-P	95-08-073
415-112-0167	NEW	95-16-053	419-18-030	AMD-P	95-03-091	434-120-145	AMD	95-11-135
415-112-119	NEW-P	95-09-069	419-18-030	AMD	95-06-066	434-120-200	NEW-P	95-08-073
415-112-119	NEW	95-16-053	419-18-040	AMD-P	95-03-091	434-120-200	NEW	95-11-135
415-112-120	NEW-P	95-09-069	419-18-040	AMD	95-06-066	434-120-210	PREP	95-06-049
415-112-120	NEW	95-16-053	419-18-045	NEW-P	95-03-091	434-120-215	PREP	95-06-049
415-112-125	NEW-P	95-09-069	419-18-045	NEW	95-06-066	434-120-215	AMD-P	95-08-073
415-112-125	NEW	95-16-053	419-18-050	AMD-P	95-03-091	434-120-215	AMD	95-11-135
415-112-130	NEW-P	95-09-069	419-18-050	AMD	95-06-066	434-120-218	NEW-P	95-08-073
415-112-130	NEW	95-16-053	419-18-060	AMD-P	95-03-091	434-120-218	NEW	95-11-135
415-112-135	NEW-P	95-09-069	419-18-060	AMD	95-06-066	434-120-240	PREP	95-06-049
415-112-135	NEW	95-16-053	419-18-070	AMD-P	95-03-091	434-120-255	PREP	95-06-049
415-112-140	NEW-P	95-09-069	419-18-070	AMD	95-06-066	434-120-255	AMD-P	95-08-073
415-112-140	NEW	95-16-053	419-18-080	NEW-P	95-03-091	434-120-255	AMD-C	95-12-017
415-112-145	NEW-P	95-09-069	419-18-080	NEW	95-06-066	434-120-260	PREP	95-06-049
415-112-145	NEW	95-16-053	419-70-010	REP	95-09-049	434-120-260	AMD-P	95-08-073
415-112-155	NEW-P	95-09-069	419-70-020	REP	95-09-049	434-120-260	AMD	95-11-135
415-112-155	NEW	95-16-053	419-70-030	REP	95-09-049	434-120-265	PREP	95-06-049
415-112-409	NEW-W	95-02-058	419-70-040	REP	95-09-049	434-120-265	AMD-P	95-08-073
415-112-412	AMD-P	95-18-009	419-70-050	REP	95-09-049	434-120-265	AMD	95-11-135
415-112-412	AMD	95-22-006	419-72-010	AMD	95-09-049	434-120-300	PREP	95-06-050
415-112-413	AMD-P	95-18-009	419-72-012	NEW	95-09-049	434-120-300	AMD-P	95-08-072
415-112-413	AMD	95-22-006	419-72-015	AMD	95-09-049	434-120-300	AMD	95-11-135
415-112-41301	NEW-P	95-18-009	419-72-020	AMD	95-09-049	434-120-305	PREP	95-06-050
415-112-41301	NEW	95-22-006	419-72-025	AMD	95-09-049	434-120-305	AMD-P	95-08-072
415-112-720	REP-P	95-22-081	419-72-030	REP	95-09-049	434-120-305	AMD	95-11-135
415-112-725	AMD-P	95-22-081	419-72-035	REP	95-09-049	434-120-310	PREP	95-06-050
415-112-727	AMD-P	95-22-081	419-72-040	REP	95-09-049	434-120-310	AMD-P	95-08-072
415-113-005	NEW	95-03-001	419-72-041	NEW	95-09-049	434-120-310	AMD	95-11-135
415-113-010	REP	95-03-001	419-72-045	AMD	95-09-049	434-120-315	PREP	95-06-050
415-113-020	REP	95-03-001	419-72-050	AMD	95-09-049	434-120-315	NEW-P	95-08-072
415-113-030	AMD	95-03-001	419-72-055	REP	95-09-049	434-120-315	NEW	95-11-135
415-113-0301	NEW	95-03-001	419-72-060	AMD	95-09-049	434-120-317	PREP	95-06-050
415-113-0302	NEW	95-03-001	419-72-065	AMD	95-09-049	434-120-317	NEW-P	95-08-072
415-113-0303	NEW	95-03-001	419-72-068	NEW-W	95-02-059	434-120-317	NEW	95-11-135
415-113-0304	NEW	95-03-001	419-72-070	AMD	95-09-049	434-120-330	PREP	95-06-050
415-113-0305	NEW	95-03-001	419-72-075	AMD	95-09-049	434-120-330	AMD-P	95-08-072
415-113-0306	NEW	95-03-001	419-72-080	AMD	95-09-049	434-120-330	AMD	95-11-135
415-113-0307	NEW	95-03-001	419-72-090	REP	95-09-049	434-120-335	PREP	95-06-050
415-113-0308	NEW	95-03-001	419-72-095	REP	95-09-049	434-120-335	AMD-P	95-08-072
415-113-0309	NEW	95-03-001	434-09-020	AMD-E	95-05-050	434-120-335	AMD	95-11-135
415-113-0310	NEW	95-03-001	434-09-030	AMD-E	95-05-050	434-135-010	PREP	95-11-133
415-113-040	REP	95-03-001	434-09-040	AMD-E	95-05-050	434-135-010	NEW-P	95-12-101
415-113-041	NEW	95-03-001	434-09-050	AMD-E	95-05-050	434-135-010	NEW	95-16-131
415-113-042	NEW	95-03-001	434-09-060	AMD-E	95-05-050	434-135-020	PREP	95-11-133
415-113-045	NEW	95-03-001	434-09-070	AMD-E	95-05-050	434-135-020	NEW-P	95-12-101
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415-113-055	NEW	95-03-001	434-09-090	AMD-E	95-05-050	434-135-030	PREP	95-11-133
415-113-057	NEW	95-03-001	434-36-120	AMD-E	95-19-068	434-135-030	NEW-P	95-12-101
415-113-059	NEW	95-03-001	434-36-130	AMD-E	95-19-068	434-135-030	NEW	95-16-131
415-113-060	REP	95-03-001	434-36-140	AMD-E	95-19-068	434-135-040	PREP	95-11-133
415-113-065	NEW	95-03-001	434-55-065	AMD-P	95-12-099	434-135-040	NEW-P	95-12-101
415-113-070	NEW	95-03-001	434-55-065	AMD	95-16-130	434-135-040	NEW	95-16-131
415-113-080	NEW	95-03-001	434-110-075	AMD-P	95-12-099	434-135-050	PREP	95-11-133
415-113-082	NEW	95-03-001	434-110-075	AMD	95-16-130	434-135-050	NEW-P	95-12-101
415-113-084	NEW	95-03-001	434-120-025	PREP	95-06-049	434-135-050	NEW	95-16-131
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415-113-100	NEW	95-03-001	434-120-025	AMD	95-11-135	434-135-060	NEW-P	95-12-101
415-115-030	AMD-P	95-09-068	434-120-103	NEW-P	95-08-073	434-135-060	NEW	95-16-131
415-115-030	AMD	95-12-058	434-120-103	NEW	95-11-135	434-135-070	PREP	95-11-133
415-115-050	AMD-P	95-09-068	434-120-105	PREP	95-06-049	434-135-070	NEW-P	95-12-101
415-115-050	AMD	95-12-058	434-120-105	AMD-P	95-08-073	434-135-070	NEW	95-16-131
415-115-060	AMD-P	95-09-068	434-120-105	AMD-C	95-12-017	434-135-080	PREP	95-11-133
415-115-060	AMD	95-12-058	434-120-125	PREP	95-06-049	434-135-080	NEW-P	95-12-101
415-115-070	AMD-P	95-09-068	434-120-125	AMD-P	95-08-073	434-135-080	NEW	95-16-131
415-115-070	AMD	95-12-058	434-120-125	AMD	95-11-135	434-135-090	PREP	95-11-133
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434-135-120	NEW-P	95-12-101	456-09-350	AMD	95-05-033	458-08-250	REP	95-07-067
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434-135-130	PREP	95-11-133	456-09-540	AMD	95-05-033	458-08-260	REP	95-07-067
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434-135-150	PREP	95-11-133	456-09-710	AMD	95-05-033	458-08-270	REP	95-07-067
434-135-150	NEW-P	95-12-101	456-09-725	AMD	95-05-033	458-14-005	PREP	95-07-139
434-135-150	NEW	95-16-131	456-09-730	AMD	95-05-033	458-14-005	AMD-P	95-12-087
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434-135-160	NEW-P	95-12-101	456-09-935	AMD	95-05-033	458-14-015	PREP	95-07-139
434-135-160	NEW	95-16-131	456-09-945	AMD	95-05-033	458-14-015	AMD-P	95-12-087
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434-135-170	NEW-P	95-12-101	456-10-110	AMD	95-05-032	458-14-015	AMD	95-17-099
434-135-170	NEW	95-16-131	456-10-140	AMD	95-05-032	458-14-056	PREP	95-07-139
434-135-180	PREP	95-11-133	456-10-320	AMD	95-05-032	458-14-056	AMD-P	95-12-087
434-135-190	PREP	95-11-133	456-10-325	AMD	95-05-032	458-14-056	AMD	95-17-099
434-135-190	NEW-P	95-12-101	456-10-330	AMD	95-05-032	458-14-066	PREP	95-07-139
434-135-190	NEW	95-16-131	456-10-340	AMD	95-05-032	458-14-066	AMD-P	95-12-087
434-615-020	PREP	95-19-048	456-10-360	AMD	95-05-032	458-14-066	AMD	95-17-099
446-10-030	PREP	95-16-028	456-10-505	AMD	95-05-032	458-14-116	PREP	95-07-139
446-10-030	AMD-P	95-18-085	456-10-510	AMD	95-05-032	458-14-116	AMD-P	95-12-086
446-65-010	AMD-E	95-08-048	456-10-525	AMD	95-05-032	458-14-116	AMD	95-17-099
446-65-010	PREP	95-09-075	456-10-530	AMD	95-05-032	458-14-127	PREP	95-07-139
446-65-010	AMD-P	95-10-058	456-10-730	AMD	95-05-032	458-14-127	AMD-P	95-12-086
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446-65-020	PREP	95-09-075	458-08-010	REP	95-07-067	458-14-146	AMD-P	95-12-086
446-65-020	NEW-P	95-10-058	458-08-020	REP-P	95-04-051	458-14-146	AMD	95-17-099
446-65-020	NEW	95-13-080	458-08-020	REP	95-07-067	458-14-160	PREP	95-07-139
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448-13-020	AMD	95-20-025	458-08-030	REP	95-07-067	458-14-160	AMD	95-17-099
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448-13-030	AMD	95-20-025	458-08-040	REP	95-07-067	458-14-170	AMD-P	95-12-086
448-13-050	AMD-P	95-16-118	458-08-050	REP	95-07-067	458-14-170	AMD	95-17-099
448-13-050	AMD	95-20-025	458-08-050	REP-P	95-04-051	458-14-171	PREP	95-07-139
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448-13-055	NEW	95-20-025	458-08-060	REP-P	95-04-051	458-14-171	AMD	95-17-099
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448-13-060	AMD	95-20-025	458-08-070	REP-P	95-04-051	458-16A-010	NEW	95-06-041
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448-13-070	AMD	95-20-025	458-08-090	REP-P	95-04-051	458-18-220	AMD-P	95-22-095
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448-13-080	AMD	95-20-025	458-08-100	REP-P	95-04-051	458-20-10001	NEW	95-07-070
448-13-090	AMD-P	95-16-118	458-08-110	REP	95-07-067	458-20-10002	NEW-P	95-04-052
448-13-090	AMD	95-20-025	458-08-110	REP-P	95-04-051	458-20-10002	NEW	95-07-069
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448-13-100	AMD	95-20-025	458-08-120	REP-P	95-04-051	458-20-101	AMD	95-07-089
448-13-110	AMD-P	95-16-118	458-08-130	REP	95-07-067	458-20-104	AMD-P	95-04-018
448-13-110	AMD	95-20-025	458-08-130	REP-P	95-04-051	458-20-104	AMD	95-07-088
448-13-130	AMD-P	95-16-118	458-08-140	REP	95-07-067	458-20-114	PREP	95-11-080
448-13-130	AMD	95-20-025	458-08-140	REP-P	95-04-051	458-20-114	REP-P	95-15-065
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448-13-150	AMD-P	95-16-118	458-08-160	REP	95-07-067	458-20-183	AMD-P	95-11-081
448-13-150	AMD	95-20-025	458-08-160	REP-P	95-04-051	458-20-183	AMD	95-22-100
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448-13-170	AMD	95-20-025	458-08-180	REP-P	95-04-051	458-20-189	AMD-P	95-16-004
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448-13-200	AMD	95-20-025	458-08-190	REP-P	95-04-051	458-20-207	AMD	95-15-013
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448-13-210	AMD	95-20-025	458-08-200	REP-P	95-04-051	458-20-211	AMD-P	95-16-006
448-13-220	AMD-P	95-16-118	458-08-210	REP	95-07-067	458-20-238	AMD-P	95-16-005
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458-30-220	AMD	95-21-002	458-30-520	AMD-P	95-13-066	458-53-040	REP-P	95-16-034
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458-30-230	AMD	95-21-002	458-30-530	AMD-P	95-13-066	458-53-051	REP-P	95-16-034
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458-30-242	NEW-P	95-13-066	458-30-560	AMD	95-21-002	458-53-095	PREP	95-09-083
458-30-242	NEW	95-21-002	458-30-570	AMD-P	95-13-066	458-53-095	NEW-P	95-13-036
458-30-245	AMD-P	95-13-066	458-30-570	AMD	95-21-002	458-53-100	PREP	95-09-083
458-30-245	AMD	95-21-002	458-30-580	AMD-P	95-13-066	458-53-100	AMD-P	95-16-036
458-30-250	AMD-P	95-13-066	458-30-580	AMD	95-21-002	458-53-105	PREP	95-09-083
458-30-250	AMD	95-21-002	458-30-590	AMD-P	95-02-062	458-53-105	NEW-P	95-13-036
458-30-255	AMD-P	95-13-066	458-30-590	AMD	95-06-043	458-53-110	PREP	95-09-083
458-30-255	AMD	95-21-002	458-30-590	AMD-P	95-22-094	458-53-110	REP-P	95-16-036
458-30-260	AMD-P	95-13-066	458-40-540	AMD-P	95-22-097	458-53-120	PREP	95-09-083
458-30-260	AMD	95-21-002	458-40-610	PREP	95-04-094	458-53-120	REP-P	95-16-036
458-30-262	PREP	95-02-063	458-40-610	AMD-E	95-10-034	458-53-130	PREP	95-09-083
458-30-262	AMD-P	95-06-040	458-40-610	AMD-P	95-10-064	458-53-130	AMD-P	95-13-036
458-30-262	AMD	95-09-041	458-40-610	AMD-C	95-15-066	458-53-135	PREP	95-09-083
458-30-262	AMD-P	95-22-093	458-40-610	AMD	95-18-026	458-53-135	NEW-P	95-16-035
458-30-265	AMD-P	95-13-066	458-40-610	PREP	95-19-087	458-53-140	PREP	95-09-083
458-30-265	AMD	95-21-002	458-40-610	AMD-P	95-22-096	458-53-140	AMD-P	95-16-035
458-30-267	NEW-P	95-13-066	458-40-615	PREP	95-08-078	458-53-141	PREP	95-09-083
458-30-267	NEW	95-21-002	458-40-615	AMD-P	95-11-039	458-53-141	REP-P	95-16-035
458-30-270	AMD-P	95-13-066	458-40-615	AMD	95-14-086	458-53-142	PREP	95-09-083
458-30-270	AMD	95-21-002	458-40-634	AMD-P	95-22-097	458-53-142	REP-P	95-16-035
458-30-275	AMD-P	95-13-066	458-40-640	PREP	95-08-078	458-53-150	PREP	95-09-083
458-30-275	AMD	95-21-002	458-40-640	AMD-P	95-11-039	458-53-150	REP-P	95-16-035
458-30-280	AMD-P	95-13-066	458-40-640	AMD	95-14-086	458-53-160	PREP	95-09-083
458-30-280	AMD	95-21-002	458-40-650	PREP	95-04-094	458-53-160	AMD-P	95-16-035
458-30-285	AMD-P	95-13-066	458-40-650	AMD-E	95-10-035	458-53-163	PREP	95-09-083
458-30-285	AMD	95-21-002	458-40-650	AMD-P	95-10-064	458-53-163	REP-P	95-16-035
458-30-290	REP-P	95-13-066	458-40-650	AMD	95-14-084	458-53-165	PREP	95-09-083
458-30-290	REP	95-21-002	458-40-650	PREP	95-19-087	458-53-165	REP-P	95-16-035
458-30-295	AMD-P	95-13-066	458-40-650	AMD-P	95-22-096	458-53-180	PREP	95-09-083
458-30-295	AMD	95-21-002	458-40-660	PREP	95-08-078	458-53-180	REP-P	95-16-035
458-30-300	AMD-P	95-13-066	458-40-660	AMD-P	95-11-041	458-53-200	PREP	95-09-083
458-30-300	AMD	95-21-002	458-40-660	AMD-E	95-14-087	458-53-200	AMD-P	95-16-035
458-30-305	AMD-P	95-13-066	458-40-660	AMD-C	95-15-067	458-53-210	PREP	95-09-083
458-30-305	AMD	95-21-002	458-40-660	AMD	95-18-027	458-53-210	AMD-P	95-16-035
458-30-310	AMD-P	95-13-066	458-40-660	PREP	95-19-087	460-10A-015	AMD-P	95-11-079
458-30-310	AMD	95-21-002	458-40-660	AMD-P	95-22-098	460-10A-015	AMD	95-16-026
458-30-315	AMD-P	95-13-066	458-40-670	PREP	95-04-094	460-10A-035	PREP	95-15-091
458-30-315	AMD	95-21-002	458-40-670	PREP	95-08-078	460-10A-050	PREP	95-15-091
458-30-317	NEW-P	95-13-066	458-40-670	AMD-E	95-10-036	460-10A-055	PREP	95-15-091
458-30-317	NEW	95-21-002	458-40-670	AMD-P	95-10-064	460-10A-060	PREP	95-15-091
458-30-320	AMD-P	95-13-066	458-40-670	AMD-P	95-11-041	460-10A-065	PREP	95-15-091
458-30-320	AMD	95-21-002	458-40-670	AMD-W	95-11-076	460-10A-075	PREP	95-15-091
458-30-325	AMD-P	95-13-066	458-40-670	AMD-E	95-14-087	460-10A-080	PREP	95-15-091
458-30-325	AMD	95-21-002	458-40-670	AMD-C	95-15-067	460-10A-090	PREP	95-15-091
458-30-330	AMD-P	95-13-066	458-40-670	AMD	95-18-027	460-10A-095	PREP	95-15-091
458-30-330	AMD	95-21-002	458-40-680	PREP	95-04-094	460-10A-100	PREP	95-15-091
458-30-335	AMD-P	95-13-066	458-40-680	AMD-E	95-10-037	460-10A-105	PREP	95-15-091
458-30-335	AMD	95-21-002	458-40-680	AMD-P	95-10-064	460-10A-110	PREP	95-15-091
458-30-340	AMD-P	95-13-066	458-40-680	AMD-W	95-11-075	460-10A-115	PREP	95-15-091
458-30-340	AMD	95-21-002	458-40-680	AMD	95-14-084	460-10A-120	PREP	95-15-091
458-30-345	AMD-P	95-13-066	458-40-680	AMD-P	95-22-097	460-10A-125	PREP	95-15-091
458-30-345	AMD	95-21-002	458-40-684	PREP	95-08-078	460-10A-130	PREP	95-15-091
458-30-350	AMD-P	95-13-066	458-40-684	AMD-P	95-11-039	460-10A-135	PREP	95-15-091
458-30-350	AMD	95-21-002	458-40-684	AMD	95-14-086	460-10A-140	PREP	95-15-091
458-30-355	AMD-P	95-13-066	458-40-690	PREP	95-08-078	460-10A-145	PREP	95-15-091
458-30-355	AMD	95-21-002	458-53-010	PREP	95-09-083	460-10A-150	PREP	95-15-091

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460-10A-170	PREP	95-15-091	460-20A-420	REP	95-16-026	460-33A-081	NEW-P	95-11-079
460-10A-180	PREP	95-15-091	460-20A-425	REP-P	95-11-079	460-33A-081	NEW	95-16-026
460-10A-185	PREP	95-15-091	460-20A-425	REP	95-16-026	460-33A-085	AMD-P	95-11-079
460-10A-190	PREP	95-15-091	460-20B-010	NEW-P	95-11-079	460-33A-085	AMD	95-16-026
460-10A-195	PREP	95-15-091	460-20B-010	NEW	95-16-026	460-33A-086	NEW-P	95-11-079
460-10A-200	PREP	95-15-091	460-20B-010	NEW	95-16-026	460-33A-086	NEW	95-16-026
460-10A-205	PREP	95-15-091	460-20B-020	NEW-P	95-11-079	460-42A-081	PREP	95-14-052
460-10A-210	PREP	95-15-091	460-20B-020	AMD-P	95-20-001	460-46A-050	AMD-P	95-14-053
460-16A-101	REP-P	95-14-053	460-20B-030	NEW-P	95-11-079	460-46A-050	AMD	95-17-068
460-16A-101	REP	95-17-068	460-20B-030	NEW	95-16-026	460-52A-010	AMD-P	95-08-016
460-16A-102	REP-P	95-14-053	460-20B-040	NEW-P	95-11-079	460-52A-010	AMD	95-12-003
460-16A-102	REP	95-17-068	460-20B-040	NEW	95-16-026	460-80-315	AMD-P	95-04-097
460-16A-103	REP-P	95-14-053	460-20B-050	NEW-P	95-11-079	460-80-315	AMD	95-08-015
460-16A-103	REP	95-17-068	460-20B-050	NEW	95-16-026	463-39	PREP	95-09-078
460-16A-104	REP-P	95-14-053	460-20B-060	NEW-P	95-11-079	463-39-005	AMD-P	95-13-039
460-16A-104	REP	95-17-068	460-20B-060	NEW	95-16-026	463-39-005	AMD	95-17-088
460-16A-105	REP-P	95-14-053	460-21B-008	NEW-P	95-11-079	463-39-020	AMD-P	95-13-039
460-16A-105	REP	95-17-068	460-21B-008	NEW	95-16-026	463-39-020	AMD	95-17-088
460-16A-106	REP-P	95-14-053	460-21B-010	NEW-P	95-11-079	463-39-030	AMD-P	95-13-039
460-16A-106	REP	95-17-068	460-21B-010	NEW	95-16-026	463-39-030	AMD	95-17-088
460-16A-108	REP-P	95-14-053	460-21B-020	NEW-P	95-11-079	463-39-090	AMD-P	95-13-039
460-16A-108	REP	95-17-068	460-21B-020	NEW	95-16-026	463-39-090	AMD	95-17-088
460-16A-109	REP-P	95-14-053	460-21B-030	NEW-P	95-11-079	463-39-095	NEW-P	95-13-039
460-16A-109	REP	95-17-068	460-21B-030	NEW	95-16-026	463-39-095	NEW	95-17-088
460-16A-205	AMD-P	95-14-053	460-21B-040	NEW-P	95-11-079	463-39-105	NEW-P	95-13-039
460-16A-205	AMD	95-17-068	460-21B-040	NEW	95-16-026	463-39-105	NEW	95-17-088
460-20A-005	REP-P	95-11-079	460-21B-050	NEW-P	95-11-079	463-39-120	AMD-P	95-13-039
460-20A-005	REP	95-16-026	460-21B-050	NEW	95-16-026	463-39-120	AMD	95-17-088
460-20A-008	REP-P	95-11-079	460-21B-060	NEW-P	95-11-079	468-20-900	AMD-P	95-22-057
460-20A-008	REP	95-16-026	460-21B-060	NEW	95-16-026	468-32-010	PREP	95-04-070
460-20A-010	REP-P	95-11-079	460-21B-070	NEW-P	95-11-079	468-32-010	NEW-P	95-04-071
460-20A-010	REP	95-16-026	460-21B-070	NEW	95-16-026	468-32-010	NEW	95-07-106
460-20A-015	REP-P	95-11-079	460-21B-080	NEW-P	95-11-079	468-34-010	AMD-P	95-17-015
460-20A-015	REP	95-16-026	460-21B-080	NEW	95-16-026	468-34-010	AMD	95-21-037
460-20A-020	REP-P	95-11-079	460-22B-010	NEW-P	95-11-079	468-34-020	AMD-P	95-17-015
460-20A-020	REP	95-16-026	460-22B-010	NEW	95-16-026	468-34-020	AMD	95-21-037
460-20A-025	REP-P	95-11-079	460-22B-020	NEW-P	95-11-079	468-34-050	AMD-P	95-17-015
460-20A-025	REP	95-16-026	460-22B-020	NEW	95-16-026	468-34-050	AMD	95-21-037
460-20A-030	REP-P	95-11-079	460-22B-030	NEW-P	95-11-079	468-34-110	AMD-P	95-17-015
460-20A-030	REP	95-16-026	460-22B-030	NEW	95-16-026	468-34-110	AMD	95-21-037
460-20A-035	REP-P	95-11-079	460-22B-040	NEW-P	95-11-079	468-34-170	AMD-P	95-17-015
460-20A-035	REP	95-16-026	460-22B-040	NEW	95-16-026	468-34-170	AMD	95-21-037
460-20A-045	REP-P	95-11-079	460-22B-050	NEW-P	95-11-079	468-34-340	AMD-P	95-17-015
460-20A-045	REP	95-16-026	460-22B-050	NEW	95-16-026	468-34-340	AMD	95-21-037
460-20A-050	REP-P	95-11-079	460-22B-060	NEW-P	95-11-079	468-38-120	PREP	95-18-039
460-20A-050	REP	95-16-026	460-22B-060	NEW	95-16-026	468-38-120	AMD-P	95-21-076
460-20A-100	REP-P	95-11-079	460-22B-070	NEW-P	95-11-079	468-38-265	NEW-P	95-21-075
460-20A-100	REP	95-16-026	460-22B-070	NEW	95-16-026	468-38-280	PREP	95-18-040
460-20A-105	REP-P	95-11-079	460-22B-080	NEW-P	95-11-079	468-38-280	AMD-P	95-21-074
460-20A-105	REP	95-16-026	460-22B-080	NEW	95-16-026	468-38-405	NEW-P	95-21-073
460-20A-200	REP-P	95-11-079	460-22B-090	NEW-P	95-11-079	468-51	PREP	95-10-001A
460-20A-200	REP	95-16-026	460-22B-090	NEW	95-16-026	468-66	PREP	95-21-019
460-20A-205	REP-P	95-11-079	460-23B-010	NEW-P	95-11-079	468-70-070	AMD-P	95-20-045
460-20A-205	REP	95-16-026	460-23B-010	NEW	95-16-026	468-86-010	NEW-P	95-21-039
460-20A-210	REP-P	95-11-079	460-23B-020	NEW-P	95-11-079	468-86-020	NEW-P	95-21-039
460-20A-210	REP	95-16-026	460-23B-020	NEW	95-16-026	468-86-030	NEW-P	95-21-039
460-20A-215	REP-P	95-11-079	460-23B-030	NEW-P	95-11-079	468-86-040	NEW-P	95-21-039
460-20A-215	REP	95-16-026	460-23B-030	NEW	95-16-026	468-86-050	NEW-P	95-21-039
460-20A-220	REP-P	95-11-079	460-23B-040	NEW-P	95-11-079	468-86-060	NEW-P	95-21-039
460-20A-220	REP	95-16-026	460-23B-040	NEW	95-16-026	468-86-070	NEW-P	95-21-039
460-20A-230	REP-P	95-11-079	460-23B-050	NEW-P	95-11-079	468-86-080	NEW-P	95-21-039
460-20A-230	REP	95-16-026	460-23B-050	NEW	95-16-026	468-86-090	NEW-P	95-21-039
460-20A-235	REP-P	95-11-079	460-23B-060	NEW-P	95-11-079	468-86-100	NEW-P	95-21-039
460-20A-235	REP	95-16-026	460-23B-060	NEW	95-16-026	468-86-110	NEW-P	95-21-039
460-20A-400	REP-P	95-11-079	460-24A-046	NEW-P	95-11-079	468-86-120	NEW-P	95-21-039
460-20A-400	REP	95-16-026	460-24A-046	NEW	95-16-026	468-86-130	NEW-P	95-21-039
460-20A-405	REP-P	95-11-079	460-24A-050	AMD-P	95-11-079	468-86-140	NEW-P	95-21-039
460-20A-405	REP	95-16-026	460-24A-050	AMD	95-16-026	468-86-150	NEW-P	95-21-039
460-20A-410	REP-P	95-11-079	460-24A-050	AMD	95-17-002	468-86-160	NEW-P	95-21-039
460-20A-410	REP	95-16-026	460-24A-055	AMD-P	95-11-079	468-86-170	NEW-P	95-21-039
460-20A-415	REP-P	95-11-079	460-24A-055	AMD	95-16-026	468-86-180	NEW-P	95-21-039
460-20A-415	REP	95-16-026	460-33A-080	AMD-P	95-11-079	468-86-190	NEW-P	95-21-039

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468-86-210	NEW-P	95-21-039	478-168-290	AMD-P	95-08-053	479-20-011	AMD	95-04-072
468-86-220	NEW-P	95-21-039	478-168-290	AMD	95-14-045	479-20-013	AMD	95-04-072
468-86-230	NEW-P	95-21-039	478-168-294	AMD-P	95-08-053	479-20-013	PREP	95-22-084
468-86-240	NEW-P	95-21-039	478-168-294	AMD	95-14-045	479-20-016	AMD	95-04-072
468-86-260	NEW-P	95-21-039	478-168-300	AMD-P	95-08-053	479-20-020	AMD	95-04-072
468-95-055	NEW-P	95-21-082	478-168-300	AMD	95-14-045	479-20-025	AMD	95-04-072
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468-95-100	AMD-P	95-07-081	478-168-310	AMD	95-14-045	479-20-031	AMD	95-04-072
468-95-100	AMD	95-11-022	478-168-320	AMD-P	95-08-053	479-20-033	REP	95-04-072
468-95-100	AMD-P	95-21-082	478-168-320	AMD	95-14-045	479-20-036	REP	95-04-072
468-300-010	AMD-E	95-16-071	478-168-325	NEW-P	95-08-053	479-20-037	AMD	95-04-072
468-300-010	AMD-P	95-19-079	478-168-325	NEW	95-14-045	479-20-075	REP	95-04-072
468-300-010	AMD-W	95-21-077	478-168-330	AMD-P	95-08-053	479-20-086	AMD	95-04-072
468-300-010	PREP	95-22-044	478-168-330	AMD	95-14-045	479-20-095	AMD	95-04-072
468-300-010	PREP	95-22-076	478-168-340	AMD-P	95-08-053	479-24-030	AMD	95-04-072
468-300-700	PREP	95-22-019	478-168-340	AMD	95-14-045	479-112	AMD	95-04-072
474-02-010	NEW-P	95-16-032	478-168-345	NEW-P	95-08-053	479-112-001	NEW	95-04-072
474-02-010	NEW	95-19-029	478-168-345	NEW	95-14-045	479-112-003	NEW	95-04-072
474-02-020	NEW-P	95-16-032	478-168-350	AMD-P	95-08-053	479-112-005	REP	95-04-072
474-02-020	NEW	95-19-029	478-168-350	AMD	95-14-045	479-112-0055	NEW	95-04-072
478-120	PREP	95-20-033	478-168-360	AMD-P	95-08-053	479-112-0055	AMD-P	95-19-091
478-124	PREP	95-20-033	478-168-360	AMD	95-14-045	479-112-0055	AMD	95-22-056
478-168	PREP	95-07-101	478-168-380	AMD-P	95-08-053	479-112-0055	PREP	95-22-084
478-168-010	AMD-P	95-08-053	478-168-380	AMD	95-14-045	479-112-008	AMD	95-04-072
478-168-010	AMD	95-14-045	478-168-390	AMD-P	95-08-053	479-112-009	AMD	95-04-072
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478-168-030	REP-P	95-08-053	479-01-010	AMD-P	95-19-091	479-113-011	AMD	95-04-072
478-168-030	REP	95-14-045	479-01-010	AMD	95-22-056	479-113-029	AMD	95-04-072
478-168-035	NEW-P	95-08-053	479-01-020	NEW	95-04-072	479-113-031	AMD	95-04-072
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478-168-040	REP-P	95-08-053	479-01-040	AMD	95-04-072	479-113-035	AMD	95-04-072
478-168-040	REP	95-14-045	479-01-050	NEW-P	95-19-091	479-113-070	NEW	95-04-072
478-168-050	REP-P	95-08-053	479-01-050	NEW	95-22-056	479-116-010	NEW	95-04-072
478-168-050	REP	95-14-045	479-02-030	AMD	95-04-072	479-116-016	AMD	95-04-072
478-168-060	REP-P	95-08-053	479-02-070	AMD	95-04-072	479-116-035	AMD	95-04-072
478-168-060	REP	95-14-045	479-02-100	AMD	95-04-072	479-116-045	AMD	95-04-072
478-168-070	AMD-P	95-08-053	479-02-110	AMD	95-04-072	479-116-070	NEW	95-04-072
478-168-070	AMD	95-14-045	479-02-120	AMD	95-04-072	479-116-080	NEW	95-04-072
478-168-080	AMD-P	95-08-053	479-02-130	AMD	95-04-072	479-120-010	NEW	95-04-072
478-168-080	AMD	95-14-045	479-12-005	NEW	95-04-072	479-120-011	NEW	95-04-072
478-168-090	REP-P	95-08-053	479-12-008	NEW	95-04-072	479-120-013	NEW	95-04-072
478-168-090	REP	95-14-045	479-12-008	AMD-P	95-19-091	479-120-016	NEW	95-04-072
478-168-092	AMD-P	95-08-053	479-12-008	AMD	95-22-056	479-120-025	NEW	95-04-072
478-168-092	AMD	95-14-045	479-12-008	PREP	95-22-084	479-120-027	NEW	95-04-072
478-168-094	AMD-P	95-08-053	479-12-010	AMD	95-04-072	479-120-031	NEW	95-04-072
478-168-094	AMD	95-14-045	479-12-020	AMD	95-04-072	479-120-033	REP	95-04-072
478-168-096	AMD-P	95-08-053	479-13-010	AMD	95-04-072	479-120-037	NEW	95-04-072
478-168-096	AMD	95-14-045	479-13-011	NEW	95-04-072	479-120-086	NEW	95-04-072
478-168-100	REP-P	95-08-053	479-13-025	AMD	95-04-072	479-120-089	NEW	95-04-072
478-168-100	REP	95-14-045	479-13-035	AMD	95-04-072	479-120-095	NEW	95-04-072
478-168-110	REP-P	95-08-053	479-13-060	REP	95-04-072	479-216	AMD	95-04-072
478-168-110	REP	95-14-045	479-13-070	AMD	95-04-072	479-216-050	AMD	95-04-072
478-168-120	REP-P	95-08-053	479-16-010	AMD	95-04-072	479-310-050	AMD	95-04-072
478-168-120	REP	95-14-045	479-16-015	AMD	95-04-072	479-310-200	AMD	95-04-072
478-168-130	REP-P	95-08-053	479-16-016	AMD	95-04-072	479-312-100	AMD	95-04-072
478-168-130	REP	95-14-045	479-16-030	AMD	95-04-072	479-410-010	NEW	95-04-072
478-168-140	REP-P	95-08-053	479-16-035	AMD	95-04-072	479-410-020	NEW	95-04-072
478-168-140	REP	95-14-045	479-16-040	AMD	95-04-072	479-410-100	NEW	95-04-072
478-168-150	REP-P	95-08-053	479-16-045	AMD	95-04-072	479-410-150	NEW	95-04-072
478-168-150	REP	95-14-045	479-16-060	AMD	95-04-072	479-410-160	NEW	95-04-072
478-168-160	AMD-P	95-08-053	479-16-070	REP	95-04-072	479-410-170	NEW	95-04-072
478-168-160	AMD	95-14-045	479-16-072	REP	95-04-072	479-410-180	NEW	95-04-072
478-168-170	AMD-P	95-08-053	479-16-080	AMD	95-04-072	479-410-200	NEW	95-04-072
478-168-170	AMD	95-14-045	479-16-085	NEW	95-04-072	479-412-020	NEW	95-04-072
478-168-180	AMD-P	95-08-053	479-16-090	REP	95-04-072	479-412-100	NEW	95-04-072
478-168-180	AMD	95-14-045	479-16-091	REP	95-04-072	479-412-150	NEW	95-04-072
478-168-200	AMD-P	95-08-053	479-16-092	REP	95-04-072	479-412-200	NEW	95-04-072
478-168-200	AMD	95-14-045	479-16-094	REP	95-04-072	479-412-250	NEW	95-04-072
478-168-270	AMD-P	95-08-053	479-16-096	REP	95-04-072	479-412-300	NEW	95-04-072
478-168-270	AMD	95-14-045	479-16-098	AMD	95-04-072	479-412-310	NEW	95-04-072
478-168-280	AMD-P	95-08-053	479-20-007	AMD	95-04-072	479-416-010	NEW	95-04-072

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
479-416-015	NEW	95-04-072	480-12-095	REP-P	95-17-125	480-12-500	REP-E	95-18-018
479-416-016	NEW	95-04-072	480-12-095	REP-E	95-18-018	480-12-510	REP-E	95-10-038
479-416-018	NEW	95-04-072	480-12-105	REP-E	95-10-038	480-12-510	REP-P	95-17-125
479-416-020	NEW	95-04-072	480-12-105	REP-P	95-17-125	480-12-510	REP-E	95-18-018
479-416-030	NEW	95-04-072	480-12-105	REP-E	95-18-018	480-12-520	REP-E	95-10-038
479-416-035	NEW	95-04-072	480-12-110	REP-E	95-10-038	480-12-520	REP-P	95-17-125
479-416-040	NEW	95-04-072	480-12-110	REP-P	95-17-125	480-12-520	REP-E	95-18-018
479-416-045	NEW	95-04-072	480-12-110	REP-E	95-18-018	480-14-010	NEW-E	95-10-038
479-416-050	NEW	95-04-072	480-12-131	REP-E	95-10-038	480-14-010	NEW-P	95-17-125
479-420-010	NEW	95-04-072	480-12-131	REP-P	95-17-125	480-14-010	NEW-E	95-18-018
479-420-011	NEW	95-04-072	480-12-131	REP-E	95-18-018	480-14-020	NEW-E	95-10-038
479-420-013	NEW	95-04-072	480-12-137	REP-E	95-10-038	480-14-020	NEW-P	95-17-125
479-420-016	NEW	95-04-072	480-12-137	REP-P	95-17-125	480-14-020	NEW-E	95-18-018
479-420-020	NEW	95-04-072	480-12-137	REP-E	95-18-018	480-14-030	NEW-E	95-10-038
479-420-025	NEW	95-04-072	480-12-140	REP-E	95-10-038	480-14-030	NEW-P	95-17-125
479-420-027	NEW	95-04-072	480-12-140	REP-P	95-17-125	480-14-030	NEW-E	95-18-018
479-420-031	NEW	95-04-072	480-12-140	REP-E	95-18-018	480-14-040	NEW-E	95-10-038
479-420-037	NEW	95-04-072	480-12-155	REP-E	95-10-038	480-14-040	NEW-P	95-17-125
479-420-086	NEW	95-04-072	480-12-155	REP-P	95-17-125	480-14-040	NEW-E	95-18-018
479-420-089	NEW	95-04-072	480-12-155	REP-E	95-18-018	480-14-050	NEW-E	95-10-038
479-420-095	NEW	95-04-072	480-12-160	REP-E	95-10-038	480-14-050	NEW-P	95-17-125
479-510-060	NEW-P	95-19-091	480-12-160	REP-P	95-17-125	480-14-050	NEW-E	95-18-018
479-510-060	NEW	95-22-056	480-12-160	REP-E	95-18-018	480-14-060	NEW-E	95-10-038
479-510-076	NEW-P	95-19-091	480-12-181	REP-E	95-10-038	480-14-060	NEW-P	95-17-125
479-510-076	NEW	95-22-056	480-12-181	REP-P	95-17-125	480-14-060	NEW-E	95-18-018
479-510-080	NEW-P	95-19-091	480-12-181	REP-E	95-18-018	480-14-070	NEW-E	95-10-038
479-510-080	NEW	95-22-056	480-12-195	REP-E	95-10-038	480-14-070	NEW-P	95-17-125
479-510-110	NEW-P	95-19-091	480-12-195	REP-P	95-17-125	480-14-070	NEW-E	95-18-018
479-510-110	NEW	95-22-056	480-12-195	REP-E	95-18-018	480-14-080	NEW-E	95-10-038
479-510-120	NEW-P	95-19-091	480-12-196	REP-E	95-10-038	480-14-080	NEW-P	95-17-125
479-510-120	NEW	95-22-056	480-12-196	REP-P	95-17-125	480-14-080	NEW-E	95-18-018
479-510-210	NEW-P	95-19-091	480-12-196	REP-E	95-18-018	480-14-090	NEW-E	95-10-038
479-510-210	NEW	95-22-056	480-12-205	REP-E	95-10-038	480-14-090	NEW-P	95-17-125
479-510-220	NEW-P	95-19-091	480-12-205	REP-P	95-17-125	480-14-090	NEW-E	95-18-018
479-510-220	NEW	95-22-056	480-12-205	REP-E	95-18-018	480-14-100	NEW-E	95-10-038
479-510-410	NEW-P	95-19-091	480-12-225	REP-E	95-10-038	480-14-100	NEW-P	95-17-125
479-510-410	NEW	95-22-056	480-12-225	REP-P	95-17-125	480-14-100	NEW-E	95-18-018
479-510-420	NEW-P	95-19-091	480-12-225	REP-E	95-18-018	480-14-110	NEW-E	95-10-038
479-510-420	NEW	95-22-056	480-12-230	REP-E	95-10-038	480-14-110	NEW-P	95-17-125
479-510-500	NEW-P	95-19-091	480-12-230	REP-P	95-17-125	480-14-110	NEW-E	95-18-018
479-510-500	NEW	95-22-056	480-12-230	REP-E	95-18-018	480-14-120	NEW-E	95-10-038
480-09	PREP	95-06-089	480-12-233	REP-E	95-10-038	480-14-120	NEW-P	95-17-125
480-09-300	AMD-P	95-21-103	480-12-233	REP-P	95-17-125	480-14-120	NEW-E	95-18-018
480-09-310	AMD-P	95-21-103	480-12-233	REP-E	95-18-018	480-14-130	NEW-E	95-10-038
480-09-330	AMD-P	95-21-103	480-12-240	REP-E	95-10-038	480-14-130	NEW-P	95-17-125
480-09-340	AMD-P	95-21-103	480-12-240	REP-P	95-17-125	480-14-130	NEW-E	95-18-018
480-09-390	NEW-P	95-21-103	480-12-240	REP-E	95-18-018	480-14-140	NEW-E	95-10-038
480-09-426	NEW-P	95-21-103	480-12-245	REP-E	95-10-038	480-14-140	NEW-P	95-17-125
480-09-460	AMD-P	95-21-103	480-12-245	REP-P	95-17-125	480-14-140	NEW-E	95-18-018
480-09-465	AMD-P	95-21-103	480-12-245	REP-E	95-18-018	480-14-150	NEW-E	95-10-038
480-09-466	NEW-P	95-21-103	480-12-253	REP-E	95-10-038	480-14-150	NEW-P	95-17-125
480-09-467	NEW-P	95-21-103	480-12-253	REP-P	95-17-125	480-14-150	NEW-E	95-18-018
480-09-470	AMD-P	95-21-103	480-12-253	REP-E	95-18-018	480-14-160	NEW-E	95-10-038
480-09-480	AMD-P	95-21-103	480-12-260	REP-E	95-10-038	480-14-160	NEW-P	95-17-125
480-09-520	PREP	95-06-088	480-12-260	REP-P	95-17-125	480-14-160	NEW-E	95-18-018
480-09-750	AMD-P	95-21-103	480-12-260	REP-E	95-18-018	480-14-170	NEW-E	95-10-038
480-09-751	NEW-P	95-21-103	480-12-305	REP-E	95-10-038	480-14-170	NEW-P	95-17-125
480-12-001	NEW-E	95-10-038	480-12-305	REP-P	95-17-125	480-14-170	NEW-E	95-18-018
480-12-001	NEW-P	95-17-125	480-12-305	REP-E	95-18-018	480-14-180	NEW-E	95-10-038
480-12-001	NEW-E	95-18-018	480-12-310	REP-E	95-10-038	480-14-180	NEW-P	95-17-125
480-12-075	REP-E	95-10-038	480-12-310	REP-P	95-17-125	480-14-180	NEW-E	95-18-018
480-12-075	REP-P	95-17-125	480-12-310	REP-E	95-18-018	480-14-190	NEW-E	95-10-038
480-12-075	REP-E	95-18-018	480-12-321	REP-E	95-10-038	480-14-190	NEW-P	95-17-125
480-12-082	REP-E	95-10-038	480-12-321	REP-P	95-17-125	480-14-190	NEW-E	95-18-018
480-12-082	REP-P	95-17-125	480-12-321	REP-E	95-18-018	480-14-200	NEW-E	95-10-038
480-12-082	REP-E	95-18-018	480-12-322	REP-E	95-10-038	480-14-200	NEW-P	95-17-125
480-12-085	REP-E	95-10-038	480-12-322	REP-P	95-17-125	480-14-200	NEW-E	95-18-018
480-12-085	REP-P	95-17-125	480-12-322	REP-E	95-18-018	480-14-210	NEW-E	95-10-038
480-12-085	REP-E	95-18-018	480-12-380	REP-E	95-10-038	480-14-210	NEW-P	95-17-125
480-12-090	REP-E	95-10-038	480-12-380	REP-P	95-17-125	480-14-210	NEW-E	95-18-018
480-12-090	REP-P	95-17-125	480-12-380	REP-E	95-18-018	480-14-220	NEW-E	95-10-038
480-12-090	REP-E	95-18-018	480-12-500	REP-E	95-10-038	480-14-220	NEW-P	95-17-125
480-12-095	REP-E	95-10-038	480-12-500	REP-P	95-17-125	480-14-220	NEW-E	95-18-018

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
480-14-230	NEW-E	95-10-038	480-50-060	REP-P	95-17-122	480-146-010	AMD-P	95-08-068
480-14-230	NEW-P	95-17-125	480-50-060	REP	95-22-001	480-146-010	AMD	95-16-009
480-14-230	NEW-E	95-18-018	480-50-070	REP-P	95-17-122	480-146-020	AMD-P	95-08-068
480-14-240	NEW-E	95-10-038	480-50-070	REP	95-22-001	480-146-020	AMD	95-16-009
480-14-240	NEW-P	95-17-125	480-50-080	REP-P	95-17-122	480-146-030	AMD-P	95-08-068
480-14-240	NEW-E	95-18-018	480-50-080	REP	95-22-001	480-146-030	AMD	95-16-009
480-14-250	NEW-E	95-10-038	480-50-090	REP-P	95-17-122	480-146-050	AMD-P	95-08-068
480-14-250	NEW-P	95-17-125	480-50-090	REP	95-22-001	480-146-050	AMD	95-16-009
480-14-250	NEW-E	95-18-018	480-50-100	REP-P	95-17-122	480-146-060	AMD-P	95-08-068
480-14-260	NEW-E	95-10-038	480-50-100	REP	95-22-001	480-146-060	AMD	95-16-009
480-14-260	NEW-P	95-17-125	480-50-110	REP-P	95-17-122	480-146-070	PREP	95-03-094
480-14-260	NEW-E	95-18-018	480-50-110	REP	95-22-001	480-146-070	AMD-P	95-08-068
480-14-270	NEW-E	95-10-038	480-50-120	REP-P	95-17-122	480-146-070	AMD	95-16-009
480-14-270	NEW-P	95-17-125	480-50-120	REP	95-22-001	480-146-080	PREP	95-03-094
480-14-270	NEW-E	95-18-018	480-50-130	REP-P	95-17-122	480-146-080	AMD-P	95-08-068
480-14-280	NEW-E	95-10-038	480-50-130	REP	95-22-001	480-146-080	AMD	95-16-009
480-14-280	NEW-P	95-17-125	480-50-140	REP-P	95-17-122	480-146-100	PREP	95-03-094
480-14-280	NEW-E	95-18-018	480-50-140	REP	95-22-001	480-146-100	REP-P	95-08-068
480-14-290	NEW-E	95-10-038	480-51-010	NEW-P	95-17-122	480-146-100	REP	95-16-009
480-14-290	NEW-P	95-17-125	480-51-010	NEW	95-22-001	480-146-200	PREP	95-03-094
480-14-290	NEW-E	95-18-018	480-51-020	NEW-P	95-17-122	480-146-200	AMD-P	95-08-068
480-14-300	NEW-E	95-10-038	480-51-020	NEW	95-22-001	480-146-200	AMD	95-16-009
480-14-300	NEW-P	95-17-125	480-51-022	NEW-P	95-17-122	480-146-210	PREP	95-03-094
480-14-300	NEW-E	95-18-018	480-51-022	NEW	95-22-001	480-146-210	AMD-P	95-08-068
480-14-320	NEW-E	95-10-038	480-51-025	NEW-P	95-17-122	480-146-210	AMD	95-16-009
480-14-320	NEW-P	95-17-125	480-51-025	NEW	95-22-001	480-146-220	PREP	95-03-094
480-14-320	NEW-E	95-18-018	480-51-030	NEW-P	95-17-122	480-146-220	AMD-P	95-08-068
480-14-330	NEW-E	95-10-038	480-51-030	NEW	95-22-001	480-146-220	AMD	95-16-009
480-14-330	NEW-P	95-17-125	480-51-040	NEW-P	95-17-122	480-146-230	NEW-P	95-08-068
480-14-330	NEW-E	95-18-018	480-51-040	NEW	95-22-001	480-146-230	NEW	95-16-009
480-14-340	NEW-E	95-10-038	480-51-050	NEW-P	95-17-122	484-20-065	AMD-P	95-02-072
480-14-340	NEW-P	95-17-125	480-51-050	NEW	95-22-001	484-20-065	AMD	95-07-082
480-14-340	NEW-E	95-18-018	480-51-060	NEW-P	95-17-122	484-20-085	AMD	95-03-053
480-14-350	NEW-E	95-10-038	480-51-060	NEW	95-22-001	490-500	AMD	95-04-050
480-14-350	NEW-P	95-17-125	480-51-070	NEW-P	95-17-122	490-500-005	AMD	95-04-050
480-14-350	NEW-E	95-18-018	480-51-070	NEW	95-22-001	490-500-010	AMD	95-04-050
480-14-360	NEW-E	95-10-038	480-51-075	NEW-P	95-17-122	490-500-015	AMD	95-04-050
480-14-360	NEW-P	95-17-125	480-51-075	NEW	95-22-001	490-500-020	REP	95-04-050
480-14-360	NEW-E	95-18-018	480-51-077	NEW-P	95-17-122	490-500-022	NEW	95-04-050
480-14-370	NEW-E	95-10-038	480-51-077	NEW	95-22-001	490-500-025	AMD	95-04-050
480-14-370	NEW-P	95-17-125	480-51-080	NEW-P	95-17-122	490-500-030	AMD	95-04-050
480-14-370	NEW-E	95-18-018	480-51-080	NEW	95-22-001	490-500-050	AMD	95-04-050
480-14-380	NEW-E	95-10-038	480-51-090	NEW-P	95-17-122	490-500-055	AMD	95-04-050
480-14-380	NEW-P	95-17-125	480-51-090	NEW	95-22-001	490-500-060	REP	95-04-050
480-14-380	NEW-E	95-18-018	480-51-100	NEW-P	95-17-122	490-500-065	NEW	95-04-050
480-14-390	NEW-E	95-10-038	480-51-100	NEW	95-22-001	490-500-070	AMD	95-04-050
480-14-390	NEW-P	95-17-125	480-51-110	NEW-P	95-17-122	490-500-075	REP	95-04-050
480-14-390	NEW-E	95-18-018	480-51-110	NEW	95-22-001	490-500-077	REP	95-04-050
480-14-400	NEW-E	95-10-038	480-51-120	NEW-P	95-17-122	490-500-080	AMD	95-04-050
480-14-400	NEW-P	95-17-125	480-51-120	NEW	95-22-001	490-500-085	REP	95-04-050
480-14-400	NEW-E	95-18-018	480-51-130	NEW-P	95-17-122	490-500-090	REP	95-04-050
480-14-410	NEW-E	95-10-038	480-51-130	NEW	95-22-001	490-500-095	REP	95-04-050
480-14-410	NEW-P	95-17-125	480-51-140	NEW-P	95-17-122	490-500-100	REP	95-04-050
480-14-410	NEW-E	95-18-018	480-51-140	NEW	95-22-001	490-500-105	REP	95-04-050
480-14-420	NEW-E	95-10-038	480-51-150	NEW-P	95-17-122	490-500-110	REP	95-04-050
480-14-420	NEW-P	95-17-125	480-51-150	NEW	95-22-001	490-500-120	REP	95-04-050
480-14-420	NEW-E	95-18-018	480-93-005	AMD-E	95-05-047	490-500-145	REP	95-04-050
480-14-900	NEW-E	95-10-038	480-93-005	AMD-P	95-08-067	490-500-170	NEW	95-04-050
480-14-900	NEW-P	95-17-125	480-93-005	AMD	95-13-082	490-500-180	AMD	95-04-050
480-14-900	NEW-E	95-18-018	480-93-010	AMD-E	95-05-047	490-500-185	AMD	95-04-050
480-50	PREP	95-14-025	480-93-010	AMD-P	95-08-067	490-500-190	AMD	95-04-050
480-50-010	REP-P	95-17-122	480-93-010	AMD	95-13-082	490-500-200	AMD	95-04-050
480-50-010	REP	95-22-001	480-93-223	NEW-P	95-16-033	490-500-205	NEW	95-04-050
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	PROP	95-22-083		PROP	95-12-086
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	PROP	95-18-009		PROP	95-16-006
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Vehicle allowances and nonmoney			recreation activities and businesses		
maintenance, reporting	PREP	95-07-005	state and municipalities,		
	PROP	95-18-009	sales to or by	PROP	95-16-004
	PERM	95-22-006	travel agents and tour operators	PROP	95-03-050
				PROP	95-14-085
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	PERM	95-07-068	meetings	MISC	95-03-072
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			definitions	EMER	95-02-040
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	<p>EMER 95-10-064 PROP 95-15-066 PERM 95-18-026 PREP 95-19-087 PROP 95-22-096 PROP 95-22-098 PREP 95-04-094 PROP 95-22-097 PERM 95-02-037 PERM 95-02-038 EMER 95-02-041 EMER 95-02-042 EMER 95-02-043 PREP 95-04-094 PREP 95-08-078 EMER 95-10-034 EMER 95-10-036 EMER 95-10-037 PROP 95-10-064 PROP 95-11-039 PROP 95-11-041 PROP 95-11-076 PERM 95-14-086 EMER 95-14-087 PROP 95-15-067 PERM 95-18-027 PREP 95-19-087 PROP 95-22-096 PROP 95-22-097 PROP 95-22-098</p>		<p>SEATTLE COMMUNITY COLLEGES Meetings</p> <p>SECRETARY OF STATE Charitable solicitations financial reporting registration surety bonds Charitable trusts registrations reporting Citizens commission on salaries for elected officials membership Corporations division fees and hours of service Elections mail ballots, handling presidential primaries Limited liability partnerships Public records physical custody of records</p> <p>SHORELINE COMMUNITY COLLEGE Rule-making agenda Reduction in force and tenure code Tuition and fees refunds</p> <p>SHORELINES HEARINGS BOARD (See ENVIRONMENTAL HEARINGS OFFICE)</p> <p>SKAGIT VALLEY COLLEGE Antidiscrimination policy Grievance procedure Meetings Rule-making agenda Sexual harassment policy</p> <p>SOCIAL AND HEALTH SERVICES, DEPARTMENT OF Adult family homes licensing and operation Aging and adult services</p>	<p>MISC 95-01-034 MISC 95-03-016 MISC 95-05-041 MISC 95-07-040 MISC 95-08-013 MISC 95-10-029 MISC 95-12-046 MISC 95-14-124 MISC 95-16-044 MISC 95-18-053 MISC 95-20-059</p> <p>PREP 95-06-049 PROP 95-08-073 PERM 95-11-135 PROP 95-12-017 PREP 95-06-049 PROP 95-08-073 PERM 95-11-135 PROP 95-12-017 PREP 95-06-049 PROP 95-08-073 PERM 95-11-135</p> <p>PREP 95-06-050 PROP 95-08-072 PERM 95-11-135 PREP 95-06-050 PROP 95-08-072 PERM 95-11-135</p> <p>EMER 95-05-050</p> <p>PREP 95-11-134 PROP 95-12-099 PERM 95-16-130</p> <p>EMER 95-19-068 PREP 95-13-079 PREP 95-11-133 PROP 95-12-101 PERM 95-16-131</p> <p>PREP 95-19-048</p> <p>MISC 95-03-015 MISC 95-15-015 PROP 95-04-008 PERM 95-07-103</p> <p>PREP 95-15-016 PROP 95-19-081</p> <p>PREP 95-16-050 PROP 95-19-080 PREP 95-16-050 PROP 95-19-080 MISC 95-02-018 MISC 95-20-043 MISC 95-14-122 PREP 95-16-050 PROP 95-19-080</p> <p>PREP 95-17-025</p>
<p>scaling and grading methods</p> <p>stumpage values</p> <p>taper factor for scaling lodgepole pine</p> <p>timber quality codes</p>				
RULES COORDINATORS				
(See Issue 95-01 for a complete list of rules coordinators designated as of 12/21/94)				
<p>Asian American affairs, commission on Bellingham Technical College Cascadia Community College Central Washington University Centralia College Clark College Community, trade and economic development, department of Eastern Washington historical society Ecology, department of Education, state board of Environmental hearings office Financial management, office of Gambling commission</p> <p>Growth management hearings boards</p> <p>Health care authority Health, department of Hispanic affairs, commission on Human rights commission Outdoor recreation, interagency committee for Pollution liability insurance agency Public employment relations commission Traffic safety commission Tax appeals, board of University of Washington</p>	<p>MISC 95-04-059 MISC 95-01-096 MISC 95-21-003 MISC 95-15-074 MISC 95-03-009 MISC 95-01-112 MISC 95-18-059 MISC 95-08-074 MISC 95-01-088 MISC 95-16-072 MISC 95-17-004 MISC 95-03-052 MISC 95-04-042 MISC 95-06-009 MISC 95-12-038 MISC 95-03-093 MISC 95-04-030 MISC 95-04-067 MISC 95-20-014 MISC 95-14-109 MISC 95-04-022 MISC 95-15-019 MISC 95-03-041 MISC 95-14-064 MISC 95-05-009 MISC 95-03-073 MISC 95-01-009 MISC 95-12-015</p>			

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	PREP	95-11-066	Child care eligibility	PREP	95-13-061
	PROP	95-11-067		PREP	95-17-096
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	PREP	95-16-041	Child support, division of collection remedies	PREP	95-16-010
	PROP	95-16-042	paternity tests	PREP	95-16-010
exempt resources	EMER	95-16-045	wage assignment	PREP	95-16-010
	PERM	95-19-002	Children and family services, division of dependent child, foster care		
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	PERM	95-14-049		PREP	95-05-068
	PROP	95-01-027		PROP	95-08-010
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	PROP	95-22-075	group care facilities, secure licensing	PREP	95-16-011
JOBS unemployed parent program participation	PREP	95-12-078		PROP	95-19-077
	PROP	95-14-078	Community options program entry system (COPEs)		
	EMER	95-14-079	residences of clients	PREP	95-12-011
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medical programs, eligibility	PROP	95-07-049		PROP	95-17-061
	PREP	95-08-009	services availability	PERM	95-20-030
	PERM	95-10-025		PERM	95-20-041
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	PREP	95-15-037		PROP	95-16-016
	PREP	95-15-038		PERM	95-20-041
	PROP	95-16-013	Deaf and hard of hearing services equipment, availability	PERM	95-03-049
	EMER	95-16-018	Developmental disabilities, division of community residential services nursing assistant training		
	PERM	95-19-007	Domestic violence perpetrator treatment program certification	PREP	95-21-042
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	PROP	95-21-101	eligibility standards	PROP	95-17-051
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	PROP 95-09-026	juvenile offender basic training	
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	PROP 95-15-058	AFDC-related medical programs	PROP 95-07-049
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pregnant women, payment standards	PREP 95-22-023		PERM 95-06-025
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	EMER 95-14-119	Breath test program	
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